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House of Representatives

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

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
November 1, 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.

MESSAGE FROM THE SENATE

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

H.R. 2303. An act to direct the Librarian of Congress to prepare the history of the House of Representatives, and for other purposes.

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

S. 1791. An act to authorize the Librarian of Congress to purchase papers of Dr. Martin Luther King, Junior, from Dr. King's estate.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 19, 1999, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to 5 minutes.

The Chair recognizes the gentleman from Illinois (Mr. WELLER) for 5 minutes.

ACCOMPLISHMENTS OF THE REPUBLICAN MAJORITY

Mr. WELLER. Mr. Speaker, it is my privilege to represent one of our Nation's most diverse congressional districts. I represent the South Side of Chicago, the south suburbs in Cook and Will Counties, a lot of bedroom communities and a lot of cornfields and farm towns, too. When you represent such a diverse district, city, suburbs, and country, you have to learn to listen.

I find there is one very common message that I hear back home. I heard it back in 1994 when I was elected and they sent me here to change how Washington works. I continue to hear it. They want us to work together to meet the challenges that we face here in Washington, as well as at home.

I am pretty proud that over the last 4½ years this Republican majority has worked to keep our commitments to change how Washington works. When we think about it, when we came to Washington the Congress, which was controlled by the Democrats at that time, passed the biggest tax increase in the history of our country. It was considering having a government takeover of our health care system. We had massive deficits of $200 to $300 billion a year.

When we think about it, there have been fundamental changes that have occurred since then. In fact, in the last 4½ years, this Republican Congress has done some things we were told we could not do.

We have balanced the budget for the first time in 28 years. That is now producing an estimated $3 trillion surplus of estimated money.

We cut taxes for the middle class for the first time in 16 years. Now 3 million children in my State of Illinois now qualify for that $500 per child tax credit.

We have reformed welfare for the first time in a generation. The welfare rolls in Illinois have dropped by one-half.

We tamed the tax collector, reforming the IRS, shifting the burden of proof off the backs of the taxpayer and onto the IRS. That is pretty good.

Of course, in this Republican majority we are now committed to moving forward with a better agenda, an agenda to help our local schools, keep the budget balanced, pay down our national debt, strengthen social security and Medicare, and of course, lower the tax burden for working families.

That is our commitment, because we are responding to questions that I hear back at home at the union hall and the VFW, the local Chamber of Commerce. People often ask me, when are you folks going to make another change in Washington? Now that you have balanced the budget, when are you going to stop the raid on social security?

Ever since LBJ needed to finance the Vietnam War effort and grow government with the Great Society, Washington has dipped into the social security trust fund to spend on other things. In our Republican balanced budget, we want to set aside 100 percent of social security for social security.

I am disappointed to note that in the President's budget, he only wants to set aside 62 percent, meaning that he wants to spend 38 percent of social security on other things. If we add that all up, over 10 years, that raid on social security totals $340 billion.

I am also asked back home, when are folks going to start talking about paying down the national debt? I am pretty proud that last year we paid down $50 billion of the national debt, above and beyond what was expected. This year we are going to pay down $100 billion of the national debt, above and beyond what is expected.

Under the Republican balanced budget, we pay down over $2.2 trillion of the national debt, over two-thirds of the

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national debt, over the next 10 years. That is progress, paying down the national debt.

I am also often asked, what about taxes? Taxes are too high. Forty percent of the average family's income goes to government today. Twenty-one percent of our economy is consumed by the Federal Government. That tax burden is too high, too unfair, too complicated.

Unfortunately, the President vetoed our effort to eliminate the marriage tax penalty on married working couples, to eliminate the death tax on family farmers, family businesses, because he wanted to spend the money. Now he says he wants to raise taxes by $238 billion so he can spend more. That is really what we are getting down to in the last few days of this session of Congress. We are getting down to some real fundamental issues.

If we look at the President's budget and the Democratic budget, as well as the Republican budget, there is a big difference. We had a key vote last week. We chose between government waste and social security. We made a commitment that we are willing to cut waste, fraud, and abuse in government by 1 percent, reducing the Federal budget 1 cent on the dollar in order to stop the raid on social security.

That is a fundamental, key vote, because when we think about it, do we want to waste our dollars, or protect social security? We voted in the Republican majority to save social security.

What I was very concerned about is recently the leader of the Democrats, the gentleman from Missouri (Mr. GEPHARDT) said, and I will quote, ''I understand that there is a feeling now that since we have a surplus and since we have to get ready for the baby boomers, that we really ought to try to spend as little bit as possible.'' What is interesting is he is saying he is willing to spend social security on other things.

Our commitment is to stop the raid on social security. That is an important commitment, because when folks pay into their retirement security plan, called social security, they expect when it is their turn it is going to be there. Washington has been raiding the social security trust fund for far too long.

I was very pleased to note that the Chief of Staff to the President understands what we want to do. The Republicans' key goal is not spend the social security surplus.

Let us work together. We can work in a bipartisan way. Let us stop the raid on social security, let us balance the budget and stop the raid on social security.

THE AFFORDABLE PRESCRIPTION DRUGS ACT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Ohio (Mr. BROWN) is recognized during morning hour debates for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, many of us have come to the House floor one after another talking about lowering the high cost of prescription drugs, especially for the elderly and underinsured. Unfortunately, Republicans have simply refused to join Democrats to fight the drug companies and reduce these high prices and help protect public health.

Let us look at the numbers. More than 75 percent of Medicare beneficiaries have no coverage or inadequate MediGap coverage for prescription drugs. At least one-third of Medicare beneficiaries have no drug coverage at all. Forty-four million Americans do not have health insurance. That means they also, obviously, do not have coverage to help pay the high cost of prescription drugs.

Meanwhile, drug companies charge Americans higher prices, in many cases twice as high, sometimes three times, four times, five times as high, compared to prices paid by the citizens of any other industrialized Nation.

An average dosage, 60 tablets of Zocor for high cholesterol, costs $44 in Canada and $102 in the United States. One month's supply of Tamoxifen for breast cancer sells for $156 in the United States and only $12 in Canada.

The drug industry repeatedly tells the American people that any reduction in prices will cause them to dramatically curtail and cut back their research and development efforts. It is difficult for some of us to take these threats seriously. Who pays for a majority of research and development costs for new drugs in the United States, anyway? The answer is American taxpayers.

The fact is Congress, where the drug industry's multi-million dollar lobbying campaign and operation has such great influence, has granted this industry enormous tax breaks for research and development.

At the same time, the National Institutes of Health and non-governmental research organizations fund more than half of all research and development for drug companies without charge. Then drug companies take the information they patented and they market another new and very lucrative miracle drug to Americans, and charge them the highest prices in the world.

It is no secret what is going on here. Drug companies simply are doing what they need to do to maximize profits. Unlike every other industrialized nation in the world, the U.S. does not in any way tamper with or regulate drug prices. What is the effect? Drug companies charge us the highest prices of any country in the world by multiples of two, three, and even four times what other countries pay.

Who are the victims? The victims are always those with the least bargaining power: those without insurance, those who are elderly, those who are poorest. From a market perspective, what the drug companies are doing is appropriate. They are maximizing their profits. That is their job.

It is equally appropriate that Democrats in Congress are taking the lead in protecting seniors and the uninsured, and to address the ramifications of what drug companies are doing to the disadvantaged. That is our job.

Understand, again, 50 percent of all research and development costs for the research and development of new drugs in this country are paid for by taxpayers. Understand also that Congress has bestowed on those drug companies generous tax breaks on the money they do spend on research and development. Then understand that drug companies show their appreciation to American taxpayers by charging us two and three and four times what citizens of every other country in the world pay.

How can we lower prescription drug costs? We can lower prices through competition. I have introduced a bill that would permit competitors, that would permit generic companies to enter the market for drugs when they are unreasonably priced, whether the drug's patent has expired or not. The patent-holder would receive royalties for being the first on the market. Generic companies would compete with them, and Americans would receive a price break fueled by competition.

The bill would require drug companies to publicly disclose audited information justifying the prices that they do charge.

I urge my Republican colleagues to stop stonewalling. I urge them to join Democrats in lowering the cost of prescription drugs. Let us act before it is too late.

A SALUTE TO THE WORLD WAR II GENERATION AND ITS CONTRIBUTIONS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from California (Mr. ROHRABACHER) is recognized during morning hour debates for 5 minutes.

Mr. ROHRABACHER. Mr. Speaker, every day America is losing one of our most precious resources. This resource provided our country what it needed to overcome the economic calamity of the Great Depression. It was a resource that saved the world from the twin threats of Nazism and Japanese militarism, and then, when that job was done, turn to rebuilding a shattered planet and, when they deserved to let others pick up the load, they then went and took on communism, which for decades loomed as a threat to democratic government and individual rights everywhere.

I am, of course, talking about a generation, perhaps the greatest generation, of Americans, which is now passing from the scene. One year ago my father, Donald Rohrabacher, or Lieutenant Colonel USMC retired Don Rohrabacher died. Just a short-term ago, a friend of mine, Bob Smiley, Robert Smiley, Junior, lost his dad.

My dad joined the Marines in the Second World War. Robert Smiley,

Senior, volunteered for the Navy. Later, my father helped develop the method of dropping the atomic bomb from a fighter bomber that helped change the formula during the Cold War, and helped preserve the peace and preserved America's deterrence. Bob Smiley was instrumental in the Polaris Submarine program, which also deterred war with the Soviet Union. Their technological know-how helped deter war with the Soviet Union until communism collapsed under its own weight, under the weight of its own contradictions and evil.

America is losing one thousand of these veterans from World War II from the Saving Private Ryan generation every day. They escorted us to the doorway of a new millennium. As we enter this new era, which will have unimaginable opportunity and prosperity and peace and freedom, let us remember the Robert Smileys and the Don Rohrabachers and the men and women of their generation for the magnificent gift that they have left us.

Ours would be a far darker and more frightening world if it was not for them, if it was not for their service and their courage. In the history of America, few generations have carried such a heavy burden for as long as they did, or confronted more monumental challenges, or gave so much.

□ 1245

Those truly were great Americans. So let us salute this generation as it marches on. Let us keep faith with them by insisting that America remain true to its ideals of liberty, justice, and democracy. Our greatest tribute to those who saved the world from the Natzis and from the Japanese militarists is to keep America the beacon of hope for the oppressed, to make sure that Old Glory keeps waiving proud and strong over the land of the free and the home of the brave.

RECESS

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

Accordingly (at 12 o'clock and 45 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

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

PRAYER

The Chaplain, the Reverend James David Ford, D.D., offered the following prayer:

With gratitude and praise, we are thankful that people of faith can more completely understand and respect each other. O gracious God, as You have created us as one people and breathed into our hearts the very essence of life, we celebrate our common calling to be people of faith and hope and love and to express that faith in those good works that strengthen the weak, provide food for the hungry, clothing to the needy and shelter to the homeless. While we appreciate our own traditions and heritage, we pray, O God, that we would be better stewards of the great gifts that we share together. Unite us, strengthen us and keep us all in Your grace, now and evermore. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. UNDERWOOD 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.

COMMUNICATION FROM THE CLERK OF THE HOUSE

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

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 29, 1999.

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

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on October 29, 1999 at 11:30 a.m. and said to contain a message from the President whereby he transmits to the Congress an attached notice on the continuation of the Sudanese emergency.

With best wishes, I am
Sincerely,

JEFF TRANDAHL,
Clerk.

CONTINUATION OF NATIONAL EMERGENCY WITH RESPECT TO SUDAN—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 106–151)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the Sudanese emergency is to continue in effect beyond November 3, 1999, to the *Federal Register* for publication.

The crisis between the United States and Sudan that led to the declaration on November 3, 1997, of a national emergency has not been resolved. The Government of Sudan continues to support international terrorism and efforts to destabilize neighboring governments, and engage in human rights violations, including the denial of religious freedom. Such Sudanese actions pose a continuing unusual and extraordinary threat to the national security and foreign policy of the United States. For these reasons, I have determined that it is necessary to maintain in force the broad authorities necessary to apply economic pressure on the Government of Sudan.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *October 29, 1999.*

COMMUNICATION FROM THE CHIEF ADMINISTRATIVE OFFICER OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from James M. Eagen III, Chief Administrative Officer of the House of Representatives:

OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER, HOUSE OF REPRESENTATIVES,
Washington, DC, October 27, 1999.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC 20515.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule VIII of the Rules of the House that I have received a subpoena for documents issued by the United States District Court for the District of Columbia.

After consultation with the Office of General Counsel, I will make the determinations required by Rule VIII.

Sincerely,

JAMES M. EAGEN III,
Chief Administrative Officer.

COMMUNICATION FROM STAFF MEMBER OF CHIEF ADMINISTRATIVE OFFICER OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from John M. Allen, Director of the Office of Communications Media of the House of Representatives:

OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER, HOUSE OF REPRESENTATIVES,
Washington, DC, October 26, 1999.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC 20515.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule VIII of the Rules of the House that the Custodian of Records, House Recording Studio has received a subpoena for documents issued by the United States District Court for the District of Columbia.

After consultation with the Office of General Counsel, I will make the determinations required by Rule VIII.

Sincerely,

JOHN M. ALLEN,
Director, Office of Communications Media.

FIGHTING CRIME IN AMERICA

(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, yesterday's edition of the Las Vegas Sun contained a story detailing disturbing increases in gang violence and gang membership in the Las Vegas metropolitan area. Although gang violence is not unique to Las Vegas, violent crime is a problem that plagues most communities across this Nation.

As we continue to debate the appropriations bill for the Commerce, State, and Justice Departments, my hope is that we can all unite together to pass legislation that will improve the Federal response to combating violence in America. It is obvious to most Americans that putting more police on the street is just a beginning. We must encourage all segments of society to work together in implementing effective crime fighting strategies.

Additionally, we need to remove the bureaucratic red tape which discourages local law enforcement agencies from seeking Federal funding for their crime fighting programs.

I look forward to supporting an appropriations plan which will give State and local governments more control over how to best combat crime in their individual communities. We can win the battle against crime but we need to provide our communities with the power to fight crime.

CHINESE RELATIONS

(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, reports say the White House will support China over Taiwan, thus communism over democracy. Unbelievable. The reports say the White House will put tough conditions on it. Like what, Mr. Speaker? A waiting period on Chinese missile launches? A promise that China will not sell any of their stolen technology at missile shows? How about trigger locks on all those Chinese missiles?

Beam me up, Mr. Speaker. These cerebral constipators have already given away the farm. Now they are starting to play with our freedom.

I yield back the fact that we built the Panama Canal and China now runs it.

REPUBLICAN CONGRESS WORKING TO PROTECT SOCIAL SECURITY

(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, for 30 years Washington big spenders have raided the Social Security trust fund. They have put big government programs ahead of retirement security for hardworking Americans.

The Republican Congress has changed that. We put the Social Security surplus in a lockbox and we are not spending a dime of it. But the Democrat leadership just does not think this is a good idea. They think we should wait and see if we can find any money in the budget before we meet our commitment to our Nation's workers and retirees.

That approach just does not cut it. The money is already there. So we Republicans are asking each Federal agency to trim waste, fraud and abuse. We will take one penny from each dollar in their budgets and let them decide how to get by without it. In other words, we will not cut a single program. Instead, we look to the bureaucracy to cut down on waste, fraud and abuse so we can strengthen retirement security for American workers.

LOCKBOX LEGISLATION HELD HOSTAGE

(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, yesterday was Halloween, another landmark along the trail of days since the House passed my Social Security lockbox protection bill. Since we passed this important bill on May 26, we have celebrated Memorial Day, the Fourth of July, Labor Day, Columbus Day and now Halloween. Veterans Day is only 10 days from now and Thanksgiving, Hanukkah and Christmas are just around the corner. And all this time what has happened to the Social Security lockbox in the other body? Absolutely nothing. On six separate occasions, Democrats in the other body have voted to keep this vital bill from coming to the Senate floor for a vote.

Despite the stall on the lockbox bill, we will be successful this year in protecting Social Security and Medicare funds from the congressional big spenders. Stopping the raid was not easy. It will be a tough fight for years into the future unless the fight is made easier with the passage of the Social Security lockbox bill.

Mr. Speaker, it is time for seniors to stop counting holidays and to start counting on the money that should be set aside for their retirement needs.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

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

FEMA AND CIVIL DEFENSE MONUMENT ACT

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 348) to authorize the construction of a monument to honor those who have served the Nation's civil defense and emergency management programs.

The Clerk read as follows:

H.R. 348

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

SECTION 1. AUTHORITY.

(a) GRANT OF AUTHORITY.—The United States National Civil Defense Monument Commission (in this Act referred to as the ''Commission''), a private nonprofit organization organized under the laws of the State of Pennsylvania, is authorized to construct a Monument to honor those who have served the Nation's civil defense and emergency management programs.

(b) EXPIRATION.—The authority granted by this section shall expire 7 years after the date of the enactment of this Act, unless before the expiration of such 7-year period—

(1) the approvals required by sections 2(a) and (b) have been obtained; and

(2) the construction of the Monument has begun.

SEC. 2. SITE AND DESIGN.

(a) SITE.—Subject to the approval of the Director of the Federal Emergency Management Agency, the Commission may select the site upon which the Monument will be constructed. Such site shall be on Federal land controlled by the Federal Emergency Management Agency at Emmitsburg, Maryland.

(b) DESIGN.—Subject to the approval of the Director of the Federal Emergency Management Agency, the Commission may develop the design of the Monument.

SEC. 3. CONSTRUCTION COSTS.

The costs of constructing the Monument shall be paid out of contributions to the Commission.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from Guam (Mr. UNDERWOOD) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

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

I rise in support of H.R. 348, introduced by the gentleman from Maryland

(Mr. BARTLETT). The gentleman from Maryland worked hard on this bill which would help recognize those people who have served in this country's civil defense. Specifically, H.R. 348 would authorize the United States Civil Defense Monument Commission to construct a monument to honor those who have served in the Nation's civil defense and emergency management programs. This monument will be constructed on Federal land located in Emmitsburg, Maryland and administered by the Federal Emergency Management Agency. The site and design of this monument will be subject to the approval of the Director of FEMA. All of the costs for the construction of the monument will be paid by the Commission.

Mr. Speaker, this bill has bipartisan support. I urge my colleagues to support H.R. 348.

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

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

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

Mr. UNDERWOOD. Mr. Speaker, the legislation, H.R. 348, introduced by the gentleman from Maryland (Mr. BARTLETT) authorizes a private, not-for-profit entity, the United States National Civil Defense Monument Commission, to construct a monument honoring those who have served in our Nation's civil defense and emergency management programs. Mr. Speaker, the civil servants this monument would honor are often overlooked until disasters such as Hurricanes Floyd and Dennis remind us all of the important role played by these dedicated people. A monument providing a more lasting recognition is clearly appropriate.

It is important to note that this monument would be funded through contributions to the Commission and built on land owned by the Federal Emergency Management Agency in Emmitsburg, Maryland. The Commission, subject to the approval of the Director of FEMA, would be authorized to select the exact location and design of the monument.

As a general matter, we should consider each new proposal to construct a monument on Federal land very carefully, given the limited space available for further such constructions in areas such as the National Mall. In this case, however, the site of the FEMA Center in Maryland seems appropriate and the involvement of the FEMA director in approving the exact site and design will ensure that this proposed monument provides the men and women who have served in our national civil defense and emergency management programs the recognition they well deserve.

I would like to add that those of us who come from areas like Guam which experience natural disasters on a regular basis would also enthusiastically support this legislation. I urge my colleagues to support H.R. 348.

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

Mr. HANSEN. Mr. Speaker, I yield 5 minutes to the gentleman from Maryland (Mr. BARTLETT), the author of this legislation.

Mr. BARTLETT of Maryland. Mr. Speaker, I rise today as the original sponsor of H.R. 348, the National Civil Defense/Emergency Management Act of 1999. This is a straightforward, nonpartisan piece of legislation which will authorize the placement of a monument to honor those individuals, paid and volunteers alike, who have served our Nation in our most trying times, when disaster strikes.

Mr. Speaker, as we speak, FEMA employees and volunteers are working around the clock to help the victims of Hurricane Floyd recover from widespread wind damage, beach erosion, and, most notably, flooding. FEMA teams are working tirelessly to deliver food, shelter, clothing and medical assistance to thousands of families up and down the East Coast. While this is the most recent disaster to strike the U.S., it surely will not be the last. It is our hope that this monument will be a permanent reminder to those who come to our rescue that we appreciate their service and dedication to duty.

The monument itself is a gift from the private, nonprofit National Civil Defense Monument Commission. I would like to commend the members of this commission, especially their Chairman, Alex Atzert, for their efforts to raise the necessary funds for this monument, which comes at no cost to taxpayers.

Mr. Speaker, as set forth in this legislation, the design and site selection of the monument must be approved by the FEMA Director, currently James Witt, who has given this monument his blessing. I am proud to say that the monument will be placed on the grounds of the FEMA training facility in Emmitsburg, Maryland, in the Sixth Congressional District which I have the honor to represent.

Mr. Speaker, by passing H.R. 348, we can demonstrate our appreciation for those who have served our country at FEMA and Civil Defense.

□ 1415

This small token of appreciation will help ensure that future generations recognize the hard work and dedication of former employees and volunteers who look favorably on this worthy endeavor.

Mr. Speaker, I urge passage of H.R. 348, and I yield back the balance of my time.

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

Mr. HANSEN. Mr. Speaker, I have no further speakers on this issue, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 348.

The question was taken.

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

The yeas and nays were ordered.

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

LEWIS AND CLARK NATIONAL HISTORIC TRAIL LAND CONVEYANCE ACT

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2737) to authorize the Secretary of the Interior to convey to the State of Illinois certain Federal land associated with the Lewis and Clark National Historic Trail to be used as an historic and interpretive site along the trail, as amended.

The Clerk read as follows:

H.R. 2737

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

SECTION 1. LAND CONVEYANCE, LEWIS AND CLARK NATIONAL HISTORIC TRAIL, ILLINOIS.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Interior may convey, without consideration, to the State of Illinois all right, title, and interest of the United States in and to a parcel of federally owned land under the jurisdiction of the Secretary consisting of approximately 39 acres located in the north half of section 16, township 4 north, range 9 west, Third Principal Meridian, Madison County, Illinois, within the corridor of the Lewis and Clark National Historic Trail.

(b) SURVEY; CONVEYANCE COSTS.—The exact acreage and legal description of the land to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey and all other costs incurred by the Secretary to convey the land shall be borne by the State of Illinois.

(c) CONDITIONS OF CONVEYANCE.—

(1) USE OF CONVEYED LAND.—The conveyance authorized under subsection (a) shall be subject to the condition that the State of Illinois, acting through the Illinois Historic Preservation Agency, use the conveyed land as an historic site and interpretive center for the Lewis and Clark National Historic Trail.

(2) PLAN FOR DEVELOPMENT AND OPERATION OF SITE.—The conveyance authorized under subsection (a) shall be subject to the further condition that the Governor of the State of Illinois develop, within two years after the date of the conveyance, a plan for the development and operation of the historic site and interpretive center proposed for the conveyed land. In developing the plan, the Governor shall provide an opportunity for review and comment by the Secretary and the public.

(d) DISCONTINUANCE OF USE.—If the State of Illinois determines to discontinue use of the land conveyed under subsection (a) as an historic site and interpretive center for the Lewis and Clark National Historic Trail, the State of Illinois shall convey the lands back to the Secretary without consideration.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as are necessary to carry out this section.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from Guam (Mr. UNDERWOOD) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

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

Mr. Speaker, I rise in support of H.R. 2737, as amended.

Numerous events will take place across the country in the next few years celebrating the exploration of the western United States by the Lewis and Clark expedition. This expedition effectively opened up new territories to be settled and used by the fledgling United States and led to the discoveries of many new peoples, plants and animals and resources.

H.R. 2737, introduced by the gentleman from Illinois (Mr. COSTELLO) will authorize the Secretary of the Interior to convey a parcel of land to the State of Illinois, who will showcase the beginning of the Lewis and Clark expedition from this spot which began in 1803. The land is currently owned by the National Park Service and the conveyance authorized by this legislation shall be made without consideration to the Federal Government. The parcel of land consists of approximately 39 acres on the banks of the Mississippi River in Madison County, Illinois. If the land conveyance to Illinois is not used for a historical and interpretive center, then the land shall be conveyed back to the Secretary without consideration.

Mr. Speaker, this bill has wide support, and I urge my colleagues to support H.R. 2737, as amended.

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

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

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

Mr. UNDERWOOD. Mr. Speaker, H.R. 2737 directs the Secretary of the Interior to give a specific parcel of land to the State of Illinois to be used as a historic and interpretive center for the Lewis and Clark trail, the 39-acre parcel of land located at the confluence of the Missouri and Mississippi Rivers about 20 miles northeast of St. Louis. This area played a significant role in the story of Lewis and Clark, as it is the area where the explorers camped before beginning their journey.

In addition, many of the members of this historic corps were recruited from the surrounding area. As the 200th anniversary of the expedition approaches, a variety of activities commemorating this amazing achievement will take place across the country, and it is certainly fitting that Lewis and Clark's launching point will host a new historic and interpretive center.

Importantly, the legislation makes the conveyance conditional on the completion of a survey and requires that, should the State ever discontinue use of the site for historic and interpretive purposes, the land must be returned to the Federal Government. During committee consideration of this measure, our amendment requiring the governor of the State of Illinois to devise a specific plan for the development and operation of this interpretive center was adopted.

The legislation now specifies that both the Secretary of the Interior as well as the general public shall have an opportunity to review and comment upon this plan. With this added level of oversight and public input, we urge our colleagues to support this bill, as amended; and we congratulate our friend and colleague, the gentleman from Illinois (Mr. COSTELLO), on this important legislation for the history of the Nation.

Mr. HILL of Indiana. Mr. Speaker, I rise to offer my support for H.R. 2737, a bill that authorizes the National Park Service to convey 39 acres of land to the State of Illinois for an interpretive center to be constructed along the Lewis and Clark National Historic Trail.

I look forward to working with my colleagues in the House of Representatives on other projects commemorating the bicentennial of the Lewis and Clark expedition. However, I feel that I must, as I have done in the past, set the record straight on where the Lewis and Clark expedition began.

Mr. Speaker, contrary to some of the statements made by my colleagues on the floor this afternoon, the expedition of these historic partners began at the Falls of the Ohio, near Clarksville in southern Indiana.

On September 1, 1803, Meriwether Lewis began his journey down the Ohio River toward Clarksville, Indiana, where he eventually met his partner on the expedition, William Clark. By October 14, Lewis had reached the Falls of the Ohio, a series of dangerous rapids created by a drop in the river over a two-mile series of limestone ledges. The following day, Lewis and his crew safely crossed the falls on the north side of the river. They then set out to meet Clark, who was living in Clarksville with his brother, Revolutionary War hero George Rogers Clark.

The noted historian, Stephen Ambrose, writes of Lewis and Clark's meeting in Clarksville in his best-selling book, Undaunted Courage, "When they shook hands, the Lewis and Clark Expedition began." During the two weeks following the meeting, Lewis and Clark recruited the first official members of the expedition, a group often referred to as the "Corps of Discovery." Men from across the region traveled to Clarksville hoping to be selected to join the expedition. Lewis and Clark chose nine men in Clarksville to join them on the journey, and as Ambrose notes in Undaunted Courage, there "the Corps of Discovery was born."

The crew departed on October 26, 1803, thus marking Clarksville, Indiana as the actual point of origin for the Lewis and Clark Expedition. From there, the Explorers' remarkable adventures spanned over 8,000 miles of unknown land.

No bicentennial celebration would be complete without noting southern Indiana's part in the Lewis and Clark story I encourage all Americans wishing to retrace the steps of the explorers or to learn more about the importance of the expedition to our nation, to visit the Falls of the Ohio and surrounding area.

I am pleased that Congress is taking the initiative to promote and support the commemoration of such a remarkable piece of our American history. That is why I support H.R. 2737.

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

Mr. HANSEN. Mr. Speaker, I have no further speakers on this legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 2737, as amended.

The question was taken.

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

The yeas and nays were ordered.

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

GENERAL LEAVE

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the last two bills, H.R. 348 and H.R. 2737, as amended.

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

There was no objection.

DUGGER MOUNTAIN WILDERNESS ACT OF 1999

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2632) to designate certain Federal lands in the Talladega National Forest in the State of Alabama as the Dugger Mountain Wilderness.

The Clerk read as follows:

H.R. 2632

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 "Dugger Mountain Wilderness Act of 1999".

SEC. 2. DESIGNATION OF DUGGER MOUNTAIN WILDERNESS, ALABAMA.

(a) DESIGNATION.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), certain Federal lands in the Talladega National Forest in the State of Alabama, which comprise approximately 9,200 acres, as generally depicted on a map entitled "Proposed Dugger Mountain Wilderness" and dated July 2, 1999, are hereby designated as wilderness and, therefore, as a component of the National Wilderness Preservation System, and shall be known as the Dugger Mountain Wilderness.

(b) MAP AND DESCRIPTION.—As soon as practicable after the date of the enactment of this Act, the Secretary of Agriculture shall submit to Congress a map and a boundary description of the area designated as wilderness by this section. The map and description shall have the same force and effect as

if included in this Act, except that the Secretary may correct clerical and typographical errors in the map and description. A copy of the map and description shall be on file and available for public inspection in the Office of the Chief of the Forest Service and in the office of the Supervisor of National Forest System lands in Alabama.

(c) MANAGEMENT.—Subject to valid existing rights, lands designated as wilderness by this section shall be managed by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness, except that, with respect to the wilderness area designated by this section, any reference in the Wilderness Act to the effective date of the Wilderness Act shall be deemed to be a reference to the date of the enactment of this Act.

(d) TREATMENT OF DUGGER MOUNTAIN FIRE TOWER.—The Forest Service shall have two years, beginning on the date of the enactment of this Act, in which to use ground-based mechanical and motorized equipment to disassemble and remove from the wilderness area designated by this section the Dugger Mountain fire tower, which has been scheduled for removal by the Forest Service, and any supporting structures. The road to the fire tower shall be open to motorized vehicles during this period only for the purpose of removing the tower and supporting structures, after which time the road shall be permanently closed to motorized use. The Forest Service shall follow the provisions of the National Historic Preservation Act (16 U.S.C. 470 et seq.) in the determination and execution of the removal of the tower and supporting structures.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from Guam (Mr. UNDERWOOD) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

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

Mr. Speaker, H.R. 2623 was introduced on July 29, 1999, by the gentleman from Alabama (Mr. RILEY). This legislation would designate certain Federal lands in the Talladega National Forest in the State of Alabama as the Dugger Mountain Wilderness.

On August 3, 1999, the Forest Service testified in support of H.R. 2632 during a subcommittee hearing. On October 20, 1999, Mr. Speaker, the full Committee on Resources ordered the bill favorably reported by a voice vote.

This is a good piece of legislation. The gentleman from Alabama has worked diligently on this, and I urge my colleagues to support this legislation.

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

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

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

Mr. UNDERWOOD. Mr. Speaker, H.R. 2632 would designate approximately 9,200 acres of land in Alabama's Talladega National Forest. Dugger Mountain, with an elevation of 2,140 feet, is the second highest peak in Alabama and includes the popular Pinhoti National Recreation Trail. It has been recommended for wilderness studies since 1986.

This year marks the 35th anniversary of the passage of the Wilderness Act. Congress is adding more acres to the national wilderness preservation system. Even relatively small amounts of acreage has become an all too infrequent event in recent years. Wilderness bills like H.R. 2632, introduced by our friend and colleague, the gentleman from Alabama (Mr. RILEY), deserve our support, and I urge my colleagues to pass it.

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

Mr. HANSEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Alabama (Mr. RILEY), the author of this legislation.

Mr. RILEY. Mr. Speaker, we do have a unique opportunity today to designate the Dugger Mountain Wilderness Area as a wilderness area that we can keep in perpetuity for our children and our grandchildren to enjoy.

Mr. Speaker, this last weekend I had a unique opportunity to take my grandchildren out and go on a hike in the woods and do some things that I do not get to spend as much time with them as I wished I could, but one of the things that I noticed, especially coming from this area, is how unique Dugger Mountain is. It is not only the second highest peak in Alabama, but it is a section of land, 9,200 acres, that we have tried to make a wilderness area since 1986.

Two of my predecessors, Congressman BILL NICKLES, who served here for over 20 years, first introduced this piece of legislation, and later Congressman Glen Browder introduced the legislation. It is not very often that we have a piece of legislation that comes that we have unanimous support for. In Alabama all of the local communities have signed proclamations endorsing this. We have over 300 landowners throughout the area that have supported this. Even the Alabama Forestry Association has not opposed designating this wilderness area.

I know there is a lot of talk today about wilderness areas and how they are becoming more prevalent, but this is a unique piece of property. Because of its mountainous terrain, the ability to harvest logs off of it or harvest timber off of this piece of property is nonexistent, so the Alabama Forestry Service for the last 25 or 30 years have already managed this as a wilderness area.

It is also unique in that it lies halfway between Birmingham and Atlanta, and one of the things that we are trying to do in Alabama is to promote ecotourism. When one has a million and a half to 2 million people in Atlanta, approximately a million people in Birmingham, this lies halfway between the two, it is an opportunity for our area to showcase the real beauty of Alabama. We think that it is going to be an extra special benefit to our tourism in Alabama, and again, when one has the opportunity to do something that not only is going to bolster the economy of the State and of this local area and at the same time allow us to preserve something that is very, very unique in Alabama, we think that this is a win, win, win situation not only for the Federal Government, not only for this country, not only for Alabama, not only for the people of Calhoun County, but we think that it is something that will benefit our children for generations to come.

So I would like to thank the gentleman from Utah. I thank the committee for the way that they have moved this process through, and I would ask all of the Members to kindly support this bill.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 2632.

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

A motion to reconsider was laid on the table.

CENTRAL UTAH PROJECT COMPLETION ACT AMENDMENTS

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2889) to amend the Central Utah Project Completion Act to provide for acquisition of water and water rights for Central Utah project purposes, completion of Central Utah project facilities, and implementation of water conservation measures.

The Clerk read as follows:

H.R. 2889

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

SECTION 1. AMENDMENT OF CENTRAL UTAH PROJECT COMPLETION ACT.

The first sentence of section 202(c) of the Central Utah Project Completion Act (Public Law 102–575; 106 Stat. 4611) is amended to read as follows: ''The Secretary is authorized to utilize any unexpended budget authority provided in this title up to $60,000,000 and such funds as may be provided by the Commission for fish and wildlife purposes, to provide 65 percent Federal share pursuant to section 204, to acquire water and water rights for project purposes including instream flows, to complete project facilities authorized in this title and title III, to implement water conservation measures, and for the engineering, design, and construction of Hatchtown Dam in Garfield County and associated facilities to deliver supplemental project water from Hatchtown Dam.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from Guam (Mr. UNDERWOOD) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

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

H.R. 2889 would amend the Central Utah Project to authorize the Secretary of Interior to use up to $60 million in unexpended budget authority to acquire water and water rights, complete project facilities, and implement water conservation measures within the CUP. Since the 1992 enactment of the CUP Completion Act, issues regarding endangered species, water conservation and minimum flows in the lower Provo River have arisen that need to be adequately addressed and funded. During completion of the CUP, changes in modifications to project features resulted in excess funds in some accounts and shortages in others.

□ 2030

This requires this amendment to complete this project.

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

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

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

Mr. UNDERWOOD. Mr. Speaker, H.R. 2889 would permit the use of savings achieved in certain areas of the Central Utah Project to be spent on other projects and programs where needed and without further Congressional approval. The administration supports the bill and it is not considered controversial. I urge my colleagues to support H.R. 2889.

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

Mr. HANSEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Utah (Mr. CANNON).

Mr. CANNON. Mr. Speaker, first of all, I would like to express my gratitude to the gentleman from California (Chairman DOOLITTLE), the gentleman from Alaska (Chairman YOUNG) and the House leadership for bringing this legislation before the House.

The Central Utah Project has allowed for the development and delivery of Utah's water for decades. The Bureau of Reclamation and the Central Utah Water Conservancy District have nearly completed the planning of the project components and water conservation measures have surpassed expectations, while Federal dollars have been saved at various stages.

H.R. 2889 simply allows resources to be shifted from one project to the next as they are needed. This will ensure that the remaining projects can be completed in a timely and cost effective manner. The legislation provides no additional Federal dollars. It only provides flexibility to transfer already authorized dollars and resources as they are needed throughout the project.

H.R. 2889 does not increase Federal spending, nor does it increase any Federal spending authority. H.R. 2889 incorporates the changes sought by the administration, and, therefore, we do not expect opposition from the White House. Companion legislation has been introduced by Senator BENNETT and consideration by the other body is expected soon.

Mr. Speaker, I urge my colleagues to support H.R. 2889.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 2889.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2632 and H.R. 2889.

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

There was no objection.

SENSE OF CONGRESS REGARDING SHARK FINNING

Mr. SAXTON. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 189) expressing the sense of the Congress regarding the wasteful and unsportsmanlike practice known as shark finning, as amended.

The Clerk read as follows:

H. CON. RES. 189

Whereas shark finning is the practice of removing the fins of a shark and dumping its carcass back into the ocean;

Whereas demand for shark fins is driving dramatic increases in shark fishing and mortality around the world;

Whereas the life history characteristics of sharks, including slow growth, late sexual maturity, and the production of few young, make them particularly vulnerable to overfishing and necessitate careful management of shark fisheries;

Whereas shark finning is not prohibited in the waters of the Pacific Ocean in which fisheries are managed by the Federal Government;

Whereas according to the National Marine Fisheries Service, the number of sharks killed in Central Pacific Ocean and Western Pacific Ocean fisheries rose from 2,289 in 1991 to 60,857 in 1998, an increase of over 2,500 percent, and continues to rise unabated;

Whereas of the 60,857 sharks landed in Central Pacific Ocean and Western Pacific Ocean fisheries in 1998, 98.7 percent, or 60,085, were killed for their fins;

Whereas shark fins comprise only between 1 percent and 5 percent of the weight of a shark, and shark finning results in the unconscionable waste of 95 percent to 99 percent (by weight) of a valuable public resource;

Whereas the National Marine Fisheries Service has stated that shark finning is wasteful, should be stopped, and is contrary to United States fisheries conservation and management policies;

Whereas shark finning is prohibited in the United States exclusive economic zone of the Atlantic Ocean, the Gulf of Mexico, and the Caribbean;

Whereas the practice of shark finning in the waters of the United States in the Pacific Ocean is inconsistent with the Magnuson-Stevens Fishery Conservation and Management Act, the Federal Fishery Management Plan for Atlantic Tunas, Swordfish, and Sharks, and the shark finning prohibitions that apply in State waters in the Atlantic Ocean and Pacific Ocean;

Whereas the United States is a global leader in shark management, and the practice of shark finning in the waters of the United States in the Pacific Ocean is inconsistent with United States international obligations, including the Code of Conduct for Responsible Fishing of the Food and Agriculture Organization of the United Nations, the International Plan of Action for Sharks of such organization, and the United Nation's Agreement on Straddling Stocks and Highly Migratory Species; and

Whereas establishment of a prohibition on the practice of shark finning in the Central Pacific Ocean and Western Pacific Ocean would result in the immediate reduction of waste and could reduce shark mortality by as much as 85 percent: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

(1) the practice of removing the fins of a shark and dumping its carcass back into the ocean, commonly referred to as shark finning, is a wasteful and unsportsmanlike practice that could lead to overfishing of shark resources;

(2) all Federal and State agencies and other management entities that have jurisdiction over fisheries in waters of the United States where the practice of shark finning is not prohibited should promptly and permanently end that practice in those waters; and

(3) the Secretary of State should continue to strongly advocate for the coordinated management of sharks and the eventual elimination of shark finning in all other waters.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SAXTON) and the gentleman from Minnesota (Mr. VENTO) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SAXTON).

GENERAL LEAVE

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Con. Res. 189.

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

There was no objection.

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

Mr. Speaker, H. Con. Res. 189, authored by my friend the gentleman from California (Mr. CUNNINGHAM), expresses the sense of Congress that the practice of shark finning is wasteful and unsportsmanlike. In addition, it calls on the Western Pacific Regional Fisheries Management Council, the National Marine Fisheries Service and the State Department to take action to

ban the practice in U.S. waters and to work for a global ban on the practice.

The issue that we are talking about here, shark finning, may not be one that is familiar to all Members. I would just like to say a word about what this is, because, as the gentleman from California (Mr. CUNNINGHAM) so well points out in H. Con. Res. 189, it is a practice which I believe would be tasteless, at best, and perhaps many other things at worst.

It is very simply this: Catching, through the process that we generally refer to as long lining, sharks, in this case in the western Pacific Ocean, bringing them alongside the boat and removing with a knife their fins, and then turning them loose to die. That is shark finning.

Members of this House will remember that in the last reauthorization of the Magnuson Fisheries Conservation and Management Act, now known as the Magnuson-Stevens Act, we added a new standard with the goal of reducing bycatch; that is, catching fish other than the targeted species in a fishery.

In the meantime, shark finning has been discouraged and made illegal in the Atlantic Ocean, in the Caribbean and in the Gulf of Mexico, leaving only the American waters in the Pacific Northwest in our country where shark finning is permitted. The Magnuson-Stevens Act requires Fishery Management Councils to develop fishery management plans which are consistent with national standards, and I believe that a national standard has been set by outlawing this practice in the Atlantic, the Caribbean and the Gulf of Mexico.

The new national standard requires Councils to develop fishery management plans which minimize bycatch to the extent practicable, and to the extent that bycatch cannot be reduced, the mortality of such bycatch should be reduced.

The practice of shark finning appears not only to encourage the retention of bycatch, but also encourages the mortality of the bycatch. In fact, information from the National Marine Fisheries Service suggests that while in 1991 only 3 percent of the sharks were retained, that is right, 3 percent of the sharks were retained, by 1998 60 percent of the sharks brought to the boat were killed for their fins rather than being released. The only portion of the shark that is retained are the fins, which obviously are kept for economic reasons.

This is a wasteful practice and should not be allowed. In addition, it is inconsistent with the rules governing the harvest of sharks on the East Coast, in the Gulf of Mexico, and, as I pointed out, in the Caribbean.

Some have complained that this resolution undermines the authority of the regional fisheries councils. This is not true, at least in my opinion. This does nothing more than send a signal to the Western Pacific Council, a shot across the bow, if you will, as well as to others, that Congress does not like the practice of shark finning and that those management bodies that manage sharks should take action to prohibit it.

The Subcommittee on Fisheries Conservation, Wildlife and Oceans held a hearing on this resolution on October 21, 1999, and heard testimony from a number of interested parties, including the Western Pacific Regional Fish Management Council. While the council did take action at their last meeting to reduce the overall retention of sharks in the longline fisheries, they took no action to reduce or eliminate the practice of shark finning.

The full Committee on Resources passed this resolution with an amendment by voice vote on October 27 of this year.

I believe Congress should continue to express our strong opposition to this practice and should pass this resolution.

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

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

Mr. Speaker, I rise in strong support of this resolution and I concur in the remarks of the subcommittee chairman. We had a good hearing and all points of view were presented. I want to commend the gentleman from California (Mr. CUNNINGHAM) for bringing this matter to us in the form of a resolution.

I support this resolution. In fact, I would support a lot more, to not just provide a sense of Congress, but to in fact act to prevent this outrageous type of activity that is taking place in our fisheries.

What it amounts to, Mr. Speaker, as the chairman pointed out, is a practice of longlining and catching tuna and other types of valuable economic species of fish. At the same time there is some bycatch or incidental catch of sharks.

The fact is that the economic value total of the shark is and could be quite significant, but the most valuable portion of it is, of course, the fins on that shark, which are often used for gourmet recipe of shark fin soup. As we know, as its popularity has grown, this particular practice of incidental bycatch, of stripping the fins off of the sharks to be used for this purpose, is increasingly taking place.

I think, Mr. Speaker, it is ethically and morally wrong. I think many parts of the shark, including the skin, the liver for its oil and other qualities, and other materials that are present in the shark have some economic value. But to take out the most valued part, which are the fins, of course, that leaves a carcass of a large fish in the ocean to be wasted. I think this is an outrage, and I hope that we can change such practice with this resolution as the chairman said, a shot across the bow. I would hope that would be the case.

I think that when we talk about the numbers here, it has been banned in the Atlantic Ocean but continues to persist in the Pacific Ocean. 60,000 to 70,000 pacific sharks, and this number has risen over the years to the point where in the last 5 years it has grown exponentially, but risen to the point where nearly 70,000 animals are in fact mistreated in this manner, which is worth I guess a couple million dollars to those that are doing the shark finning. But I think that the destruction of that type of resource screams for some type of public policy action, and certainly this resolution is in step with that. I hope that it results in actions that correct this outrageous practice.

I know the Western Fisheries Council had made a goal of reducing the number to 50,000. Quite frankly, Mr. Speaker, I think that type of change of policy path by itself is not enough, because I think it misses the point as to what is taking place here with the destruction of these species. Some of the species are very common, like the blue shark, but there is indiscriminate treatment of these majestic fish and the sharks that we have in the ocean that are being treated in this way, and I think that the USA should be leading in terms of making the policy changes in the Pacific regarding this deplorable practice. Hopefully we could enlist other nations to follow us in terms of ending this improper practice and exploitation of this valued fish species, the shark. I urge Members to support this resolution.

Mr. Speaker, I support this resolution which urges the Western Pacific Fishery Management Council, the National Marine Fisheries Service, and the State of Hawaii to ban shark finning in all Federal and State waters in the Pacific Ocean.

Finning is a wasteful practice that is already prohibited in U.S. waters in the Atlantic, the Gulf and the Carribean, in part, because it leads to the overfishing of shark resources in those areas. It is time for that prohibition to be in effect nationwide.

In addition, the U.S. has played a leadership role in promoting shark conservation efforts internationally. Our continued efforts in this arena will be hampered if this wasteful practice is allowed to continue in our own waters.

This resolution does not override the authorities of the Western Pacific Fishery Management Council. It simply tells them that this Congress believes it is time for them to bring this wasteful practice to an end, and I support its passage.

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

Mr. SAXTON. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. CUNNINGHAM), who brought this issue to our attention and who told us inasmuch as shark finning had already been outlawed, if you will, in the Atlantic, the Caribbean and the Gulf of Mexico, it made no sense to permit the practice to continue in the western Pacific. I thank the gentleman for his great effort in bringing this to our attention and making sure that we address the problem.

Mr. CUNNINGHAM. Mr. Speaker, I would like to thank the gentleman

from New Jersey (Chairman SAXTON) and the gentleman from Minnesota (Mr. VENTO). I would also like to thank them for their support, both Republicans and Democrats alike. This is an issue on which we can come together.

Mr. Speaker, I introduced H. Con. Res. 189 to send a clear message that shark finning is wasteful and unsportsmanlike. The destructive practice of shark finning in the American waters off the central and western Pacific must stop.

Mr. Speaker, years ago this country destroyed buffalo herds only for the hides of those buffalo and left the meat to rot in the sun. What a waste of a resource. They nearly decimated the herds for the Native Americans. The same thing is done today with elephant tusks. To just shoot an elephant and take the tusk and leave the meat rotting is wrong. Or whether it is a seal pup for its hide, to take the hide and let the carcass sit there in the snow is wrong. Shark finning is a practice of removing shark fins and discarding the carcass into the sea.

Mr. Speaker, I am a sportsman. I love to hunt and fish, but it is under a managed system to make sure that our resources are here for our children and their children and our grandchildren down the line.

I am also a diver, and I am not necessarily fond of sharks. I have had a couple of occasions where I wished they had not have been so close around. But they have been part of our ecosystem for millions of years, and I think we need to manage that resource so that they are not depleted. They went from taking 2,300 to nearly 61,000 sharks in very short order. I think we ought to stop and take a look.

The gentleman from New Jersey (Mr. SAXTON) covered much of this material, so I will submit a lot of it for the RECORD. But the action that WestPac took was merely to cut from 60,000 to 50,000 the number of sharks from finning.

□ 1445

Yet, Mr. Speaker, 95 percent of those sharks are finned and just dumped back into the water, some alive, left to drown, and some dead. In any regard, it is inhumane, it is cruel, and it is wasteful.

The United States has emerged as a global leader in shark fisheries management. Yet, as Ms. Sonya Fordham of the Center for Marine Conservation notes, ''Our inability to address an egregious finning problem within our own waters threatens to undermine the U.S. role in these important international initiatives.''

I would also like to thank a gentlewoman who came all the way from Hawaii, Ms. Brooke Burns, a young 21-year-old from the series of Baywatch. She, I think, articulated in a most professional way the support of the American people in why this practice should not continue.

This spring, the gentleman from New Jersey (Mr. SAXTON) and myself plan to introduce legislation. And if Members can imagine, the gentleman from New Jersey (Mr. SAXTON), the gentleman from California (Mr. CUNNINGHAM), and the gentleman from Minnesota (Mr. VENTO), if he will join us, on a bill together on this floor, that will be a day. I would say to my friend, we plan this spring, under the Magnuson Act, to have legal and binding law to act accordingly.

Mr. Speaker, I include for the RECORD correspondence regarding this matter:

OCEAN WILDLIFE CAMPAIGN,
Washington, DC, September 22, 1999.

Hon. RANDY CUNNINGHAM,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE CUNNINGHAM: We are writing to express serious concern regarding the management and health of shark populations in U.S. Pacific waters, specifically in areas under the jurisdiction of the Western Pacific Regional Fishery Management Council (WESPAC). Driven by the international demand for shark fin soup, the practice of shark finning—cutting of a shark's fins and discarding its carcass back into the ocean—is a rapidly growing problem that is directly responsible for huge increases in the number of sharks killed annually and appalling waste of this nation's living marine resources. The National Marine Fisheries Service has prohibited shark finning in the U.S. Atlantic, Gulf of Mexico, and Caribbean. It is time to ban finning in the Pacific.

Between 1991 and 1998, the number of sharks ''retained'' by the Hawaii-based swordfish and tuna longline fleet jumped from 2,289 to 60,857 annually. In 1998, over 98 percent of these sharks were killed for their fins to meet the demand for shark fin soup. Because shark fins typically comprise only one to five percent of a shark's bodyweight, 95 to 99 percent of the shark is going to waste. Sharks are particularly vulnerable to overfishing because of their ''life history characteristics''—slow growth, late sexual maturity, and the production of few young. Once depleted, a population may take decades to recover.

The National Marine Fisheries Service, conservationists, fishermen, scientists, and the public have pressured WESPAC to end the practice of shark finning. Nevertheless, WESPAC and the State of Hawaii recently failed to take action to end or control finning.

This issue of shark finning is characterized by a dangerous lack of management, rampant waste, and egregious inconsistencies with U.S. domestic and international policy stances. It is the most visible symptom of a larger problem: a lack of comprehensive management for sharks in U.S. Pacific waters. The history of poorly or unmanaged shark fisheries around the world is unequivocal: rapid decline followed by collapse. Sharks are not managed in U.S. Central and Western Pacific waters, and with increased fishing pressure there may be rapidly growing problems.

We urge your office to take whatever action is necessary to immediately end the destructive practice of shark finning in U.S. waters and encourage WESPAC to develop a comprehensive fishery management plan for sharks that will, among other things:

1. Immediately prohibit the finning of sharks;
2. Immediately reduce shark mortality levels by requiring the live release of all bycatch or ''incidentally caught'' animals brought to the boat alive;
3. Immediately reduce the bycatch of sharks;
4. Prevent overfishing by quickly establishing precautionary commercial and recreational quotas for sharks until a final comprehensive management plan is adopted that ensures the future health of the population. Given the dramatic increase in the number of sharks killed in the Hawaiian longline fishery, WESPAC should cap shark mortality at 1994 levels as a minimum interim action, pending the outcome of new population assessment.

Thank you for your attention to this urgent matter.

DAVID WILMOT, PH.D.,
Ocean Wildlife Campaign.
CARL SAFINA, PH.D.,
National Audubon Society.
LISA SPEER,
Natural Resources Defense Council.
TOM GRASSO,
World Wildlife Fund.
SONJA FORDHAM,
Center for Marine Conservation.
KEN HINMAN,
National Coalition for Marine Conservation.
ELLEN PIKITCH, PH.D.,
Wildlife Conservation Society.

CENTER FOR MARINE CONSERVATION,
Washington, DC, September 22, 1999.

Hon. RANDY CUNNINGHAM,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE CUNNINGHAM: On behalf of the Center for Marine Conservation (CMC), I am writing to express our grave concern for Pacific sharks, specifically those under the jurisdiction of the Western Pacific Regional Fishery Management Council (WESPAC). High demand for shark fin soup has driven a dramatic surge in shark finning (the practice of slicing off a shark's valuable fins and discarding the body at sea) by the Hawaiian longline fleet. This appalling waste of America's public marine resources is tied to alarming yet unrestricted increases in mortality of some of the ocean's most biologically vulnerable fish.

Shark conservation has long been a key element of CMC's fisheries program due in large part to the life history characteristics that leave sharks exceptionally susceptible to overfishing. In general, sharks grow slowly, mature late and produce a small number of young. Once depleted, shark populations often require decades to recover. In the U.S. Atlantic, for example, several overfished shark stocks will require four decades to rebuild to healthy levels, even with strict fishing controls. Indeed, nearly every large scale shark fishery this century has ended in collapse.

Off Hawaii, the number of sharks killed and brought to the dock (landed) has increased by more than 2500 percent, skyrocketing from just 2,289 sharks in 1991 to 60,857 sharks in 1998. In 1998, over 98 percent of these sharks were killed solely for their fins. Considering that shark fins typically comprise only one to five percent of a shark's bodyweight, 95 to 99 percent of the shark is going to waste.

CMC has been calling upon Western Pacific fishery managers to restrict shark fisheries and ban finning for more than 5 years. More recently, similar demands have been made by many other national conservation organizations as well as local Hawaiian environmental and fishing groups, international scientific societies, concerned citizens, and several Department of Commerce high-ranking officials. A recent poll by Seaweb found that finning was among the ocean issues most disturbing to the American public. Nevertheless, WESPAC and the State of Hawaii have yet to take action to control finning or limit shark mortality.

Shark finning in particular runs counter not only to the will of the American public, to which these resources belong, but also to U.S. domestic and international policy as expressed in:

the Sustainable Fisheries Act (SFA);

the Fishery Management Plan (FMP) for Sharks of the Atlantic Ocean; the United Nations Food and Agricultural Organization (FAO) Code of Conduct for Responsible Fisheries; and

the FAO International Plan of Action for Sharks.

In addition, as you are likely aware, California is just one of many coastal states to ban finning within their waters.

In the U.S. Atlantic, the lucrative market for shark fins drove an intense fishery that led to severe depletion of several shark populations within less than 10 years. Citing ''universal and strong support'' for a ban on finning on behalf of the non-fishing American public, the National Marine Fisheries Service (NMFS) banned the practice in U.S. Atlantic in 1993, stating that:

NMFS believes that finning is wasteful of valuable shark resources and poses a threat to attaining the conservation objectives of fishery management under the Magnuson Act.

This year, NMFS expanded the existing finning ban from the 39 regulated species to all sharks in the Atlantic while Department of Commerce officials have repeatedly, yet unsuccessfully, called upon WESPAC to halt finning.

In recent years, the United States has emerged as a world leader in crafting and promoting landmark, international agreements pertaining to sharks and continues to lead efforts to raise global awareness of their plight and special management needs. Yet, our inability to address an egregious finning problem within our own waters threatens to undermine the U.S. role in these important international initiatives.

CMC asks for your assistance in ensuring an immediate end to the wasteful practice of finning, accompanied by a requirement that all incidentally-caught sharks brought to the boat alive be released alive. In addition, a comprehensive Pacific shark management plan that prevents overfishing and reduces bycatch is absolutely crucial to safeguarding these especially vulnerable animals; precautionary catch limits in the Western Pacific (no higher than 1994 mortality levels) are needed until such a plan is complete.

Thank you for your attention to this urgent matter.

Sincerely,

SONJA V. FORDHAM,
Fisheries Project Manager.

AMERICAN SPORTFISHING ASSOCIATION,
Alexandria, VA, September 23, 1999.

Hon. RANDY ''DUKE'' CUNNINGHAM,
House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CONGRESSMAN CUNNINGHAM: On behalf of the nearly 500 members of the American Sportfishing Association, I wish to express my strong support for your resolution to ban the wasteful practice of shark finning. I commend your initiative in tackling this important, yet easily dismissed issue.

For far too long, we have neglected to take action to stop this most unsportsmanlike fishing activity. We now know that the best shark is not a dead shark; that these oft maligned fish play critical roles in preserving balance in the marine ecosystem. Healthy shark populations help maintain robust fisheries. Your effort to ban finning will not only benefit depressed shark populations, but many other species of commercially and recreationally important fish.

Thank you for your leadership in this area.

Sincerely,

MIKE HAYDEN,
President/CEO.

THE COUSTEAU SOCIETY,
Chesapeake, VA, October 8, 1999.

Hon. RANDY CUNNINGHAM,
Rayburn House Office Building, Washington, DC.

DEAR CONGRESSMAN: The Cousteau Society, on behalf of its 150,000 members, strongly supports H. Con. Res. 189, expressing the sense of the Congress regarding the wasteful and unsportsmanlike practice known as shark finning.

The Cousteau Society's own lengthy expedition to film the white shark in Australia confirmed vividly how little is known about even this well-publicized species; even less data are available for the hundreds of shark species that have not caught public or commercial attention. Whenever enough information is gathered about a given kind of shark to confirm a judgment on its status, that judgment is almost inevitably that the species is over-fished and must be protected to survive. Lack of information is obviously no good reason to delay conservation.

The Cousteau Society fully endorses your recommendation to the Western Pacific Fishery Management Council, the State of Hawaii and the National Marine Fisheries Service to ban finning in the central and western Pacific Ocean. Conservation must not wait for perfect science nor unanimous agreement. Please hold absolutely firm in insisting on an end to this destructive practice.

Yours truly,

CLARK LEE S. MERRIAM.

WESTERN PACIFIC FISHERIES COALITION,
Kailua, HI, September 30, 1999.

Hon. RANDY ''DUKE'' CUNNINGHAM,
Rayburn House Office Building, Washington, DC

DEAR CONGRESSMAN CUNNINGHAM. First let me thank you for introducing H. Con. Res. 189 and for taking an interest in the blatant waste of one of our natural resources here in the Western Pacific. The Shark Finning issue here has brought a new awareness to the problem not only in the Western Pacific region, but on a global scale. We have been involved in fisheries management here in Hawaii for over 15 years and have represented, on some Council issues, more than 18,000 Hawaiian fishermen and concerned individuals. I have been a commercial and recreational fisherman and hunter for over 40 years, but I've never seen such irresponsible actions by fishermen, much less Federal fishery managers, who continue to be proponents for shark finning.

The NMFS has already implemented a ''full utilization'' plan in the Atlantic and the Gulf, has justified the record and the basis for it. The Atlantic Highly Migratory Species FMO and Final Regulations, 15 CFR Part 902, published May 28, 1999, in vol. 64 Federal Register, pp. 29090 et seq. NMFS' response to public comments on proposed regulations to implement Atlantic HMS FMP (at pp. 29108–09):

Anti-Finning of Sharks

Comment 1: NMFS should implement the proposed total prohibition on finning. Response: NMFS agrees. Extending the prohibition on finning to all species of sharks will greatly enhance enforcement and contribute to rebuilding or maintenance of all shark species.

Comment 2: NMFS should not extend the prohibition on finning sharks because it disadvantages U.S. fishermen relative to foreign competitors and NMFS should allow a tolerance for blue shark fins to be landed. Response: NMFS disagrees. Finning of sharks within the Federal management unit has been prohibited since the original shark FMP was implemented in 1993 due to excessive waste associated with this practice. NMFS extends the prohibition on finning to all sharks to enhance enforcement and facilitate stock rebuilding and maintenance.

In a June 21, 1999 letter to the Chairman of the Western Pacific Council, Mr. Terry Garcia directs the Council to ''take immediate action to ban the practice of shark finning''. In the letter, Mr. Garcia points out that the US has been a leading proponent of international shark conservation measures at the United Nations FAO meetings this year. He goes on to say that ''The US position during development of the International Plan of Action for the Conservation and Management of Sharks was that the FAO should affirmatively address this issue, even to the extent of putting in place a global ban on shark finning''. Mr. Garcia's letter concludes by saying that ''The Council should amend the Western Pacific Pelagic Fishery Management Plan to require full utilization of all sharks harvested in this fishery''.

NMFS and the Department of Commerce's position is clear. Is finning any less of a waste in the Pacific as opposed to the Gulf or Atlantic? The Council unfortunately has known about this problem since 1993 and have repeatedly been told to stop finning by NMFS as early as 1995, without any action being taken. Now the Council, as a result of your resolution, is trying to justify their position in Congress by claiming that NMFS has not given them the funding to gather the necessary information nor has NMFS supplied the Council with the necessary data that would allow them to take action. Obviously these excuses are merely a way to shift the responsibility of the Council to NMFS.

NMFS has been very consistent in their position that shark finning is a ''waste'' issue and not a biological one. The Council has gone so far as to ask NMFS to define ''waste'' even though the Council Chairman has at one point himself, called shark finning a ''wasteful practice''. If people are going to try and confuse the issue of finning over the definition of waste, we've all digressed to the point where our fisheries are in serious trouble. Look at the history of the fisheries that have collapsed. Have they collapsed because people called for more management? Have they collapsed because people called for a precautionary approach and a reduction of waste? Or have they collapsed because people used excuses like, we don't have enough data yet, we don't have the enforcement, it's a complex issue or many others that all had one thing in common, they all lead to overfishing. A U.S. Supreme Court Justice once said during a Hearing on Pornography . . . ''I don't know the definition of pornography, but I know it when I see it''. I suspect his opinion of waste might go along these same lines.

In a recent response from the NMFS Honolulu Lab, Dr. Michael Laurs indicated that they HAVE NOT even begun a biological assessment of blue sharks and will not have any preliminary information until Spring 2000. Based on this information we are very concerned that no one seems to actually know the status of these stocks. The Council's claims that Japanese Data has been used by the Council to determine that the stocks are healthy is somewhat disturbing as the United States could not depend on Japanese data with regard to High Seas Driftnetting or Whaling, which in both cases the Japanese data once again claimed that these practices were not threatening the stocks.

I've asked the State Representative, who introduced our Shark finning legislation here in Hawaii last year, to forward you all the testimony his committees received in support of a ban which clearly shows the widespread support this issue had here in the Islands. Native Hawaiians have written in protest, testified and have written letters calling for a halt to finning. Charter Boat Captains in Hawaii, Commercial fishermen in Hawaii (both native and non-native) have supported a ban and they in fact catch sharks. Recreational fishermen, conservationists, scientists, State politicians and some of the Hawaii Congressional Delegation in Washington have supported a ban on finning, as well as the State of Hawaii.

Please don't let people confuse this issue as this isn't about a biological assessment or cruel practice, it is all about waste. Releasing the sharks that are caught as incidental catch alive or fully utilizing the shark, would not increase by-catch as much as it would reduce waste and by-catch mortality.

Once again thank you for your support and if there is anything we can do to support your initiative, please don't hesitate to contact us.

Best personal regards,

BOB ENDRESON.

STATE OF HAWAI'I
OFFICE OF HAWAIIAN AFFAIRS,
Honolulu, HI, October 8, 1999.

Hon. RANDY ''DUKE'' CUNNINGHAM,
Rayburn House Office Building,
Washington, DC.

Re: Support for H. Con. Res. 189 on Shark Finning.

DEAR CONGRESSMAN CUNNINGHAM: I am writing to thank you for introducing H. Con. Res. 189 to stop the wasteful practice of shark finning in the Central, South, and West Pacific. The Administration of the Office of Hawaiian Affairs (OHA), acting consistently with Board of Trustees policies and views, supports H. Con. Res. 189. We would also like to suggest some amendments to strengthen the arguments already made in H. Con. Res. 189. OHA is a quasi-state agency tasked with working toward the betterment of Native Hawaiians, by advocating for the recognition and continuation of Hawaiian culture and identity.

As you are no doubt aware, there has been considerable outcry among the Native Hawaiian population, as well as the population at large in Hawaii, about the practice of shark finning. This public disdain for this wasteful fishing practice was most recently debated both in our State legislature and at a meeting of the Western Pacific Regional Fishery Management Council (WPRFMC).

Cultural Significance

Because Hawaiian culture is integrally tied to the health, abundance, and access to indigenous natural resources, Hawaiians have always striven to play a stewardship role by sound management and protection of the natural environment on which the culture relies. Unfortunately, Hawaii is constantly endangered by the imposition of Western beliefs, customs, religions, and economic desires that do not necessary hold similar views about the importance of the natural environment. Taking a small portion of a shark or any animal and wasting the remainder clearly runs counter to Hawaiian stewardship views. Traditional use of sharks in Hawaiian culture meant whole utilization of the animal.

Equally as important to Hawaiians is the cultural and spiritual significance of the shark itself. Many Hawaiian families hold the shark in special esteem as the physical manifestation (called Kinolau) of their family guardian (aumakua), who was also regarded as a family ancestor. There are many other kinolau in Hawaiian culture, including the owl, lizard, dog, rocks, and clouds. Imagine the uproar that would arise if the Spotted Owl were to be taken, even as ''bycatch,'' for its wings. The intensity of feeling about shark finning among Hawaiians is a hundredfold magnified because of the special spiritual significance of the shark. To hurt or destroy the shark wantonly and intentionally is for many families equivalent to desecrating one's own ancestors and heritage. As forcefully stated by respected Hawaiian cultural practitioner and member of WFRFMC's Native and Indigenous Rights Advisory Panel Charles Kauluwehi Maxwell Sr. at a recent WPRFMC meeting, the practice of shark finning is ''very offensive'' to Hawaiians.

OHA believes that shark finning should not be allowed to continue, and that the U.S. government should not allow landings of shark fins unless it is taken from a shark landed whole.

Suggested Amendments to Bill

We feel that H. Con. Res. 189 can be strengthened by including language to express the culturally offensive nature of shark finning, as described above. Therefore, we suggest inserting the following language or similar:

''. . . Whereas shark finning in the Western Pacific occurs in and around the waters of Hawaii, among other U.S. Pacific holdings;

Whereas the indigenous Native Hawaiian people regard sharks highly as being culturally and spiritually important to their heritage;

Whereas wasteful use of a culturally significant animal such as the shark is offensive to Native Hawaiians; . . .''

The Council's Role

In an interview with a reporter during the WPRFMC meeting several months ago, Council Chair James D. Cook stated that environmentalists' concerns and native Hawaiians' cultural concerns should not influence decisions made by the Council on decisions about shark finning. OHA feels that Mr. Cook's culturally insensitive comment warrants attention and clarification about WPRFMC's position on cultural issues. Perhaps WPRFMC's duties and responsibilities towards indigenous peoples and their cultural/traditional fishing practices under the Magnuson-Stevens Act needs to be reassessed.

As the full name of the Magnuson-Stevens Act indicates, its objective is to conserve and manage fisheries. Moreover, the Act clearly places importance on cultural considerations. Section 104–297 of the Act states the following regarding community development programs:

''. . . the Western Pacific Council shall base such criteria on traditional fishing practices in or dependence on the fishery, the cultural and social framework relevant to the fishery, and economic barriers to access to the fishery,'' and

''Notwithstanding any other provision of this Act, the Western Pacific Council shall take into account traditional indigenous fishing practices in preparing any fishery management plan.''

OHA feels that Mr. Cook's comment then begs the question of what the Council's priorities are in managing fisheries, and specifically if it is truly taking cultural considerations into account.

We hope that you will consider this need to scrutinize WPRFMC's priorities and culturally sensitive issues like shark finning when you introduce legislation to amend the Magnuson-Stevens Act later this year.

If we can be of further assistance, please do not hesitate to contact Sebastian Aloot, Hawaiian Rights Officer, or Nami Ohtomo, Natural Resources Policy Analyst, at 594–1755.

Sincerely,

RANDALL OGATA,
Administrator.

Mr. Speaker, I thank the gentleman from Minnesota (Mr. VENTO), the gentleman from New Jersey (Mr. SAXTON), the committee members, and the gentleman from Alaska (Mr. YOUNG) for expediting this to the floor.

Mr. UNDERWOOD. Mr. Speaker, I would like to thank the Resources Subcommittee Chairman JIM SAXTON and the Ranking Democrat Mr. FALEOMAVAEGA for their work on this resolution. Indeed, H. Con. Res. 189 is important because it has helped elevate the awareness of shark finning practices in the Pacific. I'm sure that many Americans have been moved, as I have, by television images showing workers aboard fishing vessels, both foreign and domestic, slicing off the fins of caught sharks and throwing the carcasses back into the ocean. It's easy to understand why we are moved by these pictures. They are very powerful and appeal to our sense of human decency and respect for ''not wasting our kill.''

The resolution before us however, does not take any comprehensive approach to end the practice of shark finning. Though it presents us with statistical data showing us the enormous increase of shark finning activity in the Pacific over the past eight years, it neglects to address the volume of U.S. imports which helps to support the demand for shark finning to occur. If we want this resolution to offer meaningful and substantive changes in the treatment of sharks, this resolution should address a ban on importation.

Moreover, the authority of the Western Pacific Regional Fishery Management Council—which is the federally recognized regional council responsible for developing management plans for fisheries for the exclusive economic zones of the State of Hawaii and the U.S. Pacific territories—will be usurped with the passage of this resolution. These regional councils are in place to develop sound and responsible fishery management plans while being mindful of the unique circumstances of the presiding region. I am concerned that passing this resolution sets a precedent which can call in to question the integrity and authority of all federally mandated regional fishery management councils in the U.S.

Mr. Speaker, the practice of shark finning is unfortunate. We should not, however, avert the authorities of regional councils in lieu of our unwillingness to address this issue in a comprehensive manner.

Mr. ABERCROMBIE. Mr. Speaker, I rise in support of House Concurrent Resolution 189, relating to the practice of shark finning.

There is no question that the practice is wasteful of a resource and should be discontinued. This issue has been on the agenda of the Western Pacific Regional Fishery Management Council (WESPAC), which is responsible for managing our Western Pacific fisheries resources. WESPAC has been studying this issue, and I encourage them to continue to do so in order to compile the necessary data to take definitive action. In that regard, I would note that the Council has requested additional funds from NMFS during the past three years to do so, and as evidenced by our endorsement of this resolution today, there is a critical

need for NMFS to comply with the request. I want to work closely with Representatives ENI FALEOMAVAEGA, JIM SAXTON, WAYNE GILCHREST, GEORGE MILLER, DON YOUNG and the Appropriations Committee to make sure there is adequate federal support for the broad and extensive responsibilities for which WESPAC is charged. The fisheries of the Western Pacific economic zones for which WESPAC is responsible comprises approximately forty-eight percent of the entire area NMFS regulates, but WESPAC receives only twelve percent of the total funding all the commissions receive. We must make certain that we give the Commission the tools, resources and support they need in order to credibly discharge their formidable responsibilities.

Secondly, I would like to point out that even with enactment of this resolution or additional legislation amending the Magnuson-Stevens Act to ban shark finning, this is an international problem, and follow-up action must be initiated and undertaken in order to effectively end the practice internationally. Far more fins are unloaded in California ports, Hong Kong and other sites than in Hawaii, and the issue of transshipping of fins must also be addressed. If we are serious about ending finning, we need to act on several fronts.

By citing the waste inherent in finning, the resolution raises the issue of full utilization of the products harvested from sharks. Fins should not be the only part of animal used and we need to develop refined products and markets in order to more fully make good use of shark parts. The resolution cites the waste inherent in finning, and yet there is an implicit level of utilization in other marine products. For example, to what extent is taking solely roe from fish or sea urchins wasteful? NMFS should address these utilization issues as it undertakes regulatory actions impacting shark catches.

The last matter I would like to raise is that of compensation for lost income which will be sustained by Hawaii fishermen and industry. Shark fins generate significant revenue, and traditionally most of its goes directly to the crews of the fishing fleet. The resolution does not address lost compensation for crews, but I am pointing out the issue to indicate the complexity of the issue, and equity in addressing the economic consequences of fisheries regulatory decisions, based on precedents set by previous NMFS actions and decisions.

Again, Mr. Speaker, I urge adoption of the resolution, as well as addressing the underlying and associated issues it raises.

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

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

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from New Jersey (Mr. SAXTON) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 189, as amended.

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

A motion to reconsider was laid on the table.

CLEAR CREEK DISTRIBUTION SYSTEM CONVEYANCE ACT

Mr. DOOLITTLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 862) to authorize the Secretary of the Interior to implement the provisions of the Agreement conveying title to a Distribution System from the United States to the Clear Creek Community Services District, as amended.

The Clerk read as follows:

H.R. 862

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 ''Clear Creek Distribution System Conveyance Act''.

SEC. 2. DEFINITIONS.

For purposes of this Act:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(2) DISTRICT.—The term ''District'' means the Clear Creek Community Services District, a California community services district located in Shasta County, California.

(3) AGREEMENT.—The term ''Agreement'' means Agreement No. 8–07–20–L6975 entitled ''Agreement Between the United States and the Clear Creek Community Services District to Transfer Title to the Clear Creek Distribution System to the Clear Creek Community Services District''.

(4) DISTRIBUTION SYSTEM.—The term ''Distribution System'' means all the right, title, and interest in and to the Clear Creek distribution system as defined in the Agreement.

SEC. 3. CONVEYANCE OF DISTRIBUTION SYSTEM.

In consideration of the District accepting the obligations of the Federal Government for the Distribution System, the Secretary shall convey the Distribution System to the District pursuant to the terms and conditions set forth in the Agreement.

SEC. 4. RELATIONSHIP TO EXISTING OPERATIONS.

Nothing in this Act shall be construed to authorize the District to construct any new facilities or to expand or otherwise change the use or operation of the Distribution System from its authorized purposes based upon historic and current use and operation. Effective upon transfer, if the District proposes to alter the use or operation of the Distribution System, then the District shall comply with all applicable laws and regulations governing such changes at that time.

SEC. 5. RELATIONSHIP TO CERTAIN CONTRACT OBLIGATIONS.

Conveyance of the Distribution System under this Act—

(1) shall not affect any of the provisions of the District's existing water service contract with the United States (contract number 14–06–200–489–IR3), as it may be amended or supplemented; and

(2) shall not deprive the District of any existing contractual or statutory entitlement to subsequent interim renewals of such contract or to renewal by entering into a long-term water service contract.

SEC. 6. LIABILITY.

Effective on the date of conveyance of the Distribution System under this Act, the United States shall not be liable under any law for damages of any kind arising out of any act, omission, or occurrence based on its prior ownership or operation of the conveyed property.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. DOOLITTLE) and the gentleman from Guam (Mr. UNDERWOOD) each will control 20 minutes.

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

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

Mr. Speaker, the subject of Bureau of Reclamation facility transfers has been of particular interest to the Congress, local irrigation districts, and the administration in recent years. Facility transfers represented an effort to shrink the Federal government and shift the responsibilities for ownership into the hands of those who can more efficiently operate and maintain them.

Much of the momentum for these transfers comes from local irrigation districts that are seeking title to these projects. The Federal government holds title to more than 600 Bureau of Reclamation water projects throughout the West. A growing number of these projects are now paid out and operated and maintained by local irrigation districts. The districts seek to have the facilities transferred to them, since many of the districts now have the expertise needed to manage the systems and can do so more efficiently than the Federal government.

H.R. 862 transfers title of the Clear Creek distribution system in California to the Clear Creek Services District without affecting the underlying water services contract, and it relieves the Federal government of all liability for its role in owning and constructing the water distribution system.

This transfer should be supported for two reasons. In the case of the Clear Creek distribution system, the government will reduce its risk of future liabilities associated with the project due to faulty project design. The district has indicated that it is prepared to accept responsibility for the system.

Second, the district believes that it has the expertise and financial capability to manage this project more efficiently than the Federal government.

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

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

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

Mr. UNDERWOOD. Mr. Speaker, this legislation directs the transfer of the Bureau of Reclamation water distribution system to the Clear Creek Community Services District in California. The transfer will be carried out pursuant to a cooperative agreement that has already been negotiated.

The Bureau of Reclamation has worked closely with local interests on this transfer proposal, and it is my understanding that the manager's amendment is acceptable to the administration. This legislation is noncontroversial. Mr. Speaker, I urge support of the legislation of the gentleman from California (Mr. HERGER), H.R. 862.

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

Mr. DOOLITTLE. Mr. Speaker, I yield 6 minutes to my friend and colleague, the gentleman from California (Mr. HERGER), in whose district this project is located .

Mr. HERGER. Mr. Speaker, I would like to thank the gentleman from California (Chairman DOOLITTLE) and the members and staff of the Subcommittee on Water and Power of the Committee on Resources for their hard work on this important piece of legislation.

I would also like to command and thank the Clear Creek Community Services District for their perseverance, cooperation, and patience in working with the Bureau of Reclamation and the subcommittee.

H.R. 862, the Clear Creek Distribution System Conveyance Act is a modest and noncontroversial measure that authorizes the Secretary of the Interior to convey title to the Clear Creek distribution system out of the hands of the United States and into the hands of the Clear Creek Community Service District.

The Clear Creek Community Services District is a local agency that provides water services for domestic and agricultural use to a large area of western Shasta County in the Northern California district I represent.

Clear Creek entered into a contractual relationship with the United States in 1963 for construction of the distribution system, as well as a long-term water services contract and a commitment to long-term repayment of the construction cost of the system.

The district commenced making payments on its repayment obligation starting in 1967. Thereafter, the district took full and complete responsibility for the administration, operation, maintenance, and repair of the system. Legal title to the system, however, remained in the name of the United States.

Now that the district's repayment obligation has been satisfied by the terms of its agreement with the Bureau, both the district and Bureau seek to have title to the federally-owned facilities transferred back to the district.

The district took advantage of the administration's title transfer program and negotiated the terms and conditions of an agreement whereby title to the distribution facilities would be transferred in a manner satisfactory to all concerned parties. This legislation will effectuate that agreement, and will bring title and authority over these facilities back to the 8,000 or so people who are served by them.

Although the district already carries out all aspects of the operation and maintenance of the system, transfer of title will allow the customers and water users in the district to be better served by more cost-effective and responsive administration of the facility.

Mr. Speaker, the Clear Creek title transfer is uncluttered by any adverse or controversial issues related to environmental impact, water allocation, hazardous waste, Federal power, or endangered species. It has the full support of the Clear Creek Community Services District, the citizens, communities, and businesses served by the district, and the Bureau of Reclamation.

Further, it advances the objective of creating a government that works better and costs less by transferring these facilities to State and local units of government where they can be more efficiently managed.

I urge the Members to vote in favor of this noncontroversial proposal, which provides a definite win-win situation for all parties involved. I appreciate the opportunity to speak on its behalf.

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

Mr. Speaker, I thank my friend and colleague, the gentleman from Guam (Mr. UNDERWOOD), for his help in this matter, and I urge an aye vote.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. DOOLITTLE) that the House suspend the rules and pass the bill, H.R. 862, as amended.

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

The title was amended so as to read:

''A bill to direct the Secretary of the Interior to implement the provisions of an agreement conveying title to a distribution system from the United States to the Clear Creek Community Services District.''.

A motion to reconsider was laid on the table.

SLY PARK UNIT CONVEYANCE ACT

Mr. DOOLITTLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 992) to convey the Sly Park Dam and Reservoir to the El Dorado Irrigation District, and for other purposes, as amended.

The Clerk read as follows:

H.R. 992

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

SECTION 1. DEFINITIONS.

For the purpose of this Act, the term—

(1) ''Secretary'' means the Secretary of the Interior;

(2) ''Sly Park Unit'' means the Sly Park Dam and Reservoir, Camp Creek Diversion Dam and Tunnel, and conduits and canals as authorized under the American River Act of October 14, 1949 (63 Stat. 853), including those used to convey, treat, and store water delivered from Sly Park, as well as all recreation facilities thereto; and

(3) ''District'' means the El Dorado Irrigation District.–

SEC. 2. TRANSFER OF SLY PARK UNIT.

(a) IN GENERAL.—The Secretary shall, as soon as practicable after date of enactment of this Act and in accordance with all applicable law, transfer all right, title, and interest in and to the Sly Park Unit to the District.

(b) SALE PRICE.—The Secretary is authorized to receive from the District $2,000,000 to relieve payment obligations and extinguish the debt under contract number 14–06–200–949IR2, and $9,500,000 to relieve payment obligations and extinguish all debts associated with contracts numbered 14–06–200–7734, as amended by contracts numbered 14–06–200–4282A and 14–06–200–8536A. Notwithstanding the preceding sentence, the District shall continue to make payments required by section 3407(c) of Public Law 102–575 through year 2029.

(c) CREDIT REVENUE TO PROJECT REPAYMENT.—Upon payment authorized under subsection (b), the amount paid shall be credited toward repayment of capital costs of the Central Valley Project in an amount equal to the associated undiscounted obligation.

SEC. 3. FUTURE BENEFITS.

Upon payment, the Sly Park Unit shall no longer be a Federal reclamation project or a unit of the Central Valley Project, and the District shall not be entitled to receive any further reclamation benefits.

SEC. 4. LIABILITY.

Except as otherwise provided by law, effective on the date of conveyance of the Sly Park Unit under this Act, the United States shall not be liable for damages of any kind arising out of any act, omission, or occurrence based on its prior ownership or operation of the conveyed property.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. DOOLITTLE) and the gentleman from Guam (Mr. UNDERWOOD) each will control 20 minutes.

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

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

Mr. Speaker, for more than 14 years the Sly Park Unit conveyance has been a legislative proposal before the Congress. It has passed both the House and Senate several times in various forms.

Today we have before us what I consider a fair proposal to all interested parties in the legislation. The Sly Park Unit in California was originally authorized under the American River Act of October 14, 1949. Since the project was completed in 1955, the district has operated and maintained the facilities.

Additionally, the district has played a major role in providing a safe, clean, and community-oriented recreation area that offers camping, boating, swimming, picnicking, and fishing.

Since I became the chairman of the Subcommittee on Water and Power, it has been my intent to pursue legislation to shrink the size and scope of the Federal government through the defederalization of these assets.

This defederalization should be done for two reasons. First, in the case of Sly Park, the unit will be completely paid for prior to conveyance.

Second, the district has demonstrated for more than four decades their expertise and financial capability in managing this project more efficiently than the Federal government.

During the 105th Congress two congressionally-initiated Bureau of Reclamation transfer bills were signed into law that directed the Secretary of the Interior to convey all right, title, and

interest to the United States in and to specified project facilities.

It is contemplated that the Sly Park Unit will be maintained and managed after the transfer so that there would be no significant changes in operation and maintenance or in land and water use in the reasonably foreseeable future.

Once transfer takes place, the future management of the facility will be the responsibility of the new owners, with any changes made pursuant to all then applicable laws. It is the committee's expectation that the completion of the conveyance should take no longer than 18 months from the date of enactment.

To accomplish this end, we have received assurances from the Bureau of Reclamation that they will complete as expeditiously as possible the requirements of the National Environmental Policy Act, or NEPA.

Furthermore, it is the committee's expectation that the district will cooperate with the Bureau of Reclamation in the environmental process and in the administrative tasks necessary to complete the transfer. If the conveyance is not completed within 18 months from the date of enactment, the Secretary can be expected to pay 100 percent of the costs of complying with the requirements of NEPA incurred as a direct result of executing this title transfer.

If the conveyance occurs within 18 months, the Bureau of Reclamation should be expected to pay up to 50 percent of the costs of complying with the requirements of NEPA incurred as a direct result of executing this title transfer.

Again, I would like to thank my colleagues, especially the gentleman from California (Mr. MILLER), and the Bureau of Reclamation for their work in assuring the passage of this important legislation. I would urge an aye vote on the the bill.

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

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

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

Mr. UNDERWOOD. Mr. Speaker, the committee has for more than a decade been considering various proposals to transfer ownership of the Sly Park Unit of the Central Valley Project. Many of the proposals we have seen have been so controversial that it has been impossible to secure passage of a bill.

We finally have a bill that resolves the most contentious issues, and the majority has worked with the administration to reach agreement on language that ensures the environmental review process will not be waived.

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The bill provides a financial solution that reflects agreement with the Office of Management and Budget. The manager's amendment to H.R. 992 under consideration today no longer includes authority for the El Dorado Irrigation District to use tax exempt financing to pay off their remaining repayment obligations.

Under the bill as reported, Federal funds could be used to pay off this Federal debt. This inappropriate use of tax advantage funds municipal bond financing was opposed in dissenting views filed with the committee report, and it is appropriate that the offending language be removed from the bill.

Mr. Speaker, there have been significant and positive modifications to this legislation, and I understand that the administration now supports the bill, and we are prepared to support this legislation, H.R. 992, which is important for the gentleman from California (Mr. DOOLITTLE) in his district.

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

Mr. DOOLITTLE. Mr. Speaker, I, too, am pleased to confirm that the administration is now officially on record in support of this legislation. I urge an aye vote.

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

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from California (Mr. DOOLITTLE) that the House suspend the rules and pass the bill, H.R. 992, as amended.

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

A motion to reconsider was laid on the table.

SOLANO WATER IMPOUNDMENT AND CONVEYANCE ACT

Mr. DOOLITTLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1235) to authorize the Secretary of the Interior to enter into contracts with the Solano County Water Agency, California, to use Solano Project facilities for impounding, storage, and carriage of nonproject water for domestic, municipal, industrial, and other beneficial purposes.

The Clerk read as follows:

H.R. 1235

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

SECTION 1. USE OF SOLANO PROJECT FACILITIES FOR NONPROJECT WATER.

(a) AUTHORIZATION.—The Secretary of the Interior is authorized to enter into contracts with the Solano County Water Agency, or any of its member unit contractors for water from the Solano Project, California, pursuant to the Act of February 21, 1911 (43 U.S.C. 523), for—

(1) the impounding, storage, and carriage of nonproject water for domestic, municipal, industrial, and other beneficial purposes, using any facilities associated with the Solano Project, California; and

(2) the exchange of water among Solano Project contractors, for the purposes set forth in paragraph (1), using facilities associated with the Solano Project, California.

(b) LIMITATION.—The authorization under subsection (a) shall be limited to the use of that portion of the Solano Project facilities downstream of Mile 26 of the Putah South Canal (as that canal is depicted on the official maps of the Bureau of Reclamation), which is below the diversion points on the Putah South Canal utilized by the city of Fairfield for delivery of Solano Project water.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. DOOLITTLE) and the gentleman from Guam (Mr. UNDERWOOD) each will control 20 minutes.

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

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

Mr. Speaker, the city of Vallejo, California has tried to use its water supply facilities more efficiently, but has been limited by a provision in Federal law that prohibits the city from sharing space in an existing Federal water delivery canal. The city of Vallejo wants to wheel some of its drinking water through part of the canal serving California's Solano Project, a water project built by the Bureau of Reclamation in the 1950s. The city of Vallejo is prepared to pay any appropriate charges for the use of these facilities.

H.R. 1235 authorizes the Secretary of Interior to enter into contracts for the impounding, storage, and carriage of nonproject water using facilities associated with the Solano Project, California. In addition, any Warren Act contract affecting the Solano Project will be conducted with full compliance of all applicable environmental requirements.

I urge an aye vote on the bill.

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

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

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

Mr. UNDERWOOD. Mr. Speaker, H.R. 1235 was introduced on March 23, 1999, by the gentleman from California (Mr. GEORGE MILLER). The gentleman from California (Mr. GEORGE MILLER), our friend and colleague, is, of course, the senior Democrat on the Committee on Resources; but he also represents California's 7th Congressional District, which includes the city of Vallejo; and, unfortunately, he is not able to be with us at this time.

The city of Vallejo has requested congressional approval of its proposal to use excess capacity in a Bureau of Reclamation project canal to move part of its raw municipal water supply to a new water treatment plant. Legislation must be enacted because a limitation in Federal law currently prohibits the city in sharing space in an existing Federal water delivery canal.

Once this legislation is enacted, Vallejo will be able to negotiate and sign a so-called Warren Act contract to

wheel some of its water supply from its Lake Curry storage reservoir through a specific and limited part of the Putah South Canal. In doing so, Vallejo will be able to keep its current water permit active.

The Putah South Canal serves the Solano Project, constructed by the Bureau of Reclamation in the 1950s. Vallejo's proposal has been carefully negotiated by the Solano Water Authority and other Solano Project water users, including the City of Fairfield. Vallejo is prepared to pay all appropriate charges for the use of this facility. There will be no cost to the U.S.

Many California water agencies are becoming much more accustomed to using various facilities, some of them Federal, some State, some private, to facilitate the movement and transfer of water more efficiently around the State. There are both State and Federal initiatives to encourage more efficient water use, and many of the various CALFED programs focus on improved water management.

H.R. 1235 is part of that ongoing effort to bring some flexibility into our water management policies while continuing to meet important statutory, fiscal, and environmental requirements.

Execution of a Warren Act contract to benefit the city of Vallejo will require full compliance with Federal and State and environmental laws and regulations. We want to assure that no damage is done to the steelhead fishery that is returning to Suisun Creek or to other resources.

The record of the committee's consideration of H.R. 1235 includes correspondence from the Bureau of Reclamation, clearly indicating that all environment compliance requirements must be met before execution of a Warren Act contract to benefit the city of Vallejo. Those include the requirements of the National Environmental Policy Act of 1969, the California Environmental Quality Act, the Endangered Species Act, State Fish and Game Department regulations, and all other environmental mandates.

Mr. Speaker, H.R. 1235 is important to the city of Vallejo, and this legislation is not controversial.

I wish to congratulate the gentleman from California (Mr. GEORGE MILLER) on this important piece of legislation and thank the chairman for his cooperation and collaboration on this legislation. I urge my colleagues to support H.R. 1235.

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

Mr. DOOLITTLE. Mr. Speaker, I urge an aye vote, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. DOOLITTLE) that the House suspend the rules and pass the bill, H.R. 1235.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DOOLITTLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bills just passed, H.R. 862, H.R. 992, and H.R. 1235.

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

There was no objection.

ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT

Mr. BLILEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1714) to facilitate the use of electronic records and signatures in interstate or foreign commerce, as amended.

The Clerk read as follows:

H.R. 1714

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 ''Electronic Signatures in Global and National Commerce Act''.

TITLE I—VALIDITY OF ELECTRONIC RECORDS AND SIGNATURES FOR COMMERCE

SEC. 101. GENERAL RULE OF VALIDITY.

(a) GENERAL RULE.—With respect to any contract, agreement, or record entered into or provided in, or affecting, interstate or foreign commerce, notwithstanding any statute, regulation, or other rule of law, the legal effect, validity, or enforceability of such contract, agreement, or record shall not be denied—

(1) on the ground that the contract, agreement, or record is not in writing if the contract, agreement, or record is an electronic record; or

(2) on the ground that the contract, agreement, or record is not signed or is not affirmed by a signature if the contract, agreement, or record is signed or affirmed by an electronic signature.

(b) AUTONOMY OF PARTIES IN COMMERCE.—

(1) IN GENERAL.—With respect to any contract, agreement, or record entered into or provided in, or affecting, interstate or foreign commerce—

(A) the parties to such contract, agreement, or record may establish procedures or requirements regarding the use and acceptance of electronic records and electronic signatures acceptable to such parties;

(B) the legal effect, validity, or enforceability of such contract, agreement, or record shall not be denied because of the type or method of electronic record or electronic signature selected by the parties in establishing such procedures or requirements; and

(C) nothing in this section requires any party to use or accept electronic records or electronic signatures.

(2) CONSENT TO ELECTRONIC RECORDS.—Notwithstanding subsection (a) and paragraph (1) of this subsection—

(A) if a statute, regulation, or other rule of law requires that a record be provided or made available to a consumer in writing, that requirement shall be satisfied by an electronic record if—

(i) the consumer has separately and affirmatively consented to the provision or availability of such record, or identified groups of records that that include such record, as an electronic record; and

(ii) has not withdrawn such consent; and

(B) if such statute, regulation, or other rule of law requires that a record be retained, that requirement shall be satisfied if such record complies with the requirements of subparagraphs (A) and (B) of subsection (c)(1).

(c) RETENTION OF CONTRACTS, AGREEMENTS, AND RECORDS.—

(1) ACCURACY AND ACCESSIBILITY.—If a statute, regulation, or other rule of law requires that a contract, agreement, or record be in writing or be retained, that requirement is met by retaining an electronic record of the information in the contract, agreement, or record that—

(A) accurately reflects the information set forth in the contract, agreement, or record after it was first generated in its final form as an electronic record; and

(B) remains accessible, for the period required by such statute, regulation, or rule of law, for later reference, transmission, and printing.

(2) EXCEPTION.—A requirement to retain a contract, agreement, or record in accordance with paragraph (1) does not apply to any information whose sole purpose is to enable the contract, agreement, or record to be sent, communicated, or received.

(3) ORIGINALS.—If a statute, regulation, or other rule of law requires a contract, agreement, or record to be provided, available, or retained in its original form, or provides consequences if the contract, agreement, or record is not provided, available, or retained in its original form, that statute, regulation, or rule of law is satisfied by an electronic record that complies with paragraph (1).

(4) CHECKS.—If a statute, regulation, or other rule of law requires the retention of a check, that requirement is satisfied by retention of an electronic record of all the information on the front and back of the check in accordance with paragraph (1).

SEC. 102. AUTHORITY TO ALTER OR SUPERSEDE GENERAL RULE.

(a) PROCEDURE TO ALTER OR SUPERSEDE.—Except as provided in subsection (b), a State statute, regulation, or other rule of law may modify, limit, or supersede the provisions of section 101 if such statute, regulation, or rule of law—

(1)(A) constitutes an enactment or adoption of the Uniform Electronic Transactions Act as reported to the State legislatures by the National Conference of Commissioners on Uniform State Laws; or

(B) specifies the alternative procedures or requirements for the use or acceptance (or both) of electronic records or electronic signatures to establish the legal effect, validity, or enforceability of contracts, agreements, or records; and

(2) if enacted or adopted after the date of enactment of this Act, makes specific reference to this Act.

(b) LIMITATIONS ON ALTERATION OR SUPERSESSION.—A State statute, regulation, or other rule of law (including an insurance statute, regulation, or other rule of law), regardless of its date of enactment or adoption, that modifies, limits, or supersedes section 101 shall not be effective to the extent that such statute, regulation, or rule—

(1) discriminates in favor of or against a specific technology, process, or technique of creating, storing, generating, receiving, communicating, or authenticating electronic records or electronic signatures;

(2) discriminates in favor of or against a specific type or size of entity engaged in the business of facilitating the use of electronic records or electronic signatures;

(3) is based on procedures or requirements that are not specific or that are not publicly available; or

(4) is otherwise inconsistent with the provisions of this title.

(c) EXCEPTION.—Notwithstanding subsection (b), a State may, by statute, regulation, or rule of law enacted or adopted after the date of enactment of this Act, require specific notices to be provided or made available in writing if such notices are necessary for the protection of the safety or health of an individual consumer. A consumer may not, pursuant to section 101(b)(2), consent to the provision or availability of such notice solely as an electronic record.

SEC. 103. SPECIFIC EXCLUSIONS.

(a) EXCEPTED REQUIREMENTS.—The provisions of section 101 shall not apply to a contract, agreement, or record to the extent it is governed by—

(1) a statute, regulation, or other rule of law governing the creation and execution of wills, codicils, or testamentary trusts;

(2) a statute, regulation, or other rule of law governing adoption, divorce, or other matters of family law;

(3) the Uniform Commercial Code, as in effect in any State, other than sections 1-107 and 1-206 and Articles 2 and 2A;

(4) any requirement by a Federal regulatory agency or self-regulatory organization that records be filed or maintained in a specified standard or standards (including a specified format or formats), except that nothing in this paragraph relieves any Federal regulatory agency of its obligations under the Government Paperwork Elimination Act (title XVII of Public Law 105–277);

(5) the Uniform Anatomical Gift Act; or

(6) the Uniform Health-Care Decisions Act.

(b) ADDITIONAL EXCEPTIONS.—The provisions of section 101 shall not apply to—

(1) any contract, agreement, or record entered into between a party and a State agency if the State agency is not acting as a market participant in or affecting interstate commerce;

(2) court orders or notices, or official court documents (including briefs, pleadings, and other writings) required to be executed in connection with court proceedings; or

(3) any notice concerning—

(A) the cancellation or termination of utility services (including water, heat, and power);

(B) default, acceleration, repossession, foreclosure, or eviction, or the right to cure, under a credit agreement secured by, or a rental agreement for, a primary residence of an individual; or

(C) the cancellation or termination of health insurance or benefits or life insurance benefits (excluding annuities).

SEC. 104. STUDY.

(a) FOLLOWUP STUDY.—Within 5 years after the date of enactment of this Act, the Secretary of Commerce, acting through the Assistant Secretary for Communications and Information, shall conduct an inquiry regarding any State statutes, regulations, or other rules of law enacted or adopted after such date of enactment pursuant to section 102(a), and the extent to which such statutes, regulations, and rules comply with section 102(b).

(b) REPORT.—The Secretary shall submit a report to the Congress regarding the results of such inquiry by the conclusion of such 5-year period.

SEC. 105. DEFINITIONS.

For purposes of this title:

(1) ELECTRONIC RECORD.—The term ''electronic record'' means a writing, document, or other record created, stored, generated, received, or communicated by electronic means.

(2) ELECTRONIC SIGNATURE.—The term ''electronic signature'' means information or data in electronic form, attached to or logically associated with an electronic record, and executed or adopted by a person or an electronic agent of a person, with the intent to sign a contract, agreement, or record.

(3) ELECTRONIC.—The term ''electronic'' means of or relating to technology having electrical, digital, magnetic, optical, electromagnetic, or similar capabilities regardless of medium.

(4) ELECTRONIC AGENT.—The term ''electronic agent'' means a computer program or an electronic or other automated means used independently to initiate an action or respond to electronic records in whole or in part without review by an individual at the time of the action or response.

(5) RECORD.—The term ''record'' means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(6) FEDERAL REGULATORY AGENCY.—The term ''Federal regulatory agency' means an agency, as that term is defined in section 552(f) of title 5, United States Code, that is authorized by Federal law to impose requirements by rule, regulation, order, or other legal instrument.

(7) SELF-REGULATORY ORGANIZATION.—The term ''self-regulatory organization'' means an organization or entity that is not a Federal regulatory agency or a State, but that is under the supervision of a Federal regulatory agency and is authorized under Federal law to adopt and administer rules applicable to its members that are enforced by such organization or entity, by a Federal regulatory agency, or by another self-regulatory organization.

TITLE II—DEVELOPMENT AND ADOPTION OF ELECTRONIC SIGNATURE PRODUCTS AND SERVICES

SEC. 201. TREATMENT OF ELECTRONIC SIGNATURES IN INTERSTATE AND FOREIGN COMMERCE.

(a) INQUIRY REGARDING IMPEDIMENTS TO COMMERCE.—

(1) INQUIRIES REQUIRED.—Within 180 days after the date of the enactment of this Act, and biennially thereafter, the Secretary of Commerce, acting through the Assistant Secretary for Communications and Information, shall complete an inquiry to—

(A) identify any domestic and foreign impediments to commerce in electronic signature products and services and the manners in which and extent to which such impediments inhibit the development of interstate and foreign commerce;

(B) identify constraints imposed by foreign nations or international organizations that constitute barriers to providers of electronic signature products or services; and

(C) identify the degree to which other nations and international organizations are complying with the principles in subsection (b)(2).

(2) SUBMISSION.—The Secretary shall submit a report to the Congress regarding the results of each such inquiry within 90 days after the conclusion of such inquiry. Such report shall include a description of the actions taken by the Secretary pursuant to subsection (b) of this section.

(b) PROMOTION OF ELECTRONIC SIGNATURES.—

(1) REQUIRED ACTIONS.—The Secretary of Commerce, acting through the Assistant Secretary for Communications and Information, shall promote the acceptance and use, on an international basis, of electronic signatures in accordance with the principles specified in paragraph (2) and in a manner consistent with section 101 of this Act. The Secretary of Commerce shall take all actions necessary in a manner consistent with such principles to eliminate or reduce, to the maximum extent possible, the impediments to commerce in electronic signatures, including those identified in the inquiries under subsection (a) for the purpose of facilitating the development of interstate and foreign commerce.

(2) PRINCIPLES.—The principles specified in this paragraph are the following:

(A) Free markets and self-regulation, rather than government standard-setting or rules, should govern the development and use of electronic records and electronic signatures.

(B) Neutrality and nondiscrimination should be observed among providers of and technologies for electronic records and electronic signatures.

(C) Parties to a transaction should be permitted to establish requirements regarding the use of electronic records and electronic signatures acceptable to such parties.

(D) Parties to a transaction—

(i) should be permitted to determine the appropriate authentication technologies and implementation models for their transactions, with assurance that those technologies and implementation models will be recognized and enforced; and

(ii) should have the opportunity to prove in court or other proceedings that their authentication approaches and their transactions are valid.

(E) Electronic records and electronic signatures in a form acceptable to the parties should not be denied legal effect, validity, or enforceability on the ground that they are not in writing.

(F) De jure or de facto imposition of standards on private industry through foreign adoption of regulations or policies with respect to electronic records and electronic signatures should be avoided.

(G) Paper-based obstacles to electronic transactions should be removed.

(c) CONSULTATION.—In conducting the activities required by this section, the Secretary shall consult with users and providers of electronic signature products and services and other interested persons.

(d) PRIVACY.—Nothing in this section shall be construed to require the Secretary or the Assistant Secretary to take any action that would adversely affect the privacy of consumers.

(e) DEFINITIONS.—As used in this section, the terms ''electronic record'' and ''electronic signature'' have the meanings provided in section 104 of the Electronic Signatures in Global and National Commerce Act.

TITLE III—USE OF ELECTRONIC RECORDS AND SIGNATURES UNDER FEDERAL SECURITIES LAW

SEC. 301. GENERAL VALIDITY OF ELECTRONIC RECORDS AND SIGNATURES.

Section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c) is amended by adding at the end the following new subsection:

''(h) REFERENCES TO WRITTEN RECORDS AND SIGNATURES.—

''(1) GENERAL VALIDITY OF ELECTRONIC RECORDS AND SIGNATURES.—Except as otherwise provided in this subsection—

''(A) if a contract, agreement, or record (as defined in subsection (a)(37)) is required by the securities laws or any rule or regulation thereunder (including a rule or regulation of a self-regulatory organization), and is required by Federal or State statute, regulation, or other rule of law to be in writing, the legal effect, validity, or enforceability of such contract, agreement, or record shall not

be denied on the ground that the contract, agreement, or record is not in writing if the contract, agreement, or record is an electronic record;

''(B) if a contract, agreement, or record is required by the securities laws or any rule or regulation thereunder (including a rule or regulation of a self-regulatory organization), and is required by Federal or State statute, regulation, or other rule of law to be signed, the legal effect, validity, or enforceability of such contract, agreement, or record shall not be denied on the ground that such contract, agreement, or record is not signed or is not affirmed by a signature if the contract, agreement, or record is signed or affirmed by an electronic signature; and

''(C) if a broker, dealer, transfer agent, investment adviser, or investment company enters into a contract or agreement with, or accepts a record from, a customer or other counterparty, such broker, dealer, transfer agent, investment adviser, or investment company may accept and rely upon an electronic signature on such contract, agreement, or record, and such electronic signature shall not be denied legal effect, validity, or enforceability because it is an electronic signature.

''(2) IMPLEMENTATION.—

''(A) REGULATIONS.—The Commission may prescribe such regulations as may be necessary to carry out this subsection consistent with the public interest and the protection of investors.

''(B) NONDISCRIMINATION.—The regulations prescribed by the Commission under subparagraph (A) shall not—

''(i) discriminate in favor of or against a specific technology, method, or technique of creating, storing, generating, receiving, communicating, or authenticating electronic records or electronic signatures; or

''(ii) discriminate in favor of or against a specific type or size of entity engaged in the business of facilitating the use of electronic records or electronic signatures.

''(3) EXCEPTIONS.—Notwithstanding any other provision of this subsection—

''(A) the Commission, an appropriate regulatory agency, or a self-regulatory organization may require that records be filed or maintained in a specified standard or standards (including a specified format or formats) if the records are required to be submitted to the Commission, an appropriate regulatory agency, or a self-regulatory organization, respectively, or are required by the Commission, an appropriate regulatory agency, or a self-regulatory organization to be retained; and

''(B) the Commission may require that contracts, agreements, or records relating to purchases and sales, or establishing accounts for conducting purchases and sales, of penny stocks be manually signed, and may require such manual signatures with respect to transactions in similar securities if the Commission determines that such securities are susceptible to fraud and that such fraud would be deterred or prevented by requiring manual signatures.

''(4) RELATION TO OTHER LAW.—The provisions of this subsection apply in lieu of the provisions of title I of the Electronic Signatures in Global and National Commerce Act to a contract, agreement, or record (as defined in subsection (a)(37)) that is required by the securities laws.

''(5) SAVINGS PROVISION.—Nothing in this subsection applies to any rule or regulation under the securities laws (including a rule or regulation of a self-regulatory organization) that is in effect on the date of enactment of the Electronic Signatures in Global and National Commerce Act and that requires a contract, agreement, or record to be in writing, to be submitted or retained in original form, or to be in a specified standard or standards (including a specified format or formats).

''(6) DEFINITIONS.—As used in this subsection:

''(A) ELECTRONIC RECORD.—The term 'electronic record' means a writing, document, or other record created, stored, generated, received, or communicated by electronic means.

''(B) ELECTRONIC SIGNATURE.—The term ''electronic signature'' means information or data in electronic form, attached to or logically associated with an electronic record, and executed or adopted by a person or an electronic agent of a person, with the intent to sign a contract, agreement, or record.

''(C) ELECTRONIC.—The term 'electronic' means of or relating to technology having electrical, digital, magnetic, optical, electromagnetic, or similar capabilities regardless of medium.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. BLILEY) and the gentleman from Massachusetts (Mr. MARKEY) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia (Mr. BLILEY).

GENERAL LEAVE

Mr. BLILEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to insert extraneous material on the bill, H.R. 1714.

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

There was no objection.

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

Mr. Speaker, last year, the Committee on Commerce began an initiative to better understand the issues surrounding the Internet and electronic commerce. As part of this initiative, the committee held 11 hearings, focusing on a variety of electronic commerce issues.

One of the issues that was raised repeatedly at the hearings was the need to provide enforceability to electronic signatures and electronic records. This issue is really quite simple: Does an electronically signed contract formed over the Internet have the same legal validity as a paper contract with a handwritten signature? Do electronic records have the same legal effect as a paper record?

In most cases, the answer is either no or uncertain. The lack of legal certainty for electronic signatures and records has been cited for many in the e-commerce industry as a potential roadblock for the growth of electronic commerce. To address this issue, earlier this year I introduced H.R. 1714, the Electronic Signatures in Global and National Commerce Act, better known as E-SIGN.

The purpose of this legislation is to provide a uniform nationwide standard for electronic signatures and electronic records. It creates a minimum Federal standard to promote interstate commerce, but E-SIGN recognizes the efforts of States to enact their own uniform laws.

The bill we have before us today is the product of extensive research, careful examination of the issues, committee hearings and mark-ups, and extensive negotiations with our colleagues across the aisle and many other interested parties.

Finally, it is a recognition of a positive step that Congress can take to help electronic commerce and the new economy continue to grow.

Mr. Speaker, as many of my colleagues know, H.R. 1714 was first scheduled to be considered on the House floor 2 weeks ago. After discussions with the gentleman from Massachusetts (Mr. MARKEY), I asked that this bill be withdrawn from consideration so that we could continue negotiations with him and the gentleman from Michigan (Mr. DINGELL) over a number of outstanding issues.

The amended version of the bill as before us today is the product of lengthy negotiations with the Committee on Commerce minority and with the Committee on the Judiciary. As of the middle of last week, I believed that we had reached a substantive agreement on the text we are debating today.

Numerous changes were made to the text of the bill on a good-faith effort by me to address the legitimate concerns raised about the bill by some of our colleagues. These changes include adding a new opt-in provision to prevent consumers from being forced to use or accept electronic records. In addition, we added brand-new carve-outs prohibiting use of electronic records where those records are necessary for protection of a consumer's health, safety, and home.

Unfortunately, all of this hard work has fallen victim to partisan politics. The administration, after publicly supporting the need for electronic signature legislation, has decided that they must deny Congressional Republicans a victory on this important technology legislation.

It is my understanding that last week officials from the administration met with Members of the Democrat leadership in the House and persuaded some House Members to withdraw their support from H.R. 1714, despite the agreement we had reached and after many days of negotiations. This is a shame.

Since that time, many false and misleading charges have been made against H.R. 1714. The bill has come under attack by opponents of technology legislation who claim that H.R. 1714 would harm consumers. Mr. Speaker, these claims are absolutely false. The consumer provisions contained in H.R. 1714 keep in place all existing consumer protection laws and fully protect consumers.

Mr. Speaker, it is unfortunate that such an important technology bill has come under attack. If we want the Internet and electronic commerce to continue to grow, we must pass H.R. 1714 providing the much needed legal

certainty to electronic signatures and records.

H.R. 1714 is one of the most important high technology votes that this Congress will undertake. If my colleagues support the U.S. high-tech industry, they will vote yes on this bill.

A vote in support of H.R. 1714 is a vote in support of providing consumers with greater security and on-line transactions. It is a vote in support of allowing businesses to provide new and innovative services online.

I urge all of my colleagues to reject baseless charges against the bill and support H.R. 1714.

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

Mr. MARKEY. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I would just like to say that there really is not a gulf that exists between Democrats and Republicans over our support for electronic commerce. That is clearly something that the Committee on Commerce has been working on for the last 15 years. Every single bill has been able to be produced with near unanimity. It is clearly a tribute to our committee that we have been able to work together in that fashion.

At the full committee level, we worked closely with the majority on a bill that dealt with electronic signatures; and we really worked together in a very bipartisan fashion. Since the full committee, the whole notion of the bill has been broadened out to include records as well, another issue area that is quite complex but resolvable and one in which I thought that we had made enormous progress. In fact, I know we had made enormous progress through the end of last week.

It was clearly our intent to have worked with the majority to, once again, demonstrate our ability to work in a bipartisan fashion in this area. It was our hope that, at the end of the day, that would be the case.

I commend the gentleman from Virginia (Chairman BLILEY) for including a provision allowing consumers to decide whether to opt in to receive contractual documents in electronic form. This opt-in provision goes a long way towards ensuring that consumers do not unwittingly forgo existing protections under State and Federal law.

However, there were other issues that are also in play that include what kind of notice, whether it be conspicuous or otherwise, that consumers are entitled to under existing laws to receive these documents in writing.

So, again, we are quite regretful on this side because we clearly would like to support a piece of legislation that advances these goals and could be passed on a bipartisan near-unanimous vote out here on the floor. But at this point I have to regretfully ask the Members to vote no.

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

□ 1515

Mr. BLILEY. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. OXLEY), chairman of the Subcommittee on Finance and Hazardous Materials of the Committee on Commerce.

Mr. OXLEY. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in strong support of H.R. 1714, the Electronic Signatures in Global and National Commerce Act.

Commerce on the Internet is projected to grow exponentially to hundreds of billions of dollars in transactions in just a few years. Because the access to financial information has improved dramatically, the Internet poses significant opportunities for more Americans to become directly involved in the capital markets.

The Subcommittee on Finance and Hazardous Materials, which I chair, held hearings on this bill and passed it through subcommittee unanimously. This bill will provide a critical cornerstone for the electronic financial transactions in the next century.

The securities industry has responded to the new world of e-commerce with a proliferation of on-line trading brokers. Today, millions of Americans trade securities and manage their investments on-line. The cost savings to investors are significant. Full service brokerage can cost as much as $400 per trade. On-line brokerage costs less than $10 per trade at many firms.

The law needs to keep up with this significant technological development. H.R. 1714 brings legal certainty to electronic transactions. The legislation states that contracts shall not be deemed invalid because they are entered into electronically rather than the old-fashioned way, by handwritten signature.

One goal of this legislation is to allow customers to open accounts on line without mandating a physical signature on a brokerage agreement and mailing it back to the broker. Title III of this legislation modernizes securities laws by providing that requirements for a writing can be satisfied by an electronic signature with just a click of a button.

The legislation does not endorse any particular electronic authentication technology. We think that the market is the best place to decide that.

I want to commend the gentleman from Virginia (Mr. BLILEY) for his vision and introducing this critical legislation that will benefit the future of American economy. This is not just a bill that will benefit the American companies that develop new technology, it will also help American businesses, large and small, that use technology to develop and grow their business and provide new and innovative service to consumers.

Mr. Speaker, I urge Members to support this sound and worthwhile legislation, one of the key pieces of technology legislation this Congress will consider.

Mr. MARKEY. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota (Mr. VENTO).

Mr. VENTO. Mr. Speaker, I thank the gentleman for yielding me this time, and I, without equivocation, rise in strong opposition to this legislation.

I obviously understand the problem that the committee was trying to solve and the necessity to deal with electronic or e-commerce, and to try to provide the legal framework which would be workable for such transactions to go forward. That is an imperative that needs to be addressed in terms of this Congress and I am sure in subsequent Congresses. The fact of the matter is, though, that this bill, while being dealt with in the Committee on Commerce in the House and the Committee on the Judiciary, there was a reluctance to in fact provide the Committee on Banking and Financial Services with an opportunity to look at the legislation.

That in and of itself would be understandable if in fact the issues dealt with, in regards to consumer and consumer safeguards, were in fact properly dealt with in this legislation. This is not a jurisdictional fight on my part. In fact, I was quite surprised to see this bill on the calendar a couple of weeks ago. My impression was that it was a very narrow bill that dealt with some transactions and tried to, in fact, provide legal sanctity to an electronic signature, which, as I said, makes some sense. But in the process of going forward and reviewing the bill more closely, my recognition and understanding of this bill grew that it encompasses much more than simply an electronic signature.

In fact, this legislation would undermine some of the fundamental consumer laws that we have that relate to financial institutions and agreements, such as truth in lending, so an individual knows what his proper amount of interest is, and he would receive detailed information. They could opt for that electronically and, thereafter, that would be sufficient. Provided that that consumer did not make any other choice under this bill, they would never receive this as a paper document, in fact, it would only be an electronic record.

There are all sorts of problems that could go down. The assumption here is that someone is going to have a computer and be on the Internet forever; that the format is not going to change; that the printer works; that there is paper in the printer. There are many other assumptions that simply do not fit in terms of what the consequence would be with regards to consumers.

I have already mentioned truth in lending. The Real Estate Sales Practices Act, RESPA law is another one, the Real Estate Sales Practices Act, where an individual gets a preliminary set of documents that estimates what the costs are going to be for closing when a home is purchased, and then a

final set of documents at that closing. Again, this paperwork is absolutely paramount for people to understand some of the most important transactions that they become involved with with regards to their financial affairs.

I note that there are some provisions in the law that are accepted, and some opportunity for States to step in after this bill is enacted, provided they pass a whole series of legislation or laws that address specifically some of the concerns that they now have in force and effect as State laws. The consequence, of course, is all subjected to the fact that any interpretation of differences between having things on paper or having an electronic form could be subject to and considered discrimination under the Federal law that is being written and proposed on this floor today; so that this State reservation is much depreciated if in fact it exists at all under this measure.

So the consequences may very well be, in some cases, meaningless under that interpretation of the law. Furthermore, of course, the States themselves, the National Conference of State Legislatures, the Office of State-Federal Relations, has issued a strong objection to this bill; that it preempts State consumer protections in contract law, just as I feel it preempts and does not treat properly some of the Federal laws that occur with regards to truth in lending and RESPA and many other laws that are in force and effect that represent safeguards and information and it is imperative that consumers have such information.

Of course, the out here is that consumers may in fact ''opt out,'' or ''opt in'' to suggest that they do not want this information in a paper form. But I would suggest to my colleagues that the relationship between a financial institution granting a loan, granting a mortgage, and that of a consumer is not exactly equal. That is to say when I go in for a loan, I am trying to keep that banker happy so that he would make that loan to me. I think it is pretty well understood that in order to do that, we want to make it as convenient for the banker and perhaps for ourselves at that moment. But that moment of convenience may well result in a lack of understanding with regards to what the consequences and the costs of these transactions would be to those individual consumers.

And, of course, throughout this there is this ability of the individual to waive his or her rights with regards to paper transactions and records in this measure. No paper record, no documentation, I think that that is folly. I think it is a big mistake.

I think that based on where we are at today, with the administration being opposed to this bill, many, many consumer groups voicing their opposition to it, including the National Consumer Law Center, the Consumer Federation of America, groups like the United Auto Workers, Consumer Union, Consumer Action, U.S. PIRG, the National Conference of State Legislatures, as I mentioned, the National Center on Poverty Law, and many others opposed to this, I think to bring a bill up like this on suspension is to make, in a sense, a mockery of the importance of the subject matter and the ability of Members to shape and form legislation of this import to the American consumer and to our constituents.

Mr. Speaker, I thank the gentleman for his generous yielding of time to me, and I urge opposition to this bill.

Mr. BLILEY. How much time do I have left, Mr. Speaker?

The SPEAKER pro tempore (Mr. PETRI). The gentleman from Virginia (Mr. BLILEY) has 13 minutes remaining.

Mr. BLILEY. Mr. Speaker, I yield 5 minutes to the gentleman from Northern Virginia (Mr. DAVIS), the original cosponsor of the bill.

(Mr. DAVIS of Virginia asked and was given permission to revise and extend his remarks.)

Mr. DAVIS of Virginia. Mr. Speaker, I rise today to voice my strong support for H.R. 1714. As an original cosponsor, I am pleased to stand here today with my colleague, the gentleman from Virginia (Mr. BLILEY), to urge my colleagues to vote in favor of legislation that I think is the critical first step in reconciling our legal system with modern day technology. The E-SIGN bill is essential to fostering the continued growth of electronic commerce that is propelling America's economy and our prosperity in the Information Age.

Electronic commerce has been growing at a tremendous pace, with the number of Americans with access to the Internet increasing nearly 900 percent since early 1993. In 1998, electronic commerce generated more than $300 billion in U.S. revenue and was responsible for over 1.2 billion jobs as of 1998. One estimate places the dollar volume of business-to-business electronic commerce in 1998 at $27.4 billion, and the projected volume for 1999 is $64.8 billion. Those numbers are expected to quadruple in the next 2 years alone. Consumer on-line sales have reached more than $7 billion this year and are expected to exceed $40 billion by 2002. If the trend continues, it is likely these predictions are conservative.

The need for legal certainty and uniformity of laws is compelling if we are to encourage the continued growth of electronic commerce. One of the biggest barriers to the explosion of electronic commerce as the marketplace of the 21st century is the lack of certainty surrounding the legal acceptance of electronic signatures used in conducting on-line contracts or agreements. With the Internet as the communications network of the future, increasing its use depends on developing and retaining consumer and business confidence in this unique problem.

Although 44 States have already enacted legislation that would recognize digital signatures, the differences among these States and the lack of legislation in others are an impediment to the growth of e-commerce because many parties are unwilling to risk entering into contracts on line without the certainty that those signatures are legally binding nationally. H.R. 1714 establishes a single standard for the acceptance of electronic signatures and records and will give both businesses and consumers the same confidence in the legal validity of an on-line agreement that they have today in a written, binding agreement signed by two or more contracting parties.

Another critical feature of this legislation is the balance it strikes between encouraging growth in electronic commerce and minimizing the role that the Federal Government plays in the marketplace. In addition to the gap this measure fills in establishing a uniform standard, what is equally important is that this legislation does not entrench specific electronic signature technologies by dictating what methods will be used for verifying and validating digital signatures and records. Instead, the E-SIGN bill allows the parties to set their own procedures for using electronic signatures and electronic records in interstate commerce. As a result, when the future brings new technologies it will be the marketplace, not government regulations, that drives the development of those that succeed.

A vote for this legislation is a vote for technology and a vote for ensuring the evolution of Internet commerce and the vitality of the American economy. For this reason, I urge my colleagues to support the legislation.

Mr. Speaker, I want to take a second, if I can, to respond to some of the charges coming from the other side that this legislation contains anti-consumer provisions.

I have heard that this preempts existing consumer protection laws; I have heard that this legislation will force consumers into electronic transactions; I have heard this will discriminate against consumers that do not have computer access. These claims are false.

First, consumers are absolutely free to choose or not choose to enter into electronic transactions. This bill clearly states that nothing requires any party to use or accept electronic records or electronic signatures. This bill simply offers consumers the option, by mutual consent, to use electronic transactions should both parties determine that to be their preference.

If a consumer does choose to conduct an on-line transaction, that consumer is protected by the underlying Federal or State laws governing that transaction. If a State law requires that a notice or disclosure be made in writing, then those traditional writings must continue to be delivered from the consumer. Nothing in this bill will nullify such existing State consumer protection laws.

For example, if a law requires that a consumer be provided a copy of a warranty when purchasing an appliance,

that consumer has to receive a copy of that warranty, whether that consumer is at a shopping mall or on line. This bill does absolutely nothing to alter this long-established principle.

However, before a consumer can receive an electronic copy of a warranty, a consumer has to separately and affirmatively consent to receive that document electronically. That is, a consumer specifically must approve of receiving electronic documents in that portion of a contract or agreement, telling the consumer that documents he or she should receive electronically may not be buried in the fine print.

□ 1530

If the consumer wants to receive a traditional paper warranty, he is absolutely entitled to under this rule and under this bill. But if a consumer consents to receive such documents electronically, as I think many of my constituents would like to do, that does not mean that they may never return to receiving paper documents should they so wish. A consumer could withdraw the consent to electronic documents at any time.

There are two main subsections in the consent portion of the bill that explicitly constitute a consumers assent in the bill. One of these critical subsections mandates that once the consumer withdrawals his consent to receive documents electronically, the materials must be delivered in the traditional paper writing.

Finally, H.R. 1714 requires that electronically delivered documents must accurately reflect the information agreed to at the time of the transaction. In addition, any electronic copy of a contract or document must be able to be printed or saved for future use by a consumer.

In sum, the allegations that H.R. 1714 contains anti-consumer ideas are unfounded. We have worked very hard throughout the process to reach consensus with both sides of the aisle and are confident that this bill represents a solid balance between protecting consumers and entering into agreements in the electronic arena.

Mr. Speaker, it is vitally important for consumers to have safety, security and privacy in their online transactions. If consumers do not feel comfortable using this new technology, they will abandon it.

I believe that the consumer provisions of H.R. 1714 will help consumers to feel comfortable when conducting online transactions. They will have the information they need to make an informed decision, and they will have the right to accept, if they so choose, important documentation in electronic format.

I urge all of my colleagues to support this important legislation that will help to promote the growth of electronic commerce and at the same time protect consumers in online transactions.

Mr. MARKEY. Mr. Speaker, I would inquire of the Chair how much time is remaining on either side.

The SPEAKER pro tempore (Mr. PETRI). The gentlemen have 11½ minutes remaining.

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

Mr. Speaker, I would first like to include for the RECORD the Statement of Administration Policy on this bill. They oppose it in specific particulars, and I would like at this point for it to be included in the RECORD.

H.R. 1714.—ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT

The Administration strongly opposes House passage of the revised version of H.R. 1714, the ''Electronic Signatures in Global and National Commerce Act.'' The Administration believes that electronic commerce can provide substantial benefits to consumers, and seeks to foster the expansion of this medium. Secure electronic signatures can play an important role in this area, and the Administration supports their development and dissemination. However, the Administration also believes strongly that individuals should have no fewer consumer protections in the on-line world than they do in other forms of commerce. That disparity could undermine consumer confidence in electronic commerce, and impede the growth of this important new medium of trade. While some improvements have been made, H.R. 1714 still goes well beyond what is necessary to facilitate electronic commerce, and unnecessarily deprives consumers of important protections.

The Administration believes that Federal legislation is appropriate to ensure the validity of electronic agreements entered into by private parties under State law before the States have an opportunity to enact the Uniform Transactions Act (UETA). We therefore support the bill's provisions affirming the legal validity of contracts that are memorialized and signed in electronic form.

The Administration also believes, as noted, that consumers must be granted the same protections on-line that they currently receive off-line under existing laws and regulations. Unfortunately, many Americans today do not enjoy reliable and regular access to the Internet. To ensure that an electronic disclosure will have the same impact upon consumers on-line as paper disclosure has now, regulators must have the authority to make sure that electronic notices and disclosures will actually reach and be understood and retained by consumers. H.R. 1714 also would allow businesses to condition credit or other services on a consumers' consent to notices or disclosures—even when the consumer is incapable of receiving or retaining them. The Administration strongly objects to this bill on several grounds.

First, the bill purports to protect consumers by requiring them to ''separately and affirmatively'' consent to the use of electronic records. Unfortunately, this provision requires just an additional paragraph of small print in the form contract prepared by a business. The notice to the consumer need not be conspicuous, the consumer need not be told of his or her right to obtain information in the form required by law, and the consumer need not be told which specific records would be affected. More fundamentally, these current law notice and disclosure requirements were created to protect vulnerable consumers allowing businesses to redefine the protections based on ''consent''—something that businesses may not do with respect to paper transactions—is thus an open invitation to consumer deception on a broad scale.

Second, the scope of the bill's preemption is unjustifiably broad. Neither the States nor Federal regulators will have any ability to eliminate the abuses that may occur when electronic records are used. With respect to Federal regulators, the bill by its terms eliminates all such authority. With respect to the States, the bill's grant of authority is illusory because it prohibits (in section 102(b)(4)) any State action inconsistent with the bill's provisions, leaving the States powerless to curb any abuse that the bill itself fails to prevent.

Third, the bill overrides all Federal and State laws or regulations concerning notices necessary for the protection of safety, shelter or health (there is a narrow exception for notices relating to the termination of utility services, eviction or foreclosure of a primary residence, or the termination of health or life insurance). Although the States are permitted to reinstate such regulations, the bill creates a gap in protection—in the critical area of safety and health—for the several years that inevitably will elapse before these rules can be reenacted. Federal agencies have no power to reinstate any Federal notice and disclosure requirements needed to protect health, safety, or shelter.

Fourth, the bill recognizes the importance of preserving Federal regulations by requiring certain entities (including banks and other financial institutions) to file or maintain records in a specified form, but fails to ensure that regulators' safety and soundness authority will continue to allow the establishment of minimum standards for computer security and interoperability. The bill also preempts all State laws and regulations regarding the maintenance of records. As a result, entities regulated under state law, such as insurance companies, will be able to decide for themselves how to maintain information, thereby undermining regulators' ability to ensure the soundness of these institutions and to detect violations of the laws and regulations governing them.

Fifth, the bill contains a provision (adding section 3(h)(1) to the Securities Exchange Act of 1934) that appears to preempt State and Federal record and signature requirements, including those applicable to forms required under Federal and State tax laws and regulatory statutes such as ERISA (existing Federal securities law requirements are exempted from this broad waiver). This means that the securities industry would have the right to force Federal and State agencies to accept electronically signed documents immediately, even if, for example, the agency has not yet implemented an electronic filing system. Title I of H.R. 1714 appears to preserve filing requirements in Federal regulations (but not statutes) and in State laws, and we see no justification for establishing a special preferential rule for the securities industry.

Finally, the bill contains other technical and drafting flaws likely to create the very confusion that it is supposed to eliminate.

Mr. Speaker, this is a very interesting point that we have reached in the history of electronic commerce. We, in negotiating in good faith over the last month, had reached a point where most of the good players, most of the honest business people in the electronic commerce world had signed off or were close to signing off on protections for consumers.

Most of them know, all of the good business people know, that the continued growth of electronic commerce is not contingent upon the ability of businesses online to be able to perpetrate fraud on consumers. They know that.

There are some, of course, that like to hide in cyberspace, like to disappear into this veil of spectrum or fiber optic that makes it very difficult for the legal authorities to be able to track them down when they have harmed consumers. And it is at those particular entities that we would be targeting any consumer protections.

But again, let it be known that we had reached pretty near agreement with most of the major players in the industry across the board on these consumer protections. And that is really all it was, it is to create the same kind of a balance in cyberspace that exists in the real world, the same kind of comfort level that people would have to go online with their money, with their credit card to know that they would be paid respect by merchants online in terms of the notification, the records, the confidence that an individual could have.

My hope is that, as we move forward, we will be able to work with the majority once again and with the outside parties towards establishing that balance.

I am afraid that the administration is today indicating that they would be likely not to support, even to veto, this legislation in its present form.

I would prefer to be negotiating without the administration around. We do it on a bipartisan basis. We produce legislation. Hopefully, that is the way in which the bill will proceed from this point on.

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

Mr. BLILEY. Mr. Speaker, I yield 1½ minutes to the gentleman from Utah (Mr. Cannon).

Mr. CANNON. Mr. Speaker, I rise today in support of H.R. 1714, the Electronic Signatures in Global and National Commerce Act. I commend the gentleman from Virginia (Chairman BLILEY) for his work on this important legislation.

There are still differing opinions between various camps and committees, but I commend the chairman and the House leadership for bringing this legislation to the floor.

Mr. Speaker, electronic commerce is expanding exponentially. The Commerce Department recently estimated that retail sales might exceed $40 billion by the year 2002 and that all electronic commerce, including business-to-business activity, may exceed $1.3 trillion in the next couple of years.

This legislation embraces the model State law called the Uniform Electronic Transactions Act, UETA for short. Until all 50 States can act to approve UETA, parallel Federal legislation must be adopted to fill the commercial gap. It must be possible to sign an agreement electronically with the confidence which has historically been given to handwritten signature.

UETA and H.R. 1714 embrace the same principles: first, uniformity across State lines in order to provide for reliability and predictability on the part of businesses and consumers alike; second, technological neutrality to allow for the development of new and more efficient and less costly delivery systems; third, party autonomy so that the parties to agreements can decide between themselves how they wish to verify or enforce electronic agreements just as they now do with traditional commercial settings.

Mr. Speaker, H.R. 1714 is minimalist in its effects and merely provides for the legal validity of electronic signatures under conditions as agreed to by the parties and permitted under State law.

I urge my colleagues to support this legislation.

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

Mr. BLILEY. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. MORAN).

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

Mr. Speaker, I want to say to my very good friends from Massachusetts and Minnesota that I know their hearts are in the right place and they want to do what they consider to be the right thing for consumers. But I rise in support of this bill.

A number of things have to be underscored. For one, the signature is only valid if it is done by mutual consent. Both parties have to agree. Number two, there is legal recourse in the event of any kind of fraudulent action. Number three, we have all the accountability that we have really under hardcover signatures. Number four, it is already being done.

So the real question is, do we act now ahead of the curve, or do we wait and play catch up just as we did with financial services modernization, which came more than 10 years after the entire financial services industry had already modernized.

I remember when I was on the Committee on Banking and Financial Services a decade ago looking at the possibility for modernizing the financial services industry. We knew it was going to happen anyway and we should try to influence the process on the side of consumers.

But, no, what we have done over the last 10 years is to stand in the way of what was considered modernization, and so the industry modernized itself. And now we finally have a financial services modernization bill after the fact. And that is what is going to happen with digitalized signatures. We can stay by the sidelines, watch it happen, and then after the fact ratify it as though we played a role. I think we could play a constructive role at the beginning by authorizing this legislation now.

The fact is that we have now more than half of the households in every metropolitan area that are online. In Northern Virginia 60 percent of all the households are online. They are doing these transactions. They ought to be. They are legal. We ought to ratify it. We ought to be really in front instead of behind the curve. And that is why I support the bill.

Mr. MARKEY. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Mr. Speaker, I hope both the gentleman from Virginia (Mr. BLILEY) and the gentleman from Virginia (Mr. MORAN) who just spoke will listen.

This is a remarkable exercise. We have been discussing with our good friends on the majority side to find out what was in the legislation on Friday. We thought we were very close to an understanding.

We find today that the bill has been changed. We find that it is quite different than it was the other day. We find that consumer protections have been removed, reduced without any consultation with the minority.

This is most curious. I am not sure whether it can be called good faith or not. Normally I would not. I can understand the gentleman being enthused because perhaps he has constituents who likes this. But I happen to like the truth, and I happen to like fair dealing and I like to know what I am doing.

If the gentleman knows what he is doing, then he should by all means support this. He does not, and I do not. And I am not convinced that the majority knows.

I am convinced of one thing, that it is bad practice and it does not comport with the traditions of the House of Representatives to negotiate, come to general understandings, and then to repudiate those understandings by changing without discussion with the other side. That is what has happened here.

There is not such enormous haste that we have to vote for something on a suspension of the rules when we had seen the arrangements made changed; when we have seen consumer protections eroded, eradicated, and reduced; and when we have seen a situation where we are told, take it or leave it, fellows, they have got a two-thirds vote, and they cannot have any opportunity to make any changes in the content of the legislation.

That is the issue before us. The issue is should we support the majority in this high-handed fashion or should we proceed to say, fellows, we will go for this and we will work together on a piece of legislation which, in fact, reflects honest negotiation on a matter in which the two sides are generally in agreement.

My consult to my colleagues on this side of the aisle, Democratic Members, and indeed to my friends on the other side is let us take enough time to, first of all, know what we are doing. Second of all, let us take enough time to deal fairly with each other. Third of all, if we are going to go ahead and do something which involves significant legislative action, let us deal fairly with the consuming public. None of those things have been done here.

Now, I do not know whether this is haste or whether it is bad faith. I do know that this does not reflect the kind of behavior that I always thought the House of Representatives should practice. And I do not think that this represents the kind of conduct that reflects well on this body or on the majority side.

I am certainly happy to conclude this matter in an honorable and a proper fashion. I have to say that the way in which this is handled does not give evidence of that kind of behavior.

We do not know what is in this legislation. The majority of the Members who are on that side do not know what is in the legislation. It is not because we have not worked diligently with the majority, but it is simply because the majority has chosen in midstride to change the way the legislation is done.

Mr. MORAN of Virginia. Mr. Speaker, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from Virginia.

Mr. MORAN of Virginia. Mr. Speaker, I thank the distinguished gentleman for yielding to me so that I can explain to him that I have no contributor who has ever asked me to support this legislation, just to clarify for the RECORD in response to your earlier implication.

Mr. DINGELL. Mr. Speaker, reclaiming my time, I am not talking about that.

Now if the gentleman could tell me he knows what he is doing, I will be quite comforted in his assertions to the body.

The simple fact of the matter is this is not the kind of practice that reflects credit on the House of Representatives.

I am urging my colleagues on this side to reject this legislation. We will be happy to negotiate with our friends on the Republican side and come to some conclusion. But negotiation does not mean bringing this thing up in this kind of haste, not without anyone having proper notice, without anybody having proper understanding, and with proceedings, which have gone on somewhere, where the matter has been changed so that it does not reflect the negotiations which were going on earlier.

Now, it may be the Republicans are in desperate haste to get out of here. That is just possible. Frankly, if I were doing the kind of job they are doing, I would be in desperate haste to get out of here, too, because I know there are people back home just wanting me to explain to them just what in the name of common sense I had been doing in Washington while I was supposedly representing their interests.

In a nutshell, this matter should be rejected. We have time enough to come back and consider it under more favorable circumstances and under a process that reflects more credit on the House.

Mr. MARKEY. Mr. Speaker, I yield 2 minutes to the gentleman from Connecticut (Mr. CONYERS), the ranking Democrat on the Committee on the Judiciary.

Mr. CONYERS. Mr. Speaker, I would like to join in the comments of the gentleman from Michigan (Mr. DINGELL), the dean of the House of this body.

Of course we would all like to see passage of an e-commerce bill that would promote commercial transactions over the Internet. But an e-commerce bill should not be a grab bag for insurance, financial, or other special interests to hurt consumers. I think that is the underlying discussion that has been developed here today.

It should not be a vehicle for Congress to tell the States that all of a sudden they are unable to enact contract law on their own in the area of e-commerce. Consumer laws requiring notice and disclosure in writing are being undermined.

This measure would allow unsavory merchants to trick consumers into clicking away many of their rights under the laws.

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The measure, H.R. 1714, stands for the proposition that States are unable to enact their own laws and may not reinstate many additional consumer protections. It further undermines key Federal and State regulatory requirements to prevent fraud and abuse. And so an e-commerce that would be a win-win situation for all, that should make it easier for consumers to buy goods and services more quickly from a broader group of businesses and should allow businesses new methods of reaching more people, doing all these things, frankly, is not a hard bill to write.

But the bill that the Commerce majority seeks to put on the floor at this time is not such a bill. Rather than a carefully drawn bill that balances the equities, the bill unnecessarily undermines key laws that protect consumers and prevent fraud, all to please the special interests.

Join me in a negative vote on this measure.

Mr. MARKEY. Mr. Speaker, I yield 45 seconds to the gentleman from Minnesota (Mr. VENTO).

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

I just wanted to point out to my colleague from Virginia when he commented that States can come back and reenact all these laws that are in fact set aside by this measure, that in fact there are provisions in the bill that deal with discrimination and other factors which are screens which may well prevent States from reasserting such requirements and printed documentation.

I would just point out that there is no assurance in this bill that the consumer who even has a computer is on the Internet. Once you send a message out on the Internet like a car warranty recall, the fact is, for brakes or some other major problem, you have no way of knowing whether or not that in fact that has been received by an adult or even the household intended. We know, today, they find us when we have recalls on the automobiles and that is an important factor and points out the practical unworkable aspect of this bills policy. These are just some of the many, many problems that have not been thought through with this bill. I think it is improper to consider this in this particular suspension format. If we do not understand all aspects of it, that is because it has been a moving target for the last 2 weeks as my colleagues well know. It deserves richly to be defeated today, Mr. Speaker.

Mr. MARKEY. Mr. Speaker, I yield myself the balance of my time.

I do so again to urge my colleagues reluctantly to oppose this bill. It does not have the balance which it needs in order to ensure that while we advance the electronic commerce revolution which is transforming the American economy, that simultaneously we are able to deal with the sinister side of cyberspace, we are able to deal with those that would engage in the same kind of anticonsumer activity that we have passed laws in our country over the last 30 years to protect against in the real world. And so the recommendation that we have to give is to vote ''no'' on this bill at this time but with the promise that we are going to work on a bipartisan basis to work out something which is deserving of the support of every Member of the House.

Mr. BLILEY. Mr. Speaker, I yield myself the balance of my time.

First I would like to say I am sorry the gentleman from Michigan is not on the floor, but we pulled this bill 2 weeks ago in order to work with the gentleman from Massachusetts and the gentleman from Michigan. The changes that were made in the bill were made to accommodate their concerns. I thought on Friday that we had pretty much agreement. However, the White House came down and met with the minority leader, and the ranking member then announced that he could not support the bill. But to say that we have not worked in good faith is a gross misrepresentation. We have done everything we could to work. But we only have a few days left in this session and we wanted to get this bill moving.

I cannot understand why the White House would come down and object at this time. The bill has not passed over in the Senate. Then we have got to go to conference. There is plenty of time to work out any concerns that they might have.

But let me also point out the supporters of this legislation: The Business Software Alliance, the Securities Industry Association, the American Council of Life Insurers, Information Technology Association of America, Information Technology Industry Council, Telecommunications Industry Association, National Retail Federation, National Association of Manufacturers, Charles Schwab and Company, DLJ Direct, Investment Company Institute, America Online, Microsoft, Ford Motor Credit, IBM, EquiFax, the U.S. Chamber of Commerce, and I might add they have targeted this vote, and a host of others. It is purely voluntary as my good friend and original cosponsor the gentleman from Virginia (Mr. DAVIS)

pointed out between consenting parties. Nobody is being coerced into accepting anything. All of the consumer laws are protected.

I ask the Members to support this legislation.

Ms. ESHOO. Mr. Speaker, today the House is taking an important step to bring our Nation's laws in line with the explosive growth of E-commerce.

In 1997 my office was the first to establish a virtual district office in the Congress. I quickly realized my constituents were not permitted to provide their authorization for any casework with an electronic signature.

Subsequently, I introduced the first piece of legislation addressing the issue of electronic signatures during the 105th Congress and succeeded in passing this bill into law. The legislation requires Federal agencies to make Government forms available online and accept a person's electronic signature on these forms.

Following on this success, I introduced a bill in the 106th Congress to expand the legality of electronic signatures to the private sector. Today, we're voting on a bill that Chairman BLILEY introduced which attempts to accomplish the same goal as H.R. 1320.

The Congress must ensure that there are no roadblocks impeding the growth of E-commerce. E-commerce is expected to generate over $1.3 trillion worth of business by 2003. Our laws should not impede this staggering growth so we must act to bridge the gap between now and the time when every State has passed an updated form of the Uniform State Law Code.

This legislation encourages States to pass a uniform law so that our Nation's consumers and businesses will not have to face 50 different sets of regulations to engage in E-commerce. I am concerned about the electronic records provisions in this bill, and hope that with further work, these concerns will be ironed out by conferees.

For these reasons, I urge my colleagues to support H.R. 1714. Our Nation's economy will be the beneficiary.

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

The SPEAKER pro tempore (Mr. BARTON of Texas). The question is on the motion offered by the gentleman from Virginia (Mr. BLILEY) that the House suspend the rules and pass the bill, H.R. 1714, as amended.

The question was taken.

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

The yeas and nays were ordered.

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

DISTRICT OF COLUMBIA COLLEGE ACCESS ACT

Mr. DAVIS of Virginia. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 974) to establish a program to afford high school graduates from the District of Columbia the benefits of in-State tuition at State colleges and universities outside the District of Columbia, and for other purposes.

The Clerk read as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''District of Columbia College Access Act of 1999''.

SEC. 2. PURPOSE.

It is the purpose of this Act to establish a program that enables college-bound residents of the District of Columbia to have greater choices among institutions of higher education.

SEC. 3. PUBLIC SCHOOL PROGRAM.

(a) GRANTS.—

(1) IN GENERAL.—From amounts appropriated under subsection (i) the Mayor shall award grants to eligible institutions that enroll eligible students to pay the difference between the tuition and fees charged for in-State students and the tuition and fees charged for out-of-State students on behalf of each eligible student enrolled in the eligible institution.

(2) MAXIMUM STUDENT AMOUNTS.—An eligible student shall have paid on the student's behalf under this section—

(A) not more than $10,000 for any 1 award year (as defined in section 481 of the Higher Education Act of 1965 (20 U.S.C. 1088)); and

(B) a total of not more than $50,000.

(3) PRORATION.—The Mayor shall prorate payments under this section for students who attend an eligible institution on less than a full-time basis.

(b) REDUCTION FOR INSUFFICIENT APPROPRIATIONS.—

(1) IN GENERAL.—If the funds appropriated pursuant to subsection (i) for any fiscal year are insufficient to award a grant in the amount determined under subsection (a) on behalf of each eligible student enrolled in an eligible institution, then the Mayor shall—

(A) first, ratably reduce the amount of the tuition and fee payment made on behalf of each eligible student who has not received funds under this section for a preceding year; and

(B) after making reductions under subparagraph (A), ratably reduce the amount of the tuition and fee payments made on behalf of all other eligible students.

(2) ADJUSTMENTS.—The Mayor may adjust the amount of tuition and fee payments made under paragraph (1) based on—

(A) the financial need of the eligible students to avoid undue hardship to the eligible students; or

(B) undue administrative burdens on the Mayor.

(3) FURTHER ADJUSTMENTS.—Notwithstanding paragraphs (1) and (2), the Mayor may prioritize the making or amount of tuition and fee payments under this subsection based on the income and need of eligible students.

(c) DEFINITIONS.—In this section:

(1) ELIGIBLE INSTITUTION.—The term ''eligible institution'' means an institution that—

(A) is a public institution of higher education located—

(i) in the State of Maryland or the Commonwealth of Virginia; or

(ii) outside the State of Maryland or the Commonwealth of Virginia, but only if the Mayor—

(I) determines that a significant number of eligible students are experiencing difficulty in gaining admission to any public institution of higher education located in the State of Maryland or the Commonwealth of Virginia because of any preference afforded in-State residents by the institution;

(II) consults with the Committee on Government Reform of the House of Representatives, the Committee on Governmental Affairs of the Senate, and the Secretary regarding expanding the program under this section to include such institutions located outside of the State of Maryland or the Commonwealth of Virginia; and

(III) takes into consideration the projected cost of the expansion and the potential effect of the expansion on the amount of individual tuition and fee payments made under this section in succeeding years;

(B) is eligible to participate in the student financial assistance programs under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.); and

(C) enters into an agreement with the Mayor containing such conditions as the Mayor may specify, including a requirement that the institution use the funds made available under this section to supplement and not supplant assistance that otherwise would be provided to eligible students from the District of Columbia.

(2) ELIGIBLE STUDENT.—The term ''eligible student'' means an individual who—

(A) was domiciled in the District of Columbia for not less than the 12 consecutive months preceding the commencement of the freshman year at an institution of higher education;

(B) graduated from a secondary school or received the recognized equivalent of a secondary school diploma on or after January 1, 1998;

(C) begins the individual's undergraduate course of study within the 3 calendar years (excluding any period of service on active duty in the Armed Forces, or service under the Peace Corps Act (22 U.S.C. 2501 et seq.) or subtitle D of title I of the National and Community Service Act of 1990 (42 U.S.C. 12571 et seq.)) of graduation from a secondary school, or obtaining the recognized equivalent of a secondary school diploma;

(D) is enrolled or accepted for enrollment, on at least a half-time basis, in a degree, certificate, or other program (including a program of study abroad approved for credit by the institution at which such student is enrolled) leading to a recognized educational credential at an eligible institution;

(E) if enrolled in an eligible institution, is maintaining satisfactory progress in the course of study the student is pursuing in accordance with section 484(c) of the Higher Education Act of 1965 (20 U.S.C. 1091(c)); and

(F) has not completed the individual's first undergraduate baccalaureate course of study.

(3) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(4) MAYOR.—The term ''Mayor'' means the Mayor of the District of Columbia.

(5) SECONDARY SCHOOL.—The term ''secondary school'' has the meaning given that term under section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(6) SECRETARY.—The term ''Secretary'' means the Secretary of Education.

(d) CONSTRUCTION.—Nothing in this Act shall be construed to require an institution of higher education to alter the institution's admissions policies or standards in any manner to enable an eligible student to enroll in the institution.

(e) APPLICATIONS.—Each student desiring a tuition payment under this section shall submit an application to the eligible institution at such time, in such manner, and accompanied by such information as the eligible institution may require.

(f) ADMINISTRATION OF PROGRAM.—

(1) IN GENERAL.—The Mayor shall carry out the program under this section in consultation with the Secretary. The Mayor may enter into a grant, contract, or cooperative agreement with another public or private entity to administer the program under this section if the Mayor determines that doing so is a more efficient way of carrying out the program.

(2) POLICIES AND PROCEDURES.—The Mayor, in consultation with institutions of higher education eligible for participation in the program authorized under this section, shall develop policies and procedures for the administration of the program.

(3) MEMORANDUM OF AGREEMENT.—The Mayor and the Secretary shall enter into a Memorandum of Agreement that describes—

(A) the manner in which the Mayor shall consult with the Secretary with respect to administering the program under this section; and

(B) any technical or other assistance to be provided to the Mayor by the Secretary for purposes of administering the program under this section (which may include access to the information in the common financial reporting form developed under section 483 of the Higher Education Act of 1965 (20 U.S.C. 1090)).

(g) MAYOR'S REPORT.—The Mayor shall report to Congress annually regarding—

(1) the number of eligible students attending each eligible institution and the amount of the grant awards paid to those institutions on behalf of the eligible students;

(2) the extent, if any, to which a ratable reduction was made in the amount of tuition and fee payments made on behalf of eligible students; and

(3) the progress in obtaining recognized academic credentials of the cohort of eligible students for each year.

(h) GAO REPORT.—Beginning on the date of enactment of this Act, the Comptroller General of the United States shall monitor the effect of the program assisted under this section on educational opportunities for eligible students. The Comptroller General shall analyze whether eligible students had difficulty gaining admission to eligible institutions because of any preference afforded in-State residents by eligible institutions, and shall expeditiously report any findings regarding such difficulty to Congress and the Mayor. In addition the Comptroller General shall—

(1) analyze the extent to which there are an insufficient number of eligible institutions to which District of Columbia students can gain admission, including admission aided by assistance provided under this Act, due to—

(A) caps on the number of out-of-State students the institution will enroll;

(B) significant barriers imposed by academic entrance requirements (such as grade point average and standardized scholastic admissions tests); and

(C) absence of admission programs benefiting minority students;

(2) assess the impact of the program assisted under this Act on enrollment at the University of the District of Columbia; and

(3) report the findings of the analysis described in paragraph (1) and the assessment described in paragraph (2) to Congress and the Mayor.

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the District of Columbia to carry out this section $12,000,000 for fiscal year 2000 and such sums as may be necessary for each of the 5 succeeding fiscal years. Such funds shall remain available until expended.

(j) EFFECTIVE DATE.—This section shall take effect with respect to payments for periods of instruction that begin on or after January 1, 2000.

SEC. 4. ASSISTANCE TO THE UNIVERSITY OF THE DISTRICT OF COLUMBIA.

(a) IN GENERAL.—Subject to subsection (c), the Secretary may provide financial assistance to the University of the District of Columbia for the fiscal year to enable the university to carry out activities authorized under part B of title III of the Higher Education Act of 1965 (20 U.S.C. 1060 et seq.).

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the District of Columbia to carry out this section $1,500,000 for fiscal year 2000 and such sums as may be necessary for each of the 5 succeeding fiscal years.

(c) SPECIAL RULE.—For any fiscal year, the University of the District of Columbia may receive financial assistance pursuant to this section, or pursuant to part B of title III of the Higher Education Act of 1965, but not pursuant to both this section and such part B.

SEC. 5. PRIVATE SCHOOL PROGRAM.

(a) GRANTS.—

(1) IN GENERAL.—From amounts appropriated under subsection (f) the Mayor shall award grants to eligible institutions that enroll eligible students to pay the cost of tuition and fees at the eligible institutions on behalf of each eligible student enrolled in an eligible institution. The Mayor may prescribe such regulations as may be necessary to carry out this section.

(2) MAXIMUM STUDENT AMOUNTS.—An eligible student shall have paid on the student's behalf under this section—

(A) not more than $2,500 for any 1 award year (as defined in section 481 of the Higher Education Act of 1965 (20 U.S.C. 1088)); and

(B) a total of not more than $12,500.

(3) PRORATION.—The Mayor shall prorate payments under this section for students who attend an eligible institution on less than a full-time basis.

(b) REDUCTION FOR INSUFFICIENT APPROPRIATIONS.—

(1) IN GENERAL.—If the funds appropriated pursuant to subsection (f) for any fiscal year are insufficient to award a grant in the amount determined under subsection (a) on behalf of each eligible student enrolled in an eligible institution, then the Mayor shall—

(A) first, ratably reduce the amount of the tuition and fee payment made on behalf of each eligible student who has not received funds under this section for a preceding year; and

(B) after making reductions under subparagraph (A), ratably reduce the amount of the tuition and fee payments made on behalf of all other eligible students.

(2) ADJUSTMENTS.—The Mayor may adjust the amount of tuition and fee payments made under paragraph (1) based on—

(A) the financial need of the eligible students to avoid undue hardship to the eligible students; or

(B) undue administrative burdens on the Mayor.

(3) FURTHER ADJUSTMENTS.—Notwithstanding paragraphs (1) and (2), the Mayor may prioritize the making or amount of tuition and fee payments under this subsection based on the income and need of eligible students.

(c) DEFINITIONS.—In this section:

(1) ELIGIBLE INSTITUTION.—The term ''eligible institution'' means an institution that—

(A)(i) is a private, nonprofit, associate or baccalaureate degree-granting, institution of higher education, as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)), the main campus of which is located—

(I) in the District of Columbia;

(II) in the city of Alexandria, Falls Church, or Fairfax, or the county of Arlington or Fairfax, in the Commonwealth of Virginia, or a political subdivision of the Commonwealth of Virginia located within any such county; or

(III) in the county of Montgomery or Prince George's in the State of Maryland, or a political subdivision of the State of Maryland located within any such county;

(ii) is eligible to participate in the student financial assistance programs under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.); and

(iii) enters into an agreement with the Mayor containing such conditions as the Mayor may specify, including a requirement that the institution use the funds made available under this section to supplement and not supplant assistance that otherwise would be provided to eligible students from the District of Columbia; or

(B) is a private historically Black college or university (for purposes of this subparagraph such term shall have the meaning given the term ''part B institution'' in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2)) the main campus of which is located in the State of Maryland or the Commonwealth of Virginia.

(2) ELIGIBLE STUDENT.—The term ''eligible student'' means an individual who meets the requirements of subparagraphs (A) through (F) of section 3(c)(2).

(3) MAYOR.—The term ''Mayor'' means the Mayor of the District of Columbia.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Education.

(d) APPLICATION.—Each eligible student desiring a tuition and fee payment under this section shall submit an application to the eligible institution at such time, in such manner, and accompanied by such information as the eligible institution may require.

(e) ADMINISTRATION OF PROGRAM.—

(1) IN GENERAL.—The Mayor shall carry out the program under this section in consultation with the Secretary. The Mayor may enter into a grant, contract, or cooperative agreement with another public or private entity to administer the program under this section if the Mayor determines that doing so is a more efficient way of carrying out the program.

(2) POLICIES AND PROCEDURES.—The Mayor, in consultation with institutions of higher education eligible for participation in the program authorized under this section, shall develop policies and procedures for the administration of the program.

(3) MEMORANDUM OF AGREEMENT.—The Mayor and the Secretary shall enter into a Memorandum of Agreement that describes—

(A) the manner in which the Mayor shall consult with the Secretary with respect to administering the program under this section; and

(B) any technical or other assistance to be provided to the Mayor by the Secretary for purposes of administering the program under this section.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the District of Columbia to carry out this section $5,000,000 for fiscal year 2000 and such sums as may be necessary for each of the 5 succeeding fiscal years. Such funds shall remain available until expended.

(g) EFFECTIVE DATE.—This section shall take effect with respect to payments for periods of instruction that begin on or after January 1, 2000.

SEC. 6. GENERAL REQUIREMENTS.

(a) PERSONNEL.—The Secretary of Education shall arrange for the assignment of an individual, pursuant to subchapter VI of chapter 33 of title 5, United States Code, to serve as an adviser to the Mayor of the District of Columbia with respect to the programs assisted under this Act.

(b) ADMINISTRATIVE EXPENSES.—The Mayor of the District of Columbia may use not more than 7 percent of the funds made available for a program under section 3 or 5 for a fiscal year to pay the administrative expenses of a program under section 3 or 5 for the fiscal year.

(c) INSPECTOR GENERAL REVIEW.—Each of the programs assisted under this Act shall be subject to audit and other review by the Inspector General of the Department of Education in the same manner as programs are audited and reviewed under the Inspector General Act of 1978 (5 U.S.C. App.).

(d) GIFTS.—The Mayor of the District of Columbia may accept, use, and dispose of donations of services or property for purposes of carrying out this Act.

(e) FUNDING RULE.—Notwithstanding sections 3 and 5, the Mayor may use funds made available—

(1) under section 3 to award grants under section 5 if the amount of funds made available under section 3 exceeds the amount of funds awarded under section 3 during a time period determined by the Mayor; and

(2) under section 5 to award grants under section 3 if the amount of funds made available under section 5 exceeds the amount of funds awarded under section 5 during a time period determined by the Mayor.

(f) MAXIMUM STUDENT AMOUNT ADJUSTMENTS.—The Mayor shall establish rules to adjust the maximum student amounts described in sections 3(a)(2)(B) and 5(a)(2)(B) for eligible

students described in section 3(c)(2) or 5(c)(2) who transfer between the eligible institutions described in section 3(c)(1) or 5(c)(1).

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

The Chair recognizes the gentleman from Virginia (Mr. DAVIS).

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

(Mr. DAVIS of Virginia asked and was given permission to revise and extend his remarks.)

Mr. DAVIS of Virginia. Mr. Speaker, we have traveled a long way with the D.C. College Access Act. From March 4 when we introduced it, to markup in our subcommittee, unanimous approval in the Committee on Government Reform chaired by the gentleman from Indiana (Mr. BURTON); to House passage on May 24, and then on to October 19, passage in the Senate with friendly amendments which we are pleased to accept today. I am deeply proud of our hard work.

My thanks to the gentlewoman from the District of Columbia (Ms. NORTON), the ranking member of the subcommittee on the District of Columbia and all of the original cosponsors: The gentlewoman from Maryland (Mrs. MORELLA), the gentleman from Maryland (Mr. HOYER), the gentleman from Maryland (Mr. WYNN), the gentleman from California (Mr. HORN), the gentleman from California (Mr. CUNNINGHAM), the gentleman from Maryland (Mr. EHRLICH) and the gentleman from Virginia (Mr. MORAN). My thanks to Speaker HASTERT, Chairman DAN BURTON and Majority Leader DICK ARMEY for their support and for permitting expeditious consideration of this. And my thanks to the Clinton administration and the Department of Education for working with us in a bipartisan spirit of cooperation to work out our differences and move this thing through for consideration.

My thanks to the D.C. Appropriations Chair ERNEST ISTOOK and his Senate counterpart, KAY BAILEY HUTCHISON, for including the money in the budget recommended by the administration. And my thanks to my own counterpart in the Senate, GEORGE VOINOVICH, for his patience and persistence in having such an excellent hearing and markup and for shepherding the amendments. And to Senator FRED THOMPSON, chairman of the Senate committee, for his support. My thanks as well to Senator JEFFORDS, Senator DURBIN and Senator WARNER for helping us to continue to keep this legislation on track and work to improve it.

And my thanks to some of the staff people who worked on this landmark law: My own staff director and counsel, Howie Denis; my chief of staff, Peter Sirh; and Jon Bouker of the gentlewoman from the District of Columbia's staff.

I am grateful to those leading regional foundations and companies that have come together in an extraordinary and historic effort to assist District of Columbia students. The legislation we are passing today is essential to those great endeavors in the private sector.

In 1995, the District of Columbia faced a crisis of epic proportions. Congress, in passing the control board legislation, with its creation of the position of chief financial officer, and then in 1997 with the passage of the D.C. Revitalization Act and its related reforms, embarked on a critically important process to address the crisis in a truly bipartisan way. The legislation before us today would not be possible but for the progress the city has achieved with the initiative of Congress and the executive branch working together, and, I might add, with the leadership of Tony Williams and the city council.

The city's return to the private financial markets is solid evidence that what Congress did produced credible numbers and better performance. Key elements of our reforms include Federal assumption of certain functions performed by State governments, and incentives for economic development and private sector jobs. The economic recovery of the Nation's capital benefits the entire region and country by realizing the vision which has so often been expressed. The new MCI Center and the Convention Center project, a tax credit for first-time homebuyers, enhanced public safety and water quality are just some of the improvements we have seen.

Two months ago, Speaker HASTERT and I attended a moving ceremony at the Edison Friendship public charter school in the District. Majority Leader ARMEY, Education Chairman BILL GOODLING, Senator KAY BAILEY HUTCHISON and PAUL COVERDELL were with us. The Edison school and many other charter schools represent another great success story in the District that Congress has helped us achieve.

We know that many concerns remain. Many of them are addressed in the budget and others will be dealt with later.

The bill before us today will enable District residents to attend public colleges and universities in Virginia and Maryland at in-State tuition rates. We have included tuition assistance grants as another option for private colleges in and adjacent to the District in those counties, including historically black colleges and universities in Virginia and Maryland. The CBO estimate fits within the money this bill authorizes and which the appropriators have included in their bill.

Mayor Williams has said that this bill is very, very important not only in improving education but in bringing the city back. I believe it is the best money we can spend and is a shining example of what a bipartisan urban agenda can achieve. H.R. 974 will level the playing field for District high school graduates. It will give them the key to higher education in this region.

Back on March 4 when I introduced the bill, we went to Eastern High School with the gentlewoman from the District of Columbia. It is not far from the Capitol. We announced the proposal to students and faculty. The gentlewoman from the District of Columbia and Mayor Williams were with me at the time. I was deeply moved by the reaction of the students. I will never forget how many took our hands and looked into our eyes and thanked us for introducing this measure. This gives them hope for the future, hope for an affordable college education, something that is enjoyed by students in 50 States in the United States but is not a reality in our Nation's capital.

Fighting for educational opportunity is one of the reasons I entered public life. I am proud of so much that we have been able to do in the Nation's capital for the almost 5 years that I have had the privilege of serving as chairman of the Subcommittee on the District of Columbia. Economic development, public safety, the real estate market and so many other aspects of city life have changed for the better and the city is working to improve itself. This is something that I think ultimately had to happen and is happening. But nothing has given me more satisfaction than working to improve educational opportunities for the city's youth. We need a healthy city to have a healthy Washington region.

This bill, expanding higher educational choices, is an enormous leap forward. It is our vision for the future.

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

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

(Ms. NORTON asked and was given permission to revise and extend her remarks.)

Ms. NORTON. Mr. Speaker, H.R. 974, the D.C. College Access Act, facing its final House consideration today, is a splendid and near typical example of the bipartisan way in which the gentleman from Virginia and I have worked together since he became chair of the Subcommittee on the District of Columbia 4 years ago. I want to thank the gentleman from Virginia for his unflagging and indispensable leadership and for the energetic work of his staff, especially Peter Sirh and Howie Denis, who worked hand in hand with my own able legislative director, Jon Bouker, every step of the way until we have gotten to final passage today.

H.R. 974 marks a turning point in our approach to lifting the Nation's capital from fiscal crisis and in affording its citizens a way to overcome the handicap of being without a State to assist it in offering higher education. Because of the importance of higher education today and its links to full and equal citizenship, the D.C. College Access Act is a bill of historic proportions and

ranks as one of the most important pieces of legislation for District of Columbia residents in our history. I am especially pleased that final passage of H.R. 974 today will allow Mayor Tony Williams and the city, working together with the Department of Education, to have the program up and running next fall.

□ 1600

Both the House and Senate and the administration have worked closely and collegially on H.R. 974. All deserve credit and praise today. I want to thank Senator GEORGE VOINOVICH, Government Affairs Subcommittee Chair; Senate ranking member, RICHARD DURBIN; and Senator JIM JEFFORDS for their vital work in helping to craft an acceptable compromise between the Senate and House versions of the bill and for securing unanimous passage in the Senate on October 20,1999.

I also thank the gentleman from Indiana (Mr. BURTON), who has consistently supported and pressed forward bills benefiting the District; the ranking member, the gentleman from California (Mr. WAXMAN), whose valuable assistance has been unfailing; and appropriation chairs, the gentleman from Oklahoma (Mr. ISTOOK) and KAY BAILEY HUTCHINSON for their critical support in assuring necessary funding for the program; and, of course, Secretary of Education Dick Riley for indispensable work on this bill in both houses.

I want particularly to recognize the President who included funds for this bill in his fiscal year 2000 budget, not only opening the way for the bill to pass today, but also assuring that there would be sufficient funds to do the job.

H.R. 974 offers District residents State public higher education alternatives similar to those available to other Americans as a matter of right. The central feature of H.R. 974 is an authorization for the Federal Government to pay the difference between the cost of in-state and out-of-state tuition fees for D.C. residents permitting students, once admitted, to attend public colleges and universities outside of the District and at in-state rates.

The mayor will administer the in-state tuition program in consultation with the Department of Education. In addition to full in-state tuition, the bill authorizes $2,500 per student for D.C. residents to attend private colleges and universities in the District and in certain counties surrounding the District.

The bill also contains an authorization granting the District's own State university, the University of the District of Columbia funded historical black college and university status in recognition of the fact that many D.C. students prefer to attend their own State university or for a variety of reasons cannot attend college outside of the District. UDC has already received HBCU funds beginning in fiscal year 1999.

Young people graduating from D.C. high schools now will be treated as are students in the 50 States. To qualify, a student must live in the District for 12 months before beginning college, must have graduated from high school after January 1, 1998, must begin college within 3 years of graduation, must be pursuing her first undergraduate degree and must be enrolled at least half time. The college must also sign a formal agreement with the mayor's office.

The bill we consider today contains three important protections negotiated with the Senate. First, the mayor will have the latitude to expend the in-state tuition program to the 50 States subject to cost instead of a blanket confinement to scarce slots in Maryland and Virginia. Second, students who will be freshmen, sophomores, and juniors when the program begins next year will qualify for in-state tuition rates. I appreciate that Senators VOINOVICH and DURBIN worked with us on this provision inasmuch as the Senate version of the bill originally applied only to freshmen.

District residents are particularly enthusiastic about the expansion of this particular provision because typically many go to college with just enough money for 1 year, yielding a high college dropout rate because of inability to meet college expenses. Third, institutions in counties close to the District including HBCUs in Maryland and Virginia where many D.C. residents often attend will be eligible.

It is important to note that our work on H.R. 974 is bolstered by an extraordinary private sector effort which is raising an even larger amount to help District students prepare to attend college and to supplement the costs beyond the tuition costs offered in this bill. Business leaders led by Don Graham, publisher of the Washington Post, and Lucio Noto, CEO of Mobil Oil, have already gotten commitments of $17 million and plan to raise $20 million in private funds to supplement the funds authorized by H.R. 974. This bill is a true public-private effort with the private sector more than equaling what we do here today.

The final passage of H.R. 974 today is a milestone in the effort to provide equal rights and citizenship for D.C. residents. This bill fills a unique and large educational gap that has had a particularly harmful effect on families here. Inequality in higher education opportunity hampers the continuing revitalization of the Nation's capital because, without the array of State offerings for higher education, residents have an incentive to move out of the District to neighboring jurisdictions.

As college costs have escalated, higher education opportunities have significantly affected, indeed caused, flight from the District. Consequently, the city has been left with many residents unable to meet their needs or talents to access to appropriate institutions from junior and specialized colleges to 4- year institutions. Thus, many have been left without the education necessary to contribute to the city's tax base. With the passage of H.R. 974, District residents will no longer be the only Americans among the States without access to the necessary choices for higher education today.

I want to express my personal thanks once again to the leaders of my committee and subcommittee and appropriation committees, as well as their counterparts in the Senate and the administration. I want to also express the gratitude of the parents and the children of the District who have let me and my office know in no uncertain terms that they enthusiastically and overwhelmingly support H.R. 974 and that they look forward to the historic opportunities provided by the District of Columbia College Access Act.

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

Mr. DAVIS of Virginia. Mr. Speaker, I yield 4 minutes to the gentlewoman from Maryland (Mrs. MORELLA), the vice chairman of the Subcommittee on the District of Columbia and original sponsor of this legislation, who helped shepherd it through the subcommittee.

Mrs. MORELLA. Mr. Speaker, I rise in strong support of H.R. 974, the District of Columbia College Access Act, as amended by the Senate. I want to add my congratulations to the gentleman from Virginia (Mr. DAVIS) for the inception of the bill and carrying it through with his leadership inch by inch. I want to also commend the gentlewoman from the District of Columbia (Ms. NORTON) for her leadership in that; and as a matter of fact as has been mentioned and should be reiterated, this is an excellent example of bipartisan cooperation for the benefit of the United States on both sides of the aisle in both Houses with several committees on both sides who have shepherded this bill through.

And I do want to add my thanks also to the gentleman from Indiana (Mr. BURTON), the chairman of the Committee on Government Reform and Oversight and the gentleman from California (Mr. WAXMAN), the ranking member. But the gentleman from Virginia (Mr. DAVIS) has been there from the beginning, and his wonderful staff and the minority staff have been there and the cosponsors; and I see the gentleman from Virginia (Mr. MORAN), who is also a cosponsor of this bill.

This higher education bill provides an opportunity for District of Columbia residents who are high school graduates to attend colleges in Maryland and Virginia at in-state tuition rates. I am pleased to be an original cosponsor of the D.C. College Access Act. I believe that it offers an extraordinary value. It will ensure that the most economically disadvantaged students in our Nation's Capital are going to have access to a variety of colleges, and it is going to go a long way toward ensuring that the Metropolitan Washington area has a well-educated workforce.

Access to college is one of the greatest achievements of our American education system. Escalating costs of our

Nation's colleges and universities have created anxiety about college affordability. As a matter of fact, I know firsthand about that disease called ''mal tuition,'' paying those bills. In terms of anxiety, paying for college ranks with how to pay for health care or housing or how to cover the expenses of taking care of an elderly relative.

From issues that affect women to children at risk, I have always tried to raise my voice in support of equality of opportunity. Well, the D.C. College Access Act will provide equal opportunities for students in the District. There is little doubt that high school graduates who live in the District have far fewer college choices than students in other parts of the country. Residents in all 50 American States have a network of State-supported colleges to attend, and this College Access Act will level the playing field for residents in the District of Columbia.

I have received many letters of support from my constituents in Montgomery County, Maryland, for H.R. 974. Montgomery College, a community college, is particularly interested in playing a major role in serving District residents. The college already enrolls nearly 150 District of Columbia residents, and even at their most costly out-of-state tuition rate with plans to expand the Tacoma Park, Maryland campus, the college expects to better accommodate more students from the District.

So again I want to reiterate my strong support for the bill and the Senate amendments to H.R. 974. With the swift passage of this bill, we are continuing a strong and necessary investment in education which will help America stay on top and help us to maintain our economic vitality into the 21st century.

Ms. NORTON. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. MORAN), who is not only a cosponsor of the bill but is the ranking member of the Subcommittee on the District of Columbia whose leadership was important in assuring funding for this bill.

Mr. MORAN of Virginia. Mr. Speaker, I thank the gentlewoman from the District of Columbia, who so ably represents the people of the District of Columbia.

Mr. Speaker, the students of the District of Columbia are at a unique educational disadvantage today. They are the only students in the entire continental United States who do not have access to the State college and university system that every other American family is able to avail themselves of. I am not endorsing the concept of statehood, which would be perhaps one way to achieve that objective, although we would still then have to find the resources that would be necessary to build a comparable college system; but I am endorsing the notion that we should do everything we can to establish a level playing field for those students who grow up in the District of Columbia, and this legislation will accomplish that objective.

There are some extraordinarily gifted young men and women in the District of Columbia, but we will never fully realize their potential until they have access to the excellence that our college and university systems are able to provide; and by expanding their access to the colleges and universities in Virginia and Maryland particularly, they will have that kind of opportunity which is bound to benefit all of us, our economy, our society.

As the distinguished gentleman from Virginia (Mr. Davis) so well knows, those students, those young men and women are, in fact, going to enrich the campuses and the classrooms of the colleges and universities in Virginia, as the gentlewoman from Maryland (Mrs. MORELLA) realizes that the same will happen in Maryland. We are doing ourselves a service with this legislation, and that is why the D.C. appropriation act includes $17 million to fund this authorization.

□ 1615

This is a good idea. It will be one of the legacies that the gentleman from Virginia (Mr. DAVIS) will be able to point to with pride, as I am sure his able assistants, Peter and Howard will as well, and John on the staff of the gentlewoman from the District of Columbia (Ms. NORTON). It takes a lot of work, it takes a lot of commitment to get legislation through as quickly as this was, but this provides a true incentive so that we will see the real talent and potential of the young men and women of the District of Columbia fully realized. It is good legislation, and we should pass it unanimously.

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

Mr. Speaker, let me first thank my colleague from Virginia for his eloquent remarks and also his help in the appropriations process and from all aspects as we worked to improve the district. The gentleman has been a true colleague in the essential part, as that term implies, in terms of working together to make these kinds of things happen for the region, because we recognize this is not just a city issue, it is a justice issue, but it is also a regional issue of great import, and I thank him.

Let me go briefly and talk about some of the changes in this bill from the Senate that were changes from the House version that passed earlier. These Senate amendments enable D.C. residents who are high school graduates the opportunity to pay in-state tuition rates upon admission to state colleges in Virginia and Maryland only. They would have to be admitted as out of state students, so they are competing in a larger pool, although the States themselves of Virginia and Maryland have the opportunity to create select pools for District residents should they choose to do that. But they will not be taking from in-state students in Virginia and taking in-state places.

The difference between in-state and out-of-state tuition would be paid from new Federal money being authorized and appropriated, up to $10,000 per individual in any award year.

This also provides tuition assistance grants of $2,500 for D.C. resident high school graduates who will be attending private colleges in D.C. and adjacent counties in Virginia and Maryland and funding of $5 million is authorized for this in FY 2000. It also includes private historically black colleges in Virginia and Maryland. This was an amendment that my colleague Senator WARNER put on in the other body.

I want to congratulate the gentlewoman from the District of Columbia (Ms. NORTON) on working also for the University of the District of Columbia, that they are not lost in this. In fact, they are a beneficiary of this legislation as well. She has given them HCBU status and additional funding for the University of the District of Columbia so they can hone and I think make greater their role for education than they do today in the District. That should not be lost sight of as well.

What UDC does not have and cannot be by itself, as no university can be by itself, is a state university system. It will be one component of the educational equation for D.C. residents, but it will now have assistance from other areas as well, and, with this additional money, I think its role will be strengthened in offering educational opportunities to students from the District of Columbia.

There is no means test in this legislation, but if an authorized, appropriated amount is insufficient, there is a ratable reduction, and if a ratable reduction is necessary, the mayor, the local leaders there, will have the ability to prioritize based on income and need of eligible students. So we will be having the city make that, and it will not be Congressionally mandated, should we have more people use this legislation than are currently foreseen as doing so.

Actually, I think that would be a good thing. We hope this is utilized, because I think the more people who are able to use this and go to college, the better off we all are. Residents in the 50 states already have a network of state supported colleges to attend. This bill levels the playing field for students in the District of Columbia. High school graduates would have to be a D.C. resident for at least one year prior to eligibility, and they would have to begin undergraduate courses within 3 years of high school graduation, excluding active military service. This applies to those receiving recognized equivalent of secondary school diplomas. It provides for an incentive for population stability in the Nation's capital. It gives graduates more choices. It does not affect admissions policies or standards. Regional companies and foundations are helping students qualify for college admission,

and this legislation compliments that effort.

My friend from the District of Columbia mentioned Lou Nodo at Mobil Corporation, Don Graham at the Washington Post. Steve Case at America On-Line has been another leader, and many other companies in the region I think have contributed private dollars that will compliment this effort.

We have had extraordinary bipartisan Congressional and administration cooperation, as my colleague from Maryland noted. This will commence applying to students who graduated in January and June of 1998. The city will run the program with Federal oversight. Disbursements will be made directly to the eligible colleges, and UDC, as I noted before, will receive $1.5 million additional per year if it does not receive funds as a historically black college under the Higher Education Act from this legislation.

Once again though, the basic concept is to give children in the District of Columbia the same educational opportunities for an affordable college education that all of our children enjoy in the 50 states, an affordable college education. This will help narrow the gap between the very rich and the very poor in an information age, and education is the key to narrowing that gap.

In Fairfax County, across the river from the District, over 90 percent of those who will be graduating from high school this year or are eligible to graduate from high school, will go on to higher education. In the District of Columbia, those 18-year-olds, if they graduate on time, it will be less than 25 percent, a huge disparity. One of the reasons for this is for many of these kids there is no hope or opportunity of an affordable college education. This legislation takes an important step in giving them hope for the future.

I will just note in Fairfax County today our unemployment rate is under 2 percent, it is about 1.8 percent. It is about 3½ times that in the District of Columbia. Over the last 10 years, our economy regionally has grown. Our Nation has prospered. My Congressional district has prospered. But in the bottom quarter of economic strata there has been very little movement, and in places in the District there has been little movement. The way to equalize this is through educational opportunities, and it is not by the government coming in with greater subsidies. That is a last resort. Giving people equal opportunity is the best resort. That is what this legislation does.

It guarantees a quality of opportunity by allowing college and technology educations to be affordable for everyone. When the educational opportunities are equal, when college is affordable for D.C. residents, as well as Maryland and Virginia residents, we are going to see more District of Columbia students attending college, being trained for the jobs of the future, so they can start businesses, earn good salaries, support their children, return a tax base to the District of Columbia, and make our Nation's Capital the city it deserves to be and has the potential to become.

This legislation is a giant step forward. It is not the whole equation, but it is a vital part of the equation, Mr. Speaker. I urge my colleagues to pass this legislation.

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

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

Mr. Speaker, I want to once again thank my good partner in the District in this House, the gentleman from Virginia (Mr. DAVIS), for the way he has worked steadfastly on this bill. When we met small problems along the way, and they were almost always small, we simply gathered our forces and with his staff and mine and he and me, we kept charging forward.

The way in which we worked on this bill should be noted as well, because when we got to the Senate and found that there were differences, instead of squaring off, we simply closed in and Senate and House worked together until we got a bill that both of us could in fact support.

Mr. Speaker, I want to place this bill in its historic context. I believe it fair to say that this bill belongs in the category of bills that have made an historic difference to the District of Columbia, bills like the Home Rule Act, the Revitalization Act, and my tax benefits such as the $5,000 home buyer credit.

This bill brings the kind of benefits to the District that will have the same kind of broad effect on individuals, as well as the city itself. It keeps the city's demographics intact, and yet it aids individuals. It is a win-win in all of the ways that matter.

This bill, as the chairman has indicated, did not overlook the residents of the District of Columbia who cannot leave this town. Many of them have family obligations, many of them do not want to leave the District, so UDC receives historically black college and university funded status, something the university has sought for decades, and receives in this bill only because this bill opened opportunities in other ways and the chairman was willing to work with me to make sure that in this particular way we filled this gap for students who remain in the District.

It is a win-win for youngsters who have friends in other states across the United States and see them having a choice of institutions, from junior college, to all kinds of specialized schools, to 4-year colleges, and see themselves with a struggling state university, one that many of them love, but simply does not provide them the array of choices that youngsters in the 50 states have.

It is a win-win for the region because all of us understand that our region has no borders and that when we work together and open opportunities for District residents, the entire region benefits.

It is a win-win for private business, which has stepped in with its own version of the D.C. College Access Act, a private version which inspired in many ways the public version which we pass today.

Mr. Speaker, everywhere I go in the city I meet the same response to this bill. I go in the poorest sections of the city all the time, and I go into the sections of our city where people have many opportunities, and the only way you would know the difference is by the color of their skin, because you certainly will not know it by the way in which they have received this bill.

This bill is of the very first priority to District residents, the District residents who would have no other opportunity to go to institutions of the kind that will be available to them except through this bill, and residents who have other opportunities, but would as soon move out of the District than be left to pay the difference, to pay the fine, as it were, of remaining a District resident once their children get ready for college.

Like my tax bills, this bill draws a big circle around the city and all gathered to join it. This bill is not one that we might have thought would pass even a couple of years ago, but with the city returning to full health, it is just the kind of response from the Congress that will encourage the city to do what it needs to do, because the sine qua non of this bill is that there is no free ride and no free lunch. You cannot get access to this bill unless you graduate from high school. What this bill will do will be to encourage youngsters who did not see any reason to go through all the work to graduate from high school because there was nothing there afterwards for them. Now there is the same thing that there would be if they lived in any of the 50 states.

I speak, I know, for the residents of the District of Columbia and every ward of the city when I express my gratitude to the chairman and to all who have worked on this bill and to the Congress of the United States for what I hope will be final passage unanimously today.

Mr. Speaker, I yield back the balance of my time and urge unanimous passage of H.R. 974.

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

Mr. Speaker, let me just say to my colleague, I have enjoyed working with her on this legislation. I think it is landmark. I appreciate the support of the other Members, the gentlewoman from Maryland (Mrs. MORELLA), the gentleman from Virginia (Mr. MORAN) and the other sponsors, many from the region, some outside it, and the support of the administration. Without all of us working together, putting aside some of the jurisdictional issues, we would not be where we are today.

Mr. HOYER. Mr. Speaker I rise today in support of the District of Columbia College Access Act.

This legislation would allow high school graduates from the District of Columbia to pay in-State tuition rates at public colleges and universities in Maryland and Virginia. Specifically, the bill would allow District students to apply for up to $10,000 a year, subject to a $50,000 cap, to offset the difference between in-State and out-of-State tuition rates. Furthermore, students who choose to attend private schools in the District and the adjacent Maryland and Virginia counties may also apply for up to $2,500 to offset the cost of their private tuition.

Although the District of Columbia Appropriations Act has not been signed into law, I am pleased the latest version contains $17 million for this important initiative.

As many of you know, I graduated high school just across the border in Prince Georges County in 1957. My parents were from very modest means and quite frankly were not in the financial position to help me pay for college. I consider myself lucky though. Lucky because when my stepfather, who was in the Air Force, was transferred up to Andrews Air Force Base our family settled in Maryland.

Going part time I was able to go to the University of Maryland. I used to go to school during the day and at night I worked first as a file clerk at the Central Intelligence Agency and then on Capitol Hill. It was not always easy balancing school and work and it took me 6 years to earn my undergraduate degree. However, I was able to do it because I had in-state tuition and I consider my decision to attend the University of Maryland as one of the best decisions I have made in my life.

The legislation that we have before us affords high school graduates in the District of Columbia the same opportunity that I had. The opportunity to attend an excellent university at a reasonable cost.

I would like to thank Congressman DAVIS and Congresswoman NORTON for all their work on this legislation which I am pleased to cosponsor. Additionally, I would like to thank D.C. Appropriations Subcommittee Chairman ISTOOK and Ranking Member MORAN for including funding for this legislation in their bill.

Mr. CUNNINGHAM. Mr. Speaker, as a member of the House Appropriations Subcommittee on the District of Columbia, and as a cosponsor of this legislation, I rise to encourage my colleagues to support H.R. 974, the District of Columbia College Access Act.

The Washington metropolitan area is one of America's leading centers for high technology. Telecommunications giant MCI was founded here. In the suburbs lies America Online, the MAE East, and several powerful and growing engines of the global internet economy. Yet, that growth, and these opportunities, lie beyond the reach of young people in the Nation's Capital City, who lack affordable access to many of this region's institutions of higher learning.

We can change this situation for the better, for the betterment of our country, and for the betterment of the young people of this great city.

I want the young people of the District of Columbia to have a fighting chance to achieve the American dream. I want for the global internet economy to be their economy too, and to be of their making.

The D.C. College Access Act simply provides the young people of the District of Columbia an opportunity to have access to discounted "in-state' tuition rates to public and private educational institutions in the state of Maryland, the commonwealth of Virginia, and here in the District of Columbia.

The D.C. appropriations bill recently adopted by the House provides $17 million toward this program. I hope that the President will support that appropriation.

I commend my colleague, the gentleman from Virginia (Mr. DAVIS) for developing this important legislation. And I also hope that my colleagues will support this bill.

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

The SPEAKER pro tempore (Mr. BARTON of Texas). The question is on the motion offered by the gentleman from Virginia (Mr. DAVIS) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 974.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DAVIS of Virginia. 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. 974.

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

There was no objection.

□ 1630

RECESS

The SPEAKER pro tempore (Mr. BARTON of Texas). Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 6 p.m.

Accordingly (at 4 o'clock and 30 minutes p.m.), the House stood in recess until approximately 6 p.m.

□ 1800

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BARTON of Texas) at 6 p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Votes will be taken in the following order:

H.R. 348, by the yeas and the nays;

H.R. 2737, by the yeas and the nays; and

H.R. 1714, by the yeas and the nays.

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

FEMA AND CIVIL DEFENSE MONUMENT ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 348.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 348, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 349, nays 4, not voting 80, as follows:

[Roll No. 550]

YEAS—349

Abercrombie	Crowley	Herger
Ackerman	Cummings	Hill (IN)
Aderholt	Cunningham	Hill (MT)
Allen	Davis (FL)	Hilleary
Andrews	Davis (VA)	Hobson
Armey	DeFazio	Hoeffel
Bachus	DeGette	Hoekstra
Baird	DeLauro	Holt
Baldacci	DeMint	Hooley
Baldwin	Deutsch	Horn
Ballenger	Diaz-Balart	Hostettler
Barcia	Dickey	Hoyer
Barrett (NE)	Dicks	Hunter
Barrett (WI)	Dingell	Hutchinson
Bartlett	Dixon	Hyde
Barton	Doggett	Inslee
Bass	Dooley	Isakson
Bateman	Doolittle	Istook
Becerra	Dreier	Jackson (IL)
Bentsen	Duncan	Jenkins
Bereuter	Dunn	John
Berman	Edwards	Johnson (CT)
Berry	Ehlers	Johnson, E. B.
Biggert	Ehrlich	Johnson, Sam
Bilbray	Emerson	Jones (NC)
Bilirakis	English	Kanjorski
Bliley	Eshoo	Kaptur
Blumenauer	Etheridge	Kasich
Blunt	Evans	Kelly
Boehlert	Ewing	Kennedy
Bonilla	Farr	Kildee
Bonior	Fattah	Kilpatrick
Bono	Filner	Kind (WI)
Borski	Fletcher	King (NY)
Boswell	Foley	Kingston
Boucher	Ford	Kleczka
Boyd	Fowler	Knollenberg
Brady (PA)	Frank (MA)	Kolbe
Brady (TX)	Franks (NJ)	Kucinich
Brown (FL)	Frelinghuysen	Kuykendall
Bryant	Frost	LaFalce
Burr	Gallegly	LaHood
Burton	Gekas	Lampson
Buyer	Gephardt	Lantos
Callahan	Gibbons	Largent
Calvert	Gilchrest	Larson
Camp	Gillmor	Latham
Campbell	Gilman	LaTourette
Canady	Gonzalez	Lazio
Cannon	Goode	Leach
Capps	Goodlatte	Lee
Capuano	Gordon	Levin
Cardin	Goss	Lewis (CA)
Castle	Graham	Lewis (GA)
Chabot	Granger	Lewis (KY)
Clayton	Green (TX)	Linder
Clement	Green (WI)	LoBiondo
Clyburn	Gutknecht	Lofgren
Coble	Hall (OH)	Lucas (KY)
Combest	Hall (TX)	Lucas (OK)
Condit	Hansen	Luther
Conyers	Hastings (FL)	Maloney (CT)
Cox	Hastings (WA)	Maloney (NY)
Cramer	Hayes	Manzullo
Crane	Hefley	Markey

Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McKeon
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sanchez
Sawyer
Saxton
Schakowsky
Scott
Sensenbrenner
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Sununu
Tancredo
Tanner
Tauscher
Tauzin
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Vitter
Walden
Walsh
Waters
Watt (NC)
Waxman
Weldon (FL)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Young (AK)
Young (FL)

NAYS—4

Chenoweth-Hage
Metcalf
Paul
Sanford

NOT VOTING—80

Archer
Baker
Barr
Berkley
Bishop
Blagojevich
Boehner
Brown (OH)
Carson
Chambliss
Clay
Coburn
Collins
Cook
Cooksey
Costello
Coyne
Cubin
Danner
Davis (IL)
Deal
Delahunt
DeLay
Doyle
Engel
Everett
Forbes
Fossella
Ganske
Gejdenson
Goodling
Greenwood
Gutierrez
Hayworth
Hilliard
Hinchey
Hinojosa
Holden
Houghton
Hulshof
Jackson-Lee (TX)
Jefferson
Jones (OH)
Klink
Lipinski
Lowey
McIntyre
McKinney
McNulty
Mica
Mink
Moakley
Myrick
Neal
Owens
Pryce (OH)
Rush
Sabo
Salmon
Sanders
Sandlin
Scarborough
Schaffer
Serrano
Sessions
Shows
Smith (WA)
Stupak
Sweeney
Talent
Taylor (MS)
Taylor (NC)
Thompson (MS)
Toomey
Wamp
Watkins
Watts (OK)
Weiner
Weldon (PA)
Wynn

□ 1823

Mrs. CHENOWETH-HAGE, Mr. PAUL, and Mr. METCALF changed their vote from ''yea'' to ''nay.''

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BARTON of Texas). Pursuant to clause 8 of rule XX, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on each additional motion to suspend the rules on which the Chair has postponed further proceedings.

LAND CONVEYANCE LEWIS AND CLARK NATIONAL HISTORIC TRAIL, ILLINOIS

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 2737, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 2737, as amended, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 355, nays 0, not voting 78, as follows:

[Roll No. 551]

YEAS—355

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Armey
Bachus
Baird
Baldacci
Baldwin
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Biggert
Bilbray
Bilirakis
Bliley
Blumenauer
Blunt
Boehlert
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Castle
Chabot
Chenoweth-Hage
Clayton
Clement
Clyburn
Coble
Combest
Condit
Conyers
Cox
Cramer
Crane
Crowley
Cummings
Cunningham
Davis (IL)
Davis (VA)
DeFazio
DeGette
DeLauro
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Ford
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hinchey
Hobson
Hoeffel
Hoekstra
Holt
Hooley
Horn
Hostettler
Hoyer
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McKeon
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sanchez
Sanford
Sawyer
Saxton
Schakowsky
Scott
Sensenbrenner
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Sununu
Tancredo
Tanner
Tauscher
Tauzin
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Vitter
Walden
Walsh
Waters
Watt (NC)
Waxman
Weldon (FL)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Young (AK)
Young (FL)

NOT VOTING—78

Archer
Baker
Barr
Berkley
Bishop
Blagojevich
Boehner
Bonilla
Buyer
Carson
Chambliss
Clay
Coburn
Collins
Cook
Cooksey
Costello
Coyne
Cubin
Danner
Davis (FL)
Deal
Delahunt
DeLay
Doyle
Everett
Forbes
Fossella
Ganske
Gejdenson
Goodling
Greenwood
Gutierrez
Hayworth
Hilliard
Hinojosa
Holden
Houghton
Hulshof
Jackson-Lee (TX)
Jefferson
Jones (OH)
Klink
Lipinski
Lowey
McIntyre
McKinney
McNulty
Mica
Mink
Moakley
Myrick
Neal
Owens
Pryce (OH)
Sabo
Salmon
Sanders
Sandlin
Scarborough
Schaffer
Serrano
Sessions
Shows
Smith (WA)
Stupak
Sweeney
Talent
Taylor (MS)
Taylor (NC)
Thompson (MS)
Toomey
Wamp
Watkins
Watts (OK)
Weiner
Weldon (PA)
Wynn

□ 1831

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT

The SPEAKER pro tempore (Mr. BARTON of Texas). The pending business is the question of suspending the rules and passing the bill, H.R. 1714, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. BLILEY) that the House suspend the rules and pass the bill, H.R. 1714, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 234, nays 122, not voting 77, as follows:

[Roll No. 552]

YEAS—234

Aderholt
Armey
Bachus
Ballenger
Barcia
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blumenauer
Blunt
Boehlert
Bonilla
Bono
Boswell
Boucher
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Castle
Chabot
Clement
Coble
Combest
Condit
Cox
Cramer
Crane
Crowley
Cunningham
Davis (FL)
Davis (VA)
DeMint
Diaz-Balart
Dickey
Doggett
Dooley
Doolittle
Dreier
Dunn
Ehlers
Ehrlich
Emerson
English
Eshoo
Etheridge
Ewing
Fletcher
Foley
Fowler
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Holt
Hooley
Horn
Hostettler
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
Kind (WI)
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Larson
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Maloney (CT)
Manzullo
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Miller (FL)
Miller, Gary
Minge
Moore
Moran (KS)
Moran (VA)
Morella
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Price (NC)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sanchez
Sanford
Saxton
Schaffer
Sensenbrenner
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simpson
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Tancredo
Tauscher
Tauzin
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Tiahrt
Towns
Traficant
Turner
Udall (CO)
Upton
Vitter
Walden
Walsh
Weldon (FL)
Weller
Weygand
Whitfield
Wicker
Wilson
Wolf
Wu
Young (AK)
Young (FL)

NAYS—122

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bonior
Borski
Brady (PA)
Brown (FL)
Brown (OH)
Capuano
Cardin
Chenoweth-Hage
Clayton
Clyburn
Conyers
Cummings
Davis (IL)
DeFazio
DeGette
DeLauro
Deutsch
Dicks
Dingell
Dixon
Duncan
Edwards
Engel
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gephardt
Gonzalez
Hall (OH)
Hastings (FL)
Hill (IN)
Hinchey
Hoeffel
Hoyer
Jackson (IL)
John
Johnson, E. B.
Kanjorski
Kaptur
Kildee
Kilpatrick
Kleczka
Kucinich
LaFalce
Lampson
Lantos
Lee
Levin
Lewis (GA)
Luther
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McDermott
McGovern
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mollohan
Murtha
Nadler
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Phelps
Pomeroy
Rahall
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sawyer
Schakowsky
Scott
Skelton
Slaughter
Spratt
Stark
Strickland
Tanner
Thurman
Tierney
Udall (NM)
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Wise
Woolsey

NOT VOTING—77

Archer
Baker
Barr
Berkley
Bishop
Blagojevich
Boehner
Carson
Chambliss
Clay
Coburn
Collins
Cook
Cooksey
Costello
Coyne
Cubin
Danner
Deal
Delahunt
DeLay
Doyle
Everett
Forbes
Fossella
Ganske
Gejdenson
Goodling
Greenwood
Gutierrez
Hayworth
Hilliard
Hinojosa
Holden
Houghton
Hulshof
Jackson-Lee (TX)
Jefferson
Jones (OH)
Kennedy
Klink
Largent
Lipinski
Lowey
McIntyre
McKinney
McNulty
Mica
Mink
Moakley
Myrick
Neal
Owens
Pryce (OH)
Sabo
Salmon
Sanders
Sandlin
Scarborough
Serrano
Sessions
Shows
Smith (WA)
Stabenow
Stupak
Sweeney
Talent
Taylor (MS)
Taylor (NC)
Thompson (MS)
Toomey
Wamp
Watkins
Watts (OK)
Weiner
Weldon (PA)
Wynn

☐ 1840

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

Mr. SHERMAN changed his vote from ''present'' to ''yea.''

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

The result of the vote was announced as above recorded.

Stated for:

Ms. STABENOW. Mr. Speaker, on rollcall No. 552, I was unavoidably detained. Had I been present, I would have voted ''yes.''

PERSONAL EXPLANATION

Mr. MICA. Mr. Speaker, on rollcall Nos. 550, 551, and 552, I was unavoidably delayed due to mechanical problems on Delta Airlines flight to Washington, DC. Had I been present, I would have voted ''yea.''

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

GENERAL LEAVE

Mrs. THURMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of my special order.

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

There was no objection.

TRIBUTE TO DR. JOHN LOMBARDI

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Mrs. THURMAN) is recognized for 5 minutes.

Mrs. THURMAN. Mr. Speaker, I am here today along with other Members of the Florida congressional delegation to pay tribute to an accomplished leader and a very special man, Dr. John Lombardi. Today is Dr. Lombardi's last day as president of the University of Florida.

I remember thinking to myself when Dr. Lombardi came on board in 1990 that we were very lucky to have him. He came to the University of Florida from Johns Hopkins University where he excelled as provost and vice president for academic affairs.

☐ 1845

Before that, he spent 20 years at Indiana University, where he held a variety of teaching and administrative positions, including Director of Latin American Studies, Dean of International Programs, and Dean of Arts and Sciences.

These positions at distinguished universities helped to shape Dr. Lombardi into the innovative dynamic leader he proved to be while at the top post of the University of Florida.

Just to highlight some of his accomplishments and to help explain why he will be missed so much, Dr. Lombardi led the University of Florida through a decade of great accomplishment. Following his vision, the University of Florida waged an amazing 5-year private fund-raising drive that brought in

more than $570 million by the end of September and the campaign is well on its way towards reaching its revised goal of $750 million by the end of the year 2000.

Dr. Lombardi played an instrumental role in shaping the university into one of the country's best public research institutions. The university ranks 12th in the country in total research and development spending at public universities and under his leadership the research awards to the university increased from $161 million in 1990 to $296 million in 1999.

Clearly, the additional research dollars and the success of the private fund-raising campaign are due in large part to the tremendous job Dr. Lombardi has done in making the University of Florida one the country's leading public higher institutions of learning.

This year, U.S. News and World Report ranked the University of Florida 16th in the country in an overall rating of public universities and, according to the latest survey, Money magazine rated the university number 10 for schools offering the most value for the cost. Last year, Kiplinger's business magazine ranked the university fifth among State universities in the country for offering the most value for the tuition.

Those are all ratings to be proud of, and Dr. Lombardi can take credit for these successes and many more for his commitment to an overall mission he coined: ''It's performance that counts.''

I first had the pleasure of working with Dr. Lombardi while serving in the Florida State Senate. While under the leadership of the gentlewoman from Florida (Mrs. MEEK), I had the privilege of working as the liaison between the Senate Appropriations Subcommittee on Education and leaders of higher education in the State. During this time, I had the opportunity to work with the board of regents and the chancellor and I soon got to know President Lombardi.

From the very start, he was a very impressive man. He came in with fresh ideas and had an uncanny ability to talk to people with great clarity and conviction. That enabled him to rise to the position of unofficial spokesman on behalf of higher education before the State Senate and House Committee on Appropriations and he earned my respect and admiration in the process.

He was the idea man. He was the one who was able to go in with such force that people realized that what they were doing was important. I am grateful I was able to continue my working relationship with Dr. Lombardi after leaving the State Senate following my election to Congress in 1992 as the representative of Florida's 5th District, including the University of Florida.

Since that time, I have watched him set many of his ideas into motion and make a difference. Among his many accomplishments, the university's enrollment, retention and graduation rates are way up. He has implemented very effective programs to help students graduate within 4 years. He has increased the number of combined degree programs so undergraduates can now earn a bachelor and master's degree in 5 or 6 years. He has led the effort to make computers accessible to all students, and even provided every student and faculty member with free e-mail and Internet accounts. The buildings on the campuses are new and improved because of him. The campus has new dorms, a new student recreational center, softball complex, dining room, chemistry building, physics building, vet school, cancer center and the Brain Institute.

He also oversaw the transformation of the university's teaching hospital, Shands, into a multihospital health care system that spans communities throughout north central Florida, including Jacksonville, whose representatives are the gentlewoman from Florida (Ms. BROWN) and the gentlewoman from Florida (Mrs. FOWLER). These are just some of his remarkable accomplishments during his tenure.

I've also come to understand and realize firsthand the love the students have for this man. Every year during the homecoming parade, thousands of students stand along the sidelines cheering as he passes. They adore him and he's earned their affection through his warmth, accessibility and understanding. He can walk through the campus and the students just know him, and I'm not sure I've seen that in many places over the years.

For this reason, I'm pleased to learn Dr. Lombardi will be staying on at the university to direct the Center for Florida Studies in the Humanities and Social Sciences and teaching courses in the history department. Throughout his tenure as president, Dr. Lombardi always made time to teach a course every semester on campus, ranging from the history of intercollegiate sports to Latin American history to international business.

He enjoys sharing his knowledge, and in this way, he will continue to influence students on campus and make a difference.

I was trying to explain to someone in my office the other day exactly why Dr. Lombardi is so popular. And I have to admit, it can be hard to boil down to a few words. But sometimes you just meet someone and you just like them. You work with them and over time you become friends. You see something in them that you think is very special and that draws you to them. Perhaps it's their warmth or the way they approach life. That's how it is with both Dr. Lombardi and his wonderful wife, Cathryn.

They are both very special people, and I am very appreciative of the work they have done for both the university and the community. I would like to thank them for helping the University of Florida achieve particularly ambitious goals through dedication, commitment and the general belief that indeed, ''It's Performance that Counts.''

Mr. Speaker, before I end with my tribute I would like to make mention that the gentleman from Florida (Mr. SCARBOROUGH) could not be here to pay tribute in person because of recent back surgery, but he will submit a tribute for the RECORD.

Mr. YOUNG of Florida. Mr. Speaker, I want to commend my colleague from Florida, KAREN THURMAN, for calling this special order today to honor Dr. John Lombardi, the outgoing President of the University of Florida.

Dr. Lombardi has served the University of Florida with distinction as president for the past 9 years. During this time, he has taken the university to new national levels of excellence, from the classroom, to the research laboratories, to the athletic fields.

The number of National Merit Scholars attending the university has more than doubled during his presidency. Private gifts to the university have increased by almost two-thirds and research and development funds from Federal, State, and private sources have more than doubled. And we all know of the university's prowess on the athletic fields under Dr. Lombardi's presidency. The Gators won national championships in football, men's golf, women's tennis, women's soccer, and numerous Southeastern Conference championships in a wide range of sports.

On a personal note, my colleagues should know how diligently Dr. Lombardi has worked with Congress on behalf of our great State of Florida and its university system. One dream of Dr. Lombardi, which I had the opportunity to assist with through my work on the Appropriations Committee, was the creation of the Brain Institute. Through his work and dedication on this project, the University of Florida now hosts an institute which will lead to critical new medical research and technological breakthroughs to help generations of people throughout our Nation and the world.

Mr. Speaker, Dr. Lombardi has served our State, the University of Florida, its faculty and students honorably and with a conviction these past nine years. He has been an outstanding ambassador for the university with the Florida congressional delegation and I want to say how much we appreciate his dedication and how much we will miss his hard work and his friendship. Thank you Dr. Lombardi for your service and I join with my colleagues from Florida in wishing you and your wife Cathryn all the best as you continue your work to improve the quality of education for our Nation's students.

Mr. SCARBOROUGH. Mr. Speaker, on November 1, 1999, the citizens of the State of Florida will be losing a man who has dedicated the last decade to making the University of Florida one of the greatest public universities in the country. This gentleman has distinguished himself as a community leader, a dedicated educator, and one of our Nation's finest collegiate administrators. The man I speak about today is Dr. John Lombardi, president of the University of Florida.

During Dr. Lombardi's 9½-year tenure as president, the University of Florida's enrollment increased to more than 43,000 students and its budget is now almost twice what it was when he arrived in 1990. UF was ranked the 16th-best public university in the United States by U.S. News & World Report earlier this year, buildings have popped up all over campus and an ambitious capital campaign is nearing completion. Since 1990, the number of degrees awarded annually from UF's graduate programs has increased from 1,613 in 1988 to 2,558 in 1998. Research expenditures have more than doubled since 1988, from $126 million to $271 million.

In my opinion, Mr. Speaker, John Lombardi has gone above and beyond the call of duty

throughout this distinguished career in the field of education. His personality and genuine concern for the well being and intellectual development of students has been the key to his success. John was never the type of university president who governed from an ivory tower on campus. John was a president who could be seen on any given school day, walking to his office through the campus, all the while interacting with students and teachers. On rainy days in Gainesville, Dr. Lombardi would drive his old, red pick-up truck to work. On fall Saturdays, John could be seen cheering on the Fightin' Gators to another gridiron victory with 85,000 other fans and students.

John's maverick attitude and dedication to public education has been a model in the lives of the thousands of students, parents, educators, and university employees that he has taught, supervised, and encouraged. His legacy will tell of a tireless man in black, horn-rimmed glasses, who always fought for what he thought was best for the University of Florida and accepted no compromises.

Even as John ends his tenure as president of the University of Florida, his dedication to education will remain a priority in his life. John will continue to remain on the faculty of UF as a history professor and as a co-director of the Center for Studies of Humanities and Social Sciences.

So today, when that old, red pickup truck pulls away from the president's house in Gainesville, FL for the last time, let us think about the gifts that Dr. John Lombardi has given the students of the University of Florida. Gifts like leadership, imagination, greatness, and pride.

Mr. STEARNS. Mr. Speaker, I appreciate this opportunity to join with my Florida colleagues in paying tribute to John Lombardi, who stepped down today as president of the University of Florida. Although Dr. Lombardi is leaving the administrative side of the university, he will return to teaching in the school's history department.

When I took office in 1989, I represented Gainesville and the University of Florida until 1992. Although no longer in my district, the university is an important resource for the people of Florida, and I have continued to be involved with the school. Over the years, I have had the privilege of working with John Lombardi and I am proud of what we have accomplished.

In 1990, Dr. Lombardi became the president of the University of Florida. Through his hard work and dedication, the University of Florida has heightened its educational reputation and enhanced its commitment to excellence. Under the guidance of Dr. Lombardi over this decade, academic standards have increased, student performance has risen, graduation rates have improved, and the modernization of equipment and facilities have flourished. The 1990's will long be seen as an era of developing a premier institute of higher learning at the University of Florida.

Although an outstanding administrator and educator, John has other attributes that I am pleased to point out. I recall one of my first meetings with him. A number of us were in Gainesville for a school dinner and waiting for President Lombardi to show up. I was looking down the road and saw and old, odd looking truck lumbering up the road. I though it was probably the landscaper coming in to complete some final touches before the event.

Instead, to my surprise, President Lombardi stepped out of his truck. This truck has become a Lombardi trademark around campus. Yes, this noted scholar does not require the pomp and trappings of his office. He is equally comfortable conversing with the erudite as with the common man, and this egalitarian quality marks all that he does.

As with the truck, John is also well known for the red suspenders he wears to the football games. In addition to the arrival of President Lombardi, 1990 marked a significant turn around in Gator football. Steve Spurrier was brought in as coach. In the previous 56 years, no Florida team has captured an official Southeastern Conference Championship—the Gators won three in the early 1990's. The arrival of John Lombardi enhanced more than the academic standing of the university, it initiated the rise of a sports powerhouse.

John is also a family man, and I always enjoy the time I spend with them. His wife Cathryn and I share an interest in science fiction, and I always appreciate the chance to compare notes and to exchange recommendations. This is a wonderful American family with two children, and I had the pleasure to have one of them work in my office part time.

In the first century B.C., the Roman poet Horace urged that man ''seek for truth in the groves of Academe.'' The brilliance of John Lombardi is exhibited through his efforts to seek the truth through learning. As president, he has taken many courageous stands—courageous because they have been controversial. However, the pursuit of enlightenment is not, and should not. always be easy. Avoiding controversy means accepting mediocrity—and that is not John Lombardi.

Each of us is here in the world to accomplish something. During his tenure as president, John Lombardi has stood in the gap to make a difference. He has set an example of excellence in pubic and private service which should be an example for all.

John, thank you for your friendship and for all that you have done for the University of Florida. We are sorry to see you leave office, but you have earned this return to the classroom where you will continue to help shape the minds of the future.

Mr. SHAW. Mr. Speaker, today is the final day that Mr. John Lombardi will serve in his capacity as president of the University of Florida. Throughout the last 10 years he has served as not only a president, but as a teacher, mentor, historian, innovator, and architect of educational improvement throughout the State of Florida. I am honored to include him among the great leaders of my State.

Though Mr. Lombardi's presidency has been characterized by conflict, it is through this conflict that he has exuded his abilities as an exceptional leader. Before Mr. Lombardi even began his term in 1990, he found himself in the midst of a a racial conflict on campus. Mr. Lombardi not only mitigated the crisis, but used it as a platform for promoting racial equality at the University of Florida. From that ordeal, he committed his administration to making UF more comfortable and accessible to minority students.

While Mr. Lombardi's term of service can be characterized by challenges, it can also be characterized by innovation. Under Mr. Lombardi's administration, the University of Florida has excelled in technology and education. He has instituted an Integrated Student Information System (or ISIS) that allows students to on-line information on their personal finance, housing, grades, and curriculum. He has also created the UF Bank—a paradigm for collegiate financial processing, as well as an Integrated Healthcare System, Genetics Institute, Brain Institute, and numerous combined degree programs.

When considering Mr. Lombardi's initiatives, one must also consider his university development at the University of Florida. President Lombardi has overseen and initiated the building of new dormitories, a student recreational center, Gator Dining, and buildings for chemistry, physics, veterinary medicine, and cancer research. His fundraising efforts have brought more than half a billion dollars to the university for further initiatives.

Mr. Lombardi's most impressive characteristic, however, may be his ability to lead. Mr. Lombardi is a charismatic leader, a visionary, responsible for the actions of himself and his administration and adept at the often harrowing necessities of his occupation. When the Legislature of the State of Florida set forth budgetary restrictions that many thought would hinder the universities, Mr. Lombardi effectively managed to save 41 of 44 new programs to the astonishment of his peers at universities throughout the State of Florida. He has often dealt directly with the State legislature to serve the needs of the University of Florida.

Mr. Lombardi has said that, ''to succeed we must perform, we must be efficient and we must produce first-rank quality in all that we do.'' His statement is certainly indicative of his tenure as president of the University of Florida. He has brought honor to his university, to his State, and to his country through his term of office.

Mr. BILIRAKIS. Mr. Speaker, I rise today to recognize and honor John V. Lombardi, who has served with distinction as the president of the University of Florida for over 9 years. In that role, he has taken this distinguished institution to new heights of academic performance.

I had the pleasure of meeting John Lombardi shortly after his inauguration as president of the University of Florida. Since that time, I have come to know Dr. Lombardi well. I have seen firsthand the profound impact he has had at the university in the intervening years. Quite frankly, Dr. Lombardi has been unique among university presidents in his ability to relate to students, staff, faculty, and all those who support the University of Florida.

As a Member of Congress, I am well aware of the difficulty in maintaining close contact with one's constituents. It takes work; it takes prioritizing—but it is vital to accurate representation. Dr. Lombardi has set as his priority the ''pursuit of ever-higher quality'' in every area throughout the University of Florida.

To achieve this goal, he has made himself available to the students, to the faculty and to the staff, among others. He has been a leader of efforts to improve and diversify programs and to secure financial and community support.

I want to publicly commend Mr. Lombardi for his dedicated service to the University of Florida. Throughout his commitment, he has helped to provide direction and positive growth for a generation of Floridians.

Mr. BOYD. Mr. Speaker, I would like to take this opportunity to pay tribute to retiring University of Florida president John Lombardi. Dr. Lombardi is departing his post today after a decade of service to our university, its students and the surrounding community. Dr. Lombardi's tenure was marked by his dedication to a mission of shaping the University of Florida into the world-class institution it has become today.

As a member of the Florida State Legislature, I had the opportunity to develop a personal relationship with Dr. Lombardi as he worked with the legislature to ensure the university obtained the resources it needed to serve Florida's students and develop its reputation as a quality research institution. I have always been impressed by his tireless efforts on behalf of the university to raise academic standards and student performance and expand opportunities for the entire university community.

Dr. Lombardi's commitment, however, extended beyond the boundaries of his campus, as the entire State of Florida has benefited from his years of service. The constituents of the Second Congressional District, in particular, have profited from Dr. Lombardi's support of the land grant university's concept of a ''People's'' university through its Institute of Food and Agricultural Sciences. Dr. Lombardi recognized the campus' critical role in developing research, teaching and extension programs to serve Florida's agricultural community.

Most impressive, however, has been Dr. Lombardi's devotion to the University of Florida's most important resource—its students. At a time when higher education institutions are bursting at the seams, Lombardi has always put the needs of his students first, and as a result, he has earned the affection of the entire student body.

On behalf of the Second Congressional District, I would like to thank Dr. Lombardi and send him best wishes for all his future endeavors. We will not forget the many ways he has made the University and the State of Florida a better place.

The SPEAKER pro tempore (Mr. KUYKENDALL). 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.)

HONORING THE SERVICE OF DR. JOHN LOMBARDI, PRESIDENT OF UNIVERSITY OF FLORIDA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Florida. Mr. Speaker, I also rise to pay tribute to President John Lombardi on his last day as President of the University of Florida.

From the very first day that John Lombardi became President of the University of Florida, about 10 years ago, he demonstrated a vision and a passion that would be very difficult to duplicate. He arrived in a 1985 GMC red pickup truck, and it became quite clear immediately that this was a very special person who could relate just as effectively with the students as he did with the academics and the administrators.

He truly believed in the greatness of the university and he had a very unique style of communication that allowed him to spread his vision that, notwithstanding the tremendous reputation the University of Florida had, it was far ahead of its reputation.

John Lombardi's style of communication was unique; professional, honest, direct and at times blunt, but he said what many people wanted to hear and he took the university through a great deal of progress in a very short period of time. As the gentlewoman from Florida (Mrs. THURMAN) has elaborated, research dollars increased by double the amount they were when he arrived; the academic credentials of the student body increased dramatically. One statistic I will quote, which is a little daunting for us, the entering freshman at the University of Florida now is a 3.90.

Dr. Lombardi also shepherded through the creation of three very nationally well-known centers, the UF Brain Institute, the Engineering Research Center for Particle Science, and the National High Magnetic Laboratory, which is under the auspices of the University of Florida, Florida State University and Los Alamos National Laboratory.

The 1990s has not been the easiest decade to manage a university. But John Lombardi's creativity and resourcefulness helped the University of Florida thrive in a time of shrinking budgets and bulging enrollments. He created a money management system that gave his deans and directors more control and flexibility of their own budgets. The deans thrived under this system, saving more than $6.7 million in 1996 and 1997, and $12 million the next year. They took those savings and put them directly into student services.

In addition to all these achievements, Dr. Lombardi taught us something very important. Something that helps us answer the question, how do we define success in any major State university, not just in Gainesville, Florida? We define success by the value we add to the students that enter the university and ultimately leave there. John Lombardi never lost sight of the fact that a university is only as great as each and every one of its students that attend there.

He made a point of doing something that not enough university presidents do today. He spent a great deal of time with the students. Whether it was cheering the many University of Florida sports' teams on to victory, or marching with the student band with his clarinet, Dr. Lombardi showed the students how much he cared about them and their University.

Now, Dr. Lombardi, starting tomorrow, is returning to his first love; teaching. He will be teaching history again, and his students will be very lucky to have him there. But this is our opportunity tonight to thank him for his courageous leadership and for his example in the years to come as the University of Florida prospers under his tremendous stewardship.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Florida. Mr. Speaker, I rise today to pay tribute to Dr. John Lombardi, the outgoing President of my alma mater, the University of Florida.

Dr. Lombardi leaves his distinguished position today after a proud decade of immeasurable service. During this period, he was instrumental in promoting the University of Florida's reputation as one of the premier public universities in the United States. However, even as he prepares to leave this position, his commitment to education remains unabated. Dr. Lombardi plans to return to the classroom as a professor in the University's history department. Such dedication is typical of Dr. Lombardi, as evidenced by his record of accomplishments and achievements as the President of the University of Florida.

Complete enumeration of Dr. Lombardi's accomplishments would take days, so I will focus on a few accomplishments that I believe best portray Dr. Lombardi's tenure.

Foremost among the accomplishments during the Lombardi years is the creation of the University of Florida Brain Institute. This institute focuses on brain and spinal cord research and treatment, and is recognized internationally for its faculty, clinicians, students, and staff. Dr. Lombardi oversaw the creation of this institute, and construction of a six-story, $60 million building to house this comprehensive center devoted entirely to neuroscience.

Under Dr. Lombardi, the University has also increased the availability of combined degree programs for undergraduates who want to earn both a Bachelors and a Masters degree in five or six years. These programs have proven to be very popular with students seeking to take advantage of the university's curricular depth during a five or six year experience.

Also underway, as a direct result of Dr. Lombardi's vision and leadership, is the Graduate Growth Initiative. This initiative to increase the graduate student population to approximately 25% of the entire student body has resulted in growing numbers of graduate students, and proven to be an important asset in support of the University's research agenda.

Dr. Lombardi will be missed as President of the University of Florida. I wish him the best of luck in his return to the classroom, and commend him for his dedicated service to the University of Florida.

SOCIAL SECURITY AND THE BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

Mr. MORAN of Kansas. Mr. Speaker, Washington has hit the point on the political calendar when Congress and

the President pound the tables and thump their chests over the final budget decisions of this year. Our jobs are to look past the theatrics and to make decisions based upon principle.

This year we sat forth an ambitious goal that we would hold the line on spending instead of dipping into the Social Security Trust Fund. This year we have an opportunity for the first time since the Eisenhower administration to balance the budget without touching the Social Security Trust Fund. Congress needs to stand on principle. We owe it to ourselves and to future generations.

For too many years, these budget negotiations did not create such a fuss. Congress and the President settled their differences the old-fashioned way: They simply spent more money. When spending exceeded revenues, they borrowed money first from the Social Security Trust Fund, then from the public, by issuing government bonds. Forty years later we have run up one heck of a tab. Our Federal debt now stands at over $5 trillion.

There is hope. The Republican Congress over the past 5 years has been more serious than ever about fiscal discipline. That, coupled with a strong national economy, have put our Federal Government in the black for the first time in a generation and allowed us to retire $130 billion in Federal debt. The next step is crucial. Congress and the President need to keep their hands out of the Social Security cookie jar. It is too important to our future and to our country.

The Federal Government will raise about $1.7 trillion this year in non-Social Security revenue. This really ought to be enough to operate our government. Americans are likely to hear some hysterics coming out of our Nation's capital during the next couple of weeks over whether we should spend more money on this or that program. These decisions are important, but my focus will be on the bigger picture: Can we get through this session without robbing Social Security and future generations?

We must end the year by holding the line on spending, force some savings, and stay out of the Social Security Trust Fund. It is a matter of principle worth fighting for.

REPORT ON RESOLUTION AGREEING TO CONFERENCE REQUESTED BY SENATE ON H.R. 2990, QUALITY CARE FOR THE UNINSURED ACT OF 1999

Mr. GOSS, from the Committee on Rules, submitted a privileged report (Rept. No. 106–430) on the resolution (H. Res. 348) agreeing to the conference requested by the Senate on the Senate amendment to the bill (H.R. 2990) to amend the Internal Revenue Code of 1986 to allow individuals greater access to health insurance through a health care tax deduction, a long-term care deduction, and other health-related tax incentives, to amend the Employee Retirement Income Security Act of 1974 to provide access to and choice in health care through association health plans, to amend the Public Health Service Act to create new pooling opportunities for small employers to obtain greater access to health coverage through HealthMarts; to amend title I of the Employee Retirement Income Security Act of 1974, title XXVII of the Public Health Service Act, and the Internal Revenue Code of 1986 to protect consumers in managed care plans and other health coverage; and for other purposes, which was referred to the House Calendar and ordered to be printed.

TRIBUTE TO DR. JOHN LOMBARDI

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. BROWN) is recognized for 5 minutes.

Ms. BROWN of Florida. Mr. Speaker, I rise tonight to pay tribute to one of the most progressive leaders in the history of Florida, Dr. John Lombardi. He has been a cherished friend to me for over the past 10 years, but he has also been a great friend to the University of Florida and the rest of the State. He is a passionate supporter of public education and he is also a refreshing thinker.

I have been able to count on Dr. Lombardi for so many years as a valuable friend and resource person. Though Dr. Lombardi is leaving his position as President of the University of Florida, he will still be a part of the University's community. We will continue to count on him as a resource.

As a graduate of the University of Florida, I am proud of all the work he has done to make the University of Florida one of the finest public universities in the country, and the best football team. His hard work has helped us reach new levels of academic achievement and we are all proud of his commitment.

I know that the State of Florida is grateful to Dr. Lombardi for being so dedicated in his advocacy for equal rights and a quality education for all of our students. We will miss his leadership, but we will count on his continued support and guidance.

Mrs. MEEK of Florida. Mr. Speaker, will the gentlewoman yield?

Ms. BROWN of Florida. I yield to the gentlewoman from Florida.

(Mrs. MEEK of Florida asked and was given permission to revise and extend her remarks.)

Mrs. MEEK of Florida. Mr. Speaker, I thank the gentlewoman for yielding to me.

□ 1900

Mr. Speaker, Dr. John Lombardi represented and carried through a renaissance in Florida's public education. He chartered a new course for a university which many times before him was in a sleepy existence.

Dr. Lombardi came along; he was a university president who had vision and he had foresight. He was a scholar, respected. He was an academic, yet he was very well-centered in the community, as well as the students. He pulled this university up in research and development. He shaped and defined a new direction for the university.

I had quite a few meetings with President Lombardi. I respected him, as I was a member of the Florida Senate Committee on High Education. I must say to the graduates and the students of the University of Florida, John Lombardi will be missed; and to that entire university system, he brought them into the 21st century kicking and screaming. We are hoping that they will be able to replace him. But I say, no, it is hard to replace a man with the genius and heart of a John Lombardi.

TRIBUTE TO JOHN LOMBARDI

The SPEAKER pro tempore (Mr. KUYKENDALL). Under a previous order of the House, the gentlewoman from Florida (Mrs. FOWLER) is recognized for 5 minutes.

Mrs. FOWLER. Mr. Speaker, I rise today to offer my best wishes and appreciation to an outstanding educator, administrator, and author, Dr. John Lombardi, who has been the president of the University of Florida for more than 9 years now, and in that time he has become much beloved by the student body, faculty, and alumni. This is a man who truly made a difference during his years as president.

It would take too long to list all of his many accomplishments, so I would like to highlight just a few.

As an educator, Dr. Lombardi focused on and achieved higher academic standards, student performance, and graduation rates. As an administrator, he took care of critical details, such as offering better access to computers and augmenting opportunities by increasing the number of combined degree programs available to undergraduates. He was intricately involved in the opening of the Brain Institute, a premier center dedicated to brain and spinal cord research and treatment.

He also excelled in the vitally important role as a fund-raiser, with gifts to the University increasing exponentially during his tenure, including a recently arranged multimillion dollar contribution to the law school.

In addition, Dr. Lombardi was responsible for Florida's acceptance into the Association of American Universities, the prestigious higher education organization comprised of the top 62 public and private institutions in the United States.

More important, though, was Dr. Lombardi the person, a person of great popularity and high regard. Let me just give my colleagues two examples.

Dr. Lombardi was so well-loved by the students that I know that recently the student body voted to ask the

Board of Regents to allow Dr. Lombardi to sign each of their diplomas.

The second anecdote is even more true to his spirit, because at every homecoming Dr. Lombardi marched with the alumni band playing his trademark clarinet and wearing his Gator suspenders.

Today, Dr. Lombardi is leaving his post after a decade of dedicated service. We are fortunate, though, that he will not be going very far and that he plans to return to teaching in the University's history department. On this occasion, I wish Dr. Lombardi and Cathryne all the best and offer great thanks for all his hard work and efforts on behalf of the University of Florida.

THE BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PASCRELL) is recognized for 5 minutes.

Mr. PASCRELL. Mr. Speaker, over the past few weeks, the Republican leadership has taken their year of budgetary gimmicks to a new level, and I want to address that.

Not only have they declared the Census an emergency, something we have been doing through the centuries, not only have they delayed funding for critical medical research at the National Institutes of Health, they tried to create a 13th month in the year and put off payments that lower-income working families receive under the Earned Income Tax Credit.

Not only have they put on the floor an appropriation bill that has abandoned our commitment to reduce class size in our schools, a commitment which we started in the 1999 budget to eliminate immunization for 300 kids and gutted funding to hire teachers for disadvantaged students, not only have they been saying that they are the great protectors of Social Security and Social Security surpluses, while their own Congress Budget Office numbers which they have demanded the House use say the exact opposite, that all would have been bad enough, now they are telling us they are doing the responsible thing.

They have decided to hold up a penny and say, of course we can cut one penny out of every dollar we spend. One percent they say. That is just wasted money. They have abandoned apparently their idea of an $800 billion tax cut, so-called tax cut.

Why? It did not resonate with the people of America. The reply of the leadership has been, Most people don't pay taxes. That's why people aren't supporting this tax cut.

They have got to be kidding me. Most people in America do pay taxes. Most people in America of adult age work if they are not retired. But let us keep it elementary. Let us keep it very simple. Let us get back to the penny.

We all know that on the face of this penny is the face of Abraham Lincoln, our great role model. It appears here. As we listen to the rhetoric of the leadership, I would like this House to consider some other faces that are reflected here in this penny, the faces of those who represent the real story of about what this penny means.

Consider the face of Bob Corsa from Clifton, New Jersey. Bob is one of our Nation's veterans. Cutting that penny means that he and his fellow veterans will lose nearly $200 million in funding for desperately needed medical care. This little penny I hold in my hands that their side has held up night after night, I am holding it up tonight. These are America's heroes. Yet, the Republican leadership calls their medical care wasteful spending. What is one penny? What is one percent?

How about the face of the young 3-year-old in the town I grew up in and still live in, Paterson, New Jersey, who may be one of 5,000 children denied an opportunity to attend Head Start programs. He or she would be so denied because this penny actually means 39 million less dollars for Head Start in their proposal. The other side calls these investments in our future wasteful spending.

We should also remember the face of that college student who will not have the opportunity to receive work study assistance or the family who will be forced to live another decade near a toxic waste site because funding for the cleanup of that site has been slashed.

The other side is saying to those citizens, it is just a penny. It is just wasteful spending we are cutting. Their argument is the easy way out. It is an across-the-board cut that fails those we were sent here to advocate for, the voiceless. And we continue this process.

DEPARTMENT OF EDUCATION CANNOT BE AUDITED

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, today the Department of Education cannot produce the required paperwork to allow their financial books to be audited by the General Accounting Office, the GAO. It is the only department that has not been audited for fiscal year 1998.

The Federal Department of Education is responsible for distributing $120 billion a year in education spending. Unfortunately, it does not know where all that money is going. It is unacceptable that the Department of Education cannot account for how billions of dollars intended for institutes are being spent.

Yet, rather than looking at these issues, the Department has claimed that, as a result of a less than 1 percent reduction in their budget, they will have to cut funding for education programs because they say there is no waste in their agency.

I am convinced that we can find savings and solutions in the Department of Education and make sure that taxpayer dollars are used as they were intended, to help kids learn, not on bureaucratic mix-up or faulty computer systems. But until the Department of Education is willing to work to find out how they spend all our money, we cannot be sure how much waste is occurring or how much we can more effectively spend taxpayer dollars.

How does anyone explain how a Federal department is unauditable? The only worst case I have ever heard about than this one is in 1995, 1996 the IRS could not account for about $4 billion. They just could not account for it. They just lost it or misplaced it, I guess.

The Republican Congress wants to take a different approach to education, flexibility in return for strong accountability, the opportunity for parents, teachers, and schools to spend money the way they choose in return for proving that students are learning.

We have asked the GAO to look at some of the Department's accounting practices to make sure that every dollar that should be going to the classroom students is actually getting there to the local districts and classrooms.

I hope that the President and Secretary Riley will work with us to make sure that every Federal education dollar is spent wisely and is used to help children learn, not spent on red tape or bureaucratic mistakes.

The first step in making sure that the Department of Education's books are auditable is that we know where the money is going. I hope Secretary Riley will do everything he can to make sure this happens as soon as possible.

SOCIAL SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, Republicans must take all of us for fools, standing on a soap box trying to convince the American public that they are the saviors of Social Security, when in fact they are like the thief who does not believe he has committed a crime until he gets caught. Then he goes, oh, I committed a crime.

Instead of supporting Social Security, the Republican leadership has a long track record of hostility toward that good program.

In fact, the gentleman from Texas (Mr. ARMEY), the majority leader, has maligned Social Security as a rotten trick and as a bad retirement for American people. Republicans have tried to eliminate Social Security. They have tried to privatize Social Security, and they are trying to steal from it.

The Republican budget proposals before us this week and for the past few weeks would not add a single day to Social Security's solvency.

□ 1915

We are already into the fourth week of fiscal year 2000 and the Republicans are covertly dipping into the Social Security program. The reality is that the Republican spending bills have already spent the Social Security trust fund surplus for fiscal year 2000. And according to the Congressional Budget Office, despite the majority's smoke and mirrors, they have borrowed more than $13 billion of the Social Security surplus up to this date. And by the time we are finished with all of the spending bills, CBO estimates, if we go in the way that they are proposing, that $13 billion will actually be $24 billion. How does this extend the life of Social Security and the Social Security trust fund?

From past remarks, we know that the Republicans would be perfectly okay to let Social Security dry up and go away. Social Security, however, faces a shortfall over the long term and Congress must work, and we must work together, with real numbers, to secure the future of Social Security for Americans and for American families in the future.

I say to the Republicans, stop talking. Start working. Work with us. Work with the President. Work on a plan to extend the life of the program. Actually, the President has a plan to shore up Social Security over the long term. His plan would reduce the national debt by $3.1 trillion over the next 15 years and eventually devote the savings to extend the life of Social Security. We have a responsibility to future generations, to ensure that Social Security remains the strong successful program it is and that our country's priorities are addressed at the same time.

I have a message for the Republican leaders. You are not fooling anybody. Stop talking. Start working. Work with us. Work with the President and work for the people of this country.

TRIBUTE TO RETIRING UNIVERSITY OF FLORIDA PRESIDENT JOHN LOMBARDI

The SPEAKER pro tempore (Mr. KUYKENDALL). Under a previous order of the House, the gentleman from Florida (Mr. MICA) is recognized for 5 minutes.

Mr. MICA. Mr. Speaker, first I want to pay just a few moments of tribute to one of the most distinguished gentlemen I know in the State of Florida, a gentleman I have known for the past decade, who has headed the University of Florida, Mr. John Lombardi. John Lombardi is retiring as the President of the University of Florida. I have had an opportunity since I first attended the University of Florida, it will be some 40 years ago, in 1960, as a freshman on that campus, to see the University of Florida, which gave me an incredible opportunity in life, an educational advantage. I have seen many Presidents, J. Wayne Reitz, Phil O'Connell, Bob Marston, Marshall Criser, the interim President Bryan and others who have done a superb job in leading our first and foremost university in Florida, the University of Florida in Gainesville. But I have never seen an individual who has done a more incredible job in bringing together success in academics, success in programs, success in contributions to the university, both financial contributions and incredible standing. There just is no one who has done a more incredible job than John Lombardi. As he departs this week after a decade of service to our university, to our State, I salute him along with other members of the Florida delegation for what he has done for my alma mater, in raising the academic standards and improving student performance and increasing graduation rates, and for increasing the number of degreed programs and again the academic standing that he brought to the University of Florida through his efforts.

Just a word of praise, also, for his gracious, hardworking wife Carolyn who also with John Lombardi provided her leadership as really our first lady and spokesperson for the university and tremendous hostess for the university. Another tireless, devoted individual who gave so much to the University of Florida. We truly will miss them, but we are truly grateful for their tremendous contributions, Mr. Speaker.

The final tribute is not given by me but given by the graduates to John Lombardi of this fall's term. Even though there is an interim president coming, a very distinguished gentleman coming, they have signed a petition, the graduating seniors, to request that John Lombardi sign their diplomas, a final salute, not only from alumni and distinguished alumni from throughout the country and the State but even from those graduating this year. So, John Lombardi, we salute you, and you have done a tremendous job.

Mr. Speaker, I also wanted to speak in my remaining few moments to the comments of the last speakers who accuse the Republicans of stealing or robbing from Social Security. What could be more absurd? Every time the Democrats came to the floor and controlled the House of Representatives for 40 years, they in fact not only spent all the money in the Social Security trust fund, they went beyond that and spent 200 and $300 billion more per year in funding beyond that. This Republican controlled Congress is the first time we have brought our financial house into order. We have never said to do away with Social Security. We said the other side bankrupted Social Security. We laid the facts and the information before the American public and we looked for alternatives to take pressure off of Social Security so that Social Security could be secure and not robbed.

So for the first time, and again I cannot believe they can come to the floor with a straight face and to the American people and say that the Republicans have not been good trustees of this fund. I urge my colleagues and the American people to look for the truth, not rhetoric.

TRIBUTE TO REVEREND WILBUR N. DANIEL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, I rise to pay tribute to a great theologian, a great community builder, a tremendous humanitarian and a great American, Reverend Wilbur N. Daniel, pastor of the Antioch Missionary Baptist Church of Chicago for 42 years. Reverend Daniel will be best remembered as a fast start Baptist preacher who had the ability to electrify and move crowds in a matter of 2 or 3 minutes. He was a tremendous organizer and social activist who served as president of the Southside Branch NAACP in Chicago. He was chairman of the board of the Antioch Foundation, moderator of the North Woodriver Baptist District Association for 40 years, treasurer of the National Baptist Convention of America and chairman of the board of directors of the Highland Community Bank.

Reverend Daniel was born in Louisville, Kentucky, where he attended school and entered the ministry at age 25. His first pastorate was at the Macedonia Baptist Church in Gary, Indiana. It was while there that he enrolled at the Fort Wayne Bible Institute and then on to becoming one of the most learned theologians in America.

While a great preacher and spiritual motivator, Dr. Daniel was also a master builder and his church was an early leader in the building of affordable housing through its Eden's Green Development. He will be seriously remembered for helping to rebuild the Englewood Community in Chicago. When you drive through it, you will see new homes, senior citizen buildings, nursing homes, rehabilitated apartment dwellings, all put together by Reverend Wilbur Daniel and his 4,000-member Antioch Missionary Baptist Church.

Please do not think that Dr. Daniel relied upon the spirit alone. He was an astute politician. He was Republican, Democrat, Independent, making use of everybody to build houses and develop communities. A visionary who encouraged social activism, civic involvement, union organizing, outreach programs for the needy and recreational activities for youth. He built a Christian academy and brought more than $25 million of Federal housing money into the Englewood Community. Condolences to his sons Wilbur Jr., Ricky Eugene and two grandchildren. A dreamer, a man of vision, a worker, a leader, a good neighbor, a good friend, and a great American, Dr. Wilbur N. Daniel.

REPUBLICAN BUDGET PRIORITIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. KINGSTON) is recognized for 5 minutes.

Mr. KINGSTON. Mr. Speaker, we are at a real interesting time. We are in the home run stretch of the legislative session. We are in a position on the budget that we are negotiating with the President because of three different reasons. Number one, we had the 1997 budget agreement. That agreement was a bipartisan agreement, over 300 Democrats and Republicans alike joined forces to say, let us put some fiscal order, some discipline in this place. The President signed off on it. Now even though it is a bipartisan agreement, it seems like only one party is responsible for carrying out that agreement. That party is the Republican Party.

Number two, we do not want to spend Social Security money. Now, do not take my word for it as a Republican. This is John Podesta, the Chief of Staff at the White House. He works for Bill Clinton. Here is his exact statement: ''The Republicans' key goal is to not spend the Social Security surplus.'' I am glad, suddenly the White House is saying things right and we are very glad about that. Indeed, if you look at this smaller chart, that is exactly what we have been able to do. In the past, the Democrat controlled Congress and under Republican control, Social Security money has been taken for general purposes. But this year, zero. A historic moment. We have not raided Social Security. Very important.

The third reason we are in this position is that the President had promoted a tax increase as a way to fund a lot of new programs. On a bipartisan basis, this House, 419–0 voted against increasing taxes. So right now we are in a situation where the only way to continue the 1997 budget agreement and not raid Social Security is by reducing spending a mere one cent on a dollar.

I am a father of four, Mr. Speaker. I have two teenagers and two smaller children. We have to every month sit around and decide are we going to fix the washing machine, are we going to buy new tires. I guess we will have to postpone that vacation or that trip to Atlanta one more time in the fancy hotel, but we are used to doing that. But when Libby and I sit around the table and cut our budget, out of $5, we have got to look for 2 or $3. All we are saying to the Federal Government is cut out a nickel out of $5 or one cent out of $1. We have heard from Democrats tonight, that cannot be done.

Let me give my colleagues a few suggestions. The FDA has a pizza inspection program. If you buy cheese pizza, the FDA inspects it. But if you buy pepperoni pizza, the U.S. Department of Agriculture inspects it. I do not know, but in the private sector we would say, let us combine that. Or how about this. The President went to Africa with 1300 of his closer Federal employee friends, spent $42.8 million. Or how about when he went to China, he spent $18.8 million and took 500 of his closer friends. Cutting out 1 percent would mean 50 of them would have to stay at home the next time he goes to China. The next time he goes to Africa, 13 would have to stay at home. That does not sound so bad to me. But we keep hearing how harsh this is.

How about the program in Washington, D.C. where the Federal Government spent $6.6 million on a staffing company to help the government get people from welfare to work, $6.6 million and they were supposed to place 1500 people. One year later and $1 million later, they had only placed 30 people out of 1500. They spent $1 million to do that.

□ 1930

That is waste. And, you know what? I would like to pop the bubble of the Democrats and the big spenders up here. The Federal Government does not have any money. Let me repeat it: The Federal Government does not have money. It is the people's money. We hard working taxpayers send our money to Washington. It is not the Federal Government's money, it is sent to them by hard working taxpayers. So I believe that we in Washington have to be very careful on how we spend that.

Now I want to say one thing that is just kind of interesting. Here is a statement by Secretary Babbitt when a reporter said is there no more waste in government in your department? Secretary Babbitt, who is Mr. Clinton's appointee for the Department of Interior, the guy in charge of the National Parks, he said, ''Well, it would take a magician to say there was no waste in government.'' Amen to that. ''We are constantly ferreting it out. But the answer is otherwise, yes, you have got it exactly right.'' From the President's own folks, yes, there is waste in government, and we can cut it out and save Social Security.

NO CLEMENCY FOR CONVICTED MURDERER

The SPEAKER pro tempore (Mr. KUYKENDALL). Under a previous order of the House, the gentleman from Colorado (Mr. MCINNIS) is recognized for 5 minutes.

Mr. MCINNIS. Mr. Speaker, the Leonard Peltier Defense Committee has announced that in November 1999, it is the Freedom Month for Leonard Peltier. I used to be a former police officer and I take this personally.

This committee intends to deliver to the President of the United States a petition asking him to grant clemency to Leonard Peltier.

Leonard Peltier is currently serving consecutive life sentences in a Federal penitentiary for the ruthless murder of two FBI agents. To commute the sentence of Peltier and allow him to be released would be a tragic injustice. The Members of the FBI Agents Association and the Society for Former Special Agents of the FBI want the President and all Americans to be aware of all reasons why clemency should not be granted to Peltier.

June 26, 1975, was a hot dusty Thursday on the Pine Ridge Indian Reservation in southwestern South Dakota when two young FBI agents arrived from their office in Rapid City. It was about noon when the agents pulled into the Jumping Bull compound area of the remote reservation seeking to arrest a young man in connection with a recent abduction and assault of two young ranchers.

Observing Peltier's vehicle, the two agents pursued it. Unknown to the FBI agents, one of the three men in the vehicle was Leonard Peltier, a violent man with a violent past. He was a fugitive, wanted for attempted murder of an off duty Milwaukee police officer.

Knowing these cars pursuing him were FBI cars, Peltier and his two associates abruptly stopped their vehicle and began firing their rifles at the agents. Surprised by the sudden violence, outmanned and outgunned and at an extreme tactical disadvantage, the agents were wounded and defenseless within minutes. One of the agents suffered a severe wound, having his arm blown off. The other agent was hit in the left shoulder and the right foot. Both agents were clearly at the mercy of Peltier and their associates.

Not satisfied with the terrible injuries that they had just inflicted, Peltier and the other two men walked down the hill toward the ambushed and wounded agents. Three shots were fired from Peltier's rifle. One of the agents was still conscious, kneeling and apparently surrendering, was shot in the face directly through his outstretched hand. He was shot right through his hand. He was trying to surrender. He died instantly. The unconscious FBI agent who was lying there with severe injuries was shot twice in the head at close range. He also died instantly.

Following the murders, Peltier fled the reservation. In November 1975 an Oregon state trooper stopped a recreational vehicle in which Peltier was hiding. Peltier fired at the trooper and escaped. But found within that recreational vehicle was one of the weapons from the FBI agent with Peltier's fingerprints on the bag which contained the weapon.

When later arrested in Canada by the Royal Canadian Mounted Police, Peltier remarked that had he known those were mounted police officers and they were there to arrest them, he would have immediately blown them out of their shoes. These are not the comments of an innocent man, and they portray a very violent man who, without mercy, assassinated two FBI agents.

Peltier in 1977 was finally brought to justice and he was found guilty on both counts of the murder of these FBI

agents. He was sentenced to two consecutive life sentences.

While incarcerated in a Federal prison, a rifle was smuggled in to Peltier. He shot his way out of prison and several days later, after assaulting a ranger and stealing his truck, he was finally recaptured. He was tried and convicted of escape.

Peltier has since appealed his various convictions on numerous occasions. Every time he appeals his conviction, the courts turn him down. The United States Supreme Court has had his case twice. They have turned it down twice without comment.

The record is clear: There are no new facts. These are only old facts, and they have not changed. This man is guilty of murder in cold blood of two FBI agents and he should not be released from jail, Mr. President.

Peltier openly states he feels no guilt, remorse or even regret for the murders. Peltier has lived a life of crime. He has earned and deserves a lifetime of incarceration. Peltier is a murderer without compassion or feeling for his fellow man and in turn he deserves no compassion.

Mr. President, there is no justification for relieving Peltier from his punishment. Our judicial system has spoken in this case again and again and again and again. Leonard Peltier is a vicious, violent and cowardly criminal who hides behind legitimate Native American issues. Leonard Peltier was never a leader in the Native American community. He is simply a thug and a murderer with no respect for human life. Our citizens on and off the reservation must be protected from murderers like Peltier.

Mr. President, since Leonard Peltier could not fool the Federal courts, he is now trying to fool you and the public. Do not let it happen. Turn down that request for clemency.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to direct their remarks to the Chair.

THE COST OF EDUCATING OUR CHILDREN

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Michigan (Mr. HOEKSTRA) is recognized for 60 minutes as the designee of the majority leader.

Mr. HOEKSTRA. Mr. Speaker, I welcome my colleague from Colorado here tonight as we talk about educating our children.

The topic tonight came out of a process that for some of us began in 1995, where we began a process that was called Education at a Crossroads, where we took a look at the definition of education here in Washington, we took a look at what worked and what was wasted in the Federal programs, and also what worked and what was wasted at the state and at the local level, and really came to a decision to review some of the information and the documentation that we gathered since 1995 based on a press conference that the Secretary of Education gave last week.

As many of our colleagues know, we are embarked on a plan this year for the second year in a row to try to make sure that we spend no Social Security dollars on general fund expenditures. It looks like we did that in 1999, or came very, very close, for the first time in 40 years, and what we want to do is duplicate that for 2000, so we have embarked on a plan that said we are going to look for a 1 percent savings.

Last week the Secretary of Education came out and said, ''If you try to find a 1 percent savings in my department, you cannot find it. It is not there, and any reduction in expenditures in education will come off the backs of our children.''

We went to the Education Department on Friday, and there are just two things that I would like everybody to remember as we put this in context, two things. If you remember only two things out of this whole night, other than that we are trying to save 1 percent, remember these two things:

The first is that the Department of Education's books are not auditable. The first is the Department of Education's books are not auditable. We will talk a little bit more about that. But we have got a secretary from a department that has responsibility for $120 billion of taxpayer money, and he is blasting Congress. But when he goes back to his own department and three Congressmen go over there and ask him and his colleagues and say can you kind of tell us where and how you spend the roughly $35 billion in appropriations that we give you on an annual basis and the $85 billion of loans that the Department of Education manages, can you kind of tell us how you manage the taxpayers' dollars, the response is, ''I am sorry, but for the last year that we had auditors in taking a look at our books, our books are not auditable.''

It means they cannot tell you. The auditors cannot look at the books with any degree of certainty and say that the money that came from the American taxpayer, went through Congress, was entrusted to the employees and the leadership at the Education Department, they cannot tell us where or how that money was spent and that there is no waste, fraud and abuse.

My experience in the private sector tells me any organization that does not have the financial control systems in place to ensure that their books are auditable probably has some waste, fraud or abuse going on. So, number one, the books at the Department of Education, $120 billion agency, does not have books that are auditable.

The second thing that I would like to just put in context, everything else that we do tonight is in context of this secretary is going out and saying that this Congress is stopping the raid on Social Security on the backs of our children. Sorry, Mr. Secretary, even when we find that 1 percent savings in the Department of Education, this Congress, yes, this Republican-led Congress, has appropriated $100 million more for the education of our children than what this President even asked for in his budget.

We recognize and we are willing to invest in our kids' education, but we are not going to invest in programs that do not work or that move decision making to Washington; or, Mr. Secretary, when we give you another $100 million, you bet we are going to come down to your agency, we are going to help you manage your agency, because you have not been managing it, because you cannot even tell us where the dollars go.

I will yield to my colleague from Colorado, just remembering those two things in context: Their books are not auditable, and Republicans are investing more in education than what the President even asked for in his budget.

Mr. TANCREDO. I thank my colleague from Michigan. I wanted to just first of all tell him how much I appreciate his efforts as chairman of the committee, the oversight committee that is entrusted with the responsibility of, just as the name implies, overseeing government operations, specifically in the area of education. He has been diligent in that regard, and I just want to commend him for that. This is another example of where people like my colleague can truly make a difference for all Americans, for Americans all over the Nation.

As I listened to my colleague's reference to the Secretary of Education and how he responded to the request to reduce expenditures by 1 percent in the next fiscal year, and he said that that would be impossible, it could not be done, that if it happened, it would come off the backs of children, you have to think to yourself, really and truly what goes through someone's mind when they actually have to say something like that, when they know fully well that anyone listening, anyone, except perhaps other Members of the cabinet who have all been given the same script, they all say the same things, they cannot find the 1 percent savings. But what do they think America thinks when they say that? Does anyone out there believe that no one in the government of the United States can find 1 percent savings without hurting the actual people that they are given charge to take care of? I do not want to say take care of. Does anyone believe that cannot happen?

□ 1945

And with this happening at the same day, as I say, this is a script everyone must be getting. All members of the cabinet, I am sure, have been told that they have to say there is no savings.

Because if there is, if you say yes, there is a 1 percent savings, someone is going to say, you mean you have been presiding over a department that has had waste, fraud, and abuse? So they say no, it is not there.

The other day we were talking about this, and the Secretary of the Interior, Secretary Babbitt, said exactly the same thing almost word for word. That is why I say it seemed like it was scripted.

What was amazing about that was that at the same time that he was telling the people of the United States that there were no savings in the Department of the Interior, the deputy secretary was in the Committee on Resources telling the committee that they had lost $7 million, almost simultaneously. One guy is up there saying there is nothing, no fraud and abuse, absolutely not, we cannot find a penny around here, while his undersecretary is telling us in the committee, yes, there is $7 million bucks that is gone. I do not know, it has to be around someplace. I am sure we will find it before too long.

This is the bizarre nature of Washington, D.C., Mr. Speaker. This is the only place where discussions like this can be actually carried on, where people can say things like that.

Mr. HOEKSTRA. Mr. Speaker, I just want to reinforce what my colleague is talking about. This message has gone across to all cabinet levels, the same message, we cannot find 1 percent. While the Secretary of the Interior is saying, we cannot find 1 percent, his deputies are saying, I am sorry, we lost $7 million.

Mr. TANCREDO. That is correct.

Mr. HOEKSTRA. And $7 million is real money. It is the same thing we have in the Department of Education. Secretary Riley is saying, we cannot find 1 percent. If we go to his department, as three of us did last week, and we talked to his chief deputies, they are saying, we are sorry, we cannot audit the books. What is worse, finding out you lost $7 million, or finding out you did not know where the money went?

My guess is that as we go through the Department of Education, again, as we talk about some of the other discussions that we had at the Department of Education, I think we will find that the money is there to be found if we put in place the stringent financial controls.

What always amazes me, and I think my colleague also had this kind of background, when we talk about stringent financial controls, I am sorry, but every day every small business, every publicly-held company, every Fortune 500 company, they have auditable books each and every year. This is not brain surgery. There are people who do this every day, and they do it for a living.

We are just asking an agency that manages roughly $120 billion a year to please be careful with the taxpayers' dollars, and at the end of the year, please be able to tell us where they spent it.

There is another whole discussion, and this is much of the debate we are having on education today, because once we find out where it goes, then we will have the other debate which says, tell us how effectively that money has been used: Did we actually improve students' learning? But this is on a much more basic level, just tell us where the money went.

Mr. TANCREDO. If the gentleman will continue to yield, Mr. Speaker, as I understand their response when they were asked about the auditability of the books, they said, well, we cannot do it because, among other things, all of the auditors over the last couple of years keep pulling out. The most recent has pulled out and said, we cannot do it. Am I correct?

Mr. HOEKSTRA. Reclaiming my time, Mr. Speaker, what they told us was that in 1997 they had an accounting system. My other colleague here, the gentleman from Colorado, was with us. I think this was what we heard. My colleague will correct me if we do not get it exactly right. What we heard was that in 1997 they had an accounting system. They decided to transition into a new and improved accounting system.

As they started implementing this new system in 1998, they implemented it and they found out that there were a number of problems: security clearances, duplicate payments, perhaps unrecorded payments, and those types of things. So they went back to the vendor who had developed this system for them. Basically this vendor had pulled out, withheld support for this new accounting system.

Now, what is the Education Department doing? They have unauditable books for 1998. They are now in the process of soliciting companies and accounting firms to develop a new accounting system which they hope will be in place by 2001. So until 2001, we are going to limp along with this current system.

So in a period of 5 years, we will have gone through three accounting systems: the original accounting system, which was operational in 1997; the one they bought and paid for in 1998, and no, they could not tell us how much they paid to get this new accounting system; and now the one that is anticipated to be online by 2001. There were three accounting systems.

I come back to the fact that this agency is entrusted with managing $120 billion, this is with a B, not with an M. This is $120 billion per year, and they cannot tell us where the money goes.

I yield to my colleague, the gentleman from Colorado (Mr. TANCREDO).

Mr. TANCREDO. I appreciate the gentleman yielding. In another life I was the regional director for the U.S. Department of Education in Region VIII. I was appointed to that position in 1981. I was charged with the responsibility of trying to reduce the size of the Department to more accurately reflect its responsibility under the Constitution. As the gentleman knows, we can search the Constitution in vain to find some responsibility for the U.S. Department of Education. It is not there.

So we set about a task to, as I say, reduce the size. When I came in in September of 1981, there were 222 people, if memory serves me right; here there were 220-some people employed by the U.S. Department of Education in the regional office, Denver, Colorado, Region VIII. That was astounding to me. I had been a teacher before that. I was in the legislature. I was chairman of the education committee. We did not know there was a regional office of the U.S. Department of Education. They had absolutely no contact with real life, 227 some people.

It took us about 4 years, and we went through a series of budget cuts and transfers, and we went from 220-some people down to around the mid sixties, 65, an 80 percent cut.

I used to go out and speak to each one of the State Departments of Education in the six States for which we had responsibility which had some interaction with the department, and for every single one I would say to them, we have gone down 80 percent in the regional office. Have you been able to tell the difference? No one, no one ever said, oh, yes, I can tell there has been some change in efficiency. No. No.

Do Members want to know what else? If we had gone to zero, they still would not have known the difference. This is in a department that claims there is no waste. We went from 222 to 60-something, and nobody knew the difference.

Mr. HOEKSTRA. Reclaiming my time, Mr. Speaker, again, this is about taking the money, taking a look at the $120 billion. Like I said, let us clarify, this is about $85 billion in a loan portfolio that the Department of Education is responsible for managing, and about $34 to $35 billion in annual appropriations, and for 1998, those books are unauditable. We do not know what will happen with the 1999 statements.

My colleague, the gentleman from Colorado, and I went down there on Friday. We met with a number of the employees and some of the leadership at the Education Department. They were very hospitable. We gave them roughly a day's notice. We let them know on Thursday that we would like to come down and meet with some of them.

They were very gracious and they were very knowledgeable. They were very helpful when we came there on Friday morning. I think we had a very fruitful discussion with the leadership. We asked them about the auditability of their books. That is where we heard about the five different or the three different accounting systems that are going to be in place over a period of 5 years, and maybe my colleague, the gentleman from Colorado, would like to share some of the other things we

talked about. I yield to the gentleman from Colorado (Mr. SCHAFFER).

Mr. SCHAFFER. Mr. Speaker, I thank the gentleman for yielding. I just want to paint a picture for my colleagues about what occurred on Friday.

It was just a few days before that that the White House convened a press conference and assembled all of the Secretaries of the various cabinet level agencies. They were paraded in front of the TV cameras, and gave their opinions about this effort to save one penny out of $1, or actually a little less than one penny on $1 to help rescue the social security trust fund.

The goal, of course, is to try to get all Federal agencies to reduce spending, or actually, to reduce the increase in spending by approximately .97 of a percent.

The Secretary of Education suggested that this was an impossibility; that in their $35 billion fund, that they could not come up with that one penny out of $1 in savings to help the Nation and save our social security program.

He also made some other comments, that the Education Department was a lean, efficient operating agency, and that they are as efficient as they can get. We just cannot come up with less than 1 percent savings without hurting children.

The gentleman and I and other Members of Congress, we have children who are in public schools. We care deeply about the quality of education. The last thing we want to see is this effort to try to save money to fall disproportionately on the backs of America's children.

We just do not buy the notion that that has to be the case, that the Department of Education is incapable of finding the administrative savings, the bureaucratic savings and the savings through the creativity in financial improvements of saving these dollars so we can help children. That is the message we took to the U.S. Department of Education.

The rest of Congress adjourned or went back home Thursday evening after we had finished the week's business. We essentially had the day off. The three of us stuck behind and decided to head down to the Department of Education offices.

We literally walked right through the front doors and started going office to office asking people about their jobs, what they do, what kinds of functions they serve.

We met with the finance officers. Before we go into some of the details on that, I just want to point out that the gentleman's description of our reception is entirely accurate. We had just a wonderful assembly of individuals there at the Department of Education. I am talking about the rank and file people who are working every day on these programs.

They care deeply about the country. I walked into a number of office spaces and there on the desk would be the pictures of some of these folks, some of their kids. I would ask, how old is your daughter? How old is your son? Where do they go to school? These are folks who care about the future of education of America.

They also care about the solvency of our country and the security of our social security programs, our retirement programs. They understand that this is a job that entails the entire government pulling together.

So when we asked that question, do you think you can help us, do you think you can help us find that one penny out of a dollar to help balance the Nation's budget and run the country according to the promises that we have made to the American people, nine times out of ten the individuals we spoke with said, well, we are certainly willing to try.

We handed out lots of business cards. These are folks who I think if we are able to, as rank and file Members of Congress, to reach around the partisan level of disagreement that takes place over in the White House and at the Secretary level at the Department of Education, if we can just reach right around all of that political nonsense across the aisle to those who are on a day-to-day basis working hard to run the Department of Education, I am convinced as a result of that visit that we can accomplish this job. We can save a penny on a dollar and do it without harming the education of our children.

Mr. HOEKSTRA. Reclaiming my time, Mr. Speaker, it is interesting, we had that dialogue with the management and the employees of the Education Department for about 2½ hours on Friday morning. It was very interesting, I do not know if the gentleman read some of the comments, but in my papers back home some of my colleagues on the other side characterized, and get this, this is three Members of Congress going to the Education Department, being very warmly received, talking to the leadership, talking to rank and file employees.

I think the gentleman is absolutely right, if they were given the challenge, and I think we asked the leadership, have you gone through and seen how you would find 1 percent, and kind of got this glazed-over look from the leadership of the Education Department. But when we talked to the rank and file Education Department employees, do you think you can help us find 1 percent to make sure that we do not decrease by one amount the penny that is going into the classroom, they were very excited about that kind of an opportunity.

The characterization of Members of Congress talking to employees within the Department, it was characterized as being like storm troopers. It was kind of like, I do not think so. I do not think that is the response we got at all, either.

The Department of Education employees, we were talking to them about how they hand out the grant fund. The gentleman and I have been working on this process. I have been working on this process. We issued a report in 1998 in the subcommittee called Education at a Crossroads.

This report came out in 1998. It highlighted not the inefficiencies or the waste, fraud, and abuse, just because they are not doing the basics, but it was taking a look at some of the things we could do better.

That is, we identified that of every Federal education dollar that is sent out, 35 to 40 cents of that is wasted in bureaucracy. It is kind of like we in Congress create a program, we have to tell the local people that the program exists, they apply for the program, we review the application, we write a check, they cash the check, they spend the money, they report how they spend the money, the Federal government has to audit it because we know we cannot trust the local people, and when we cut through all of that, it is kind of like, there goes 35 to 40 percent out of that.

It is not necessarily all Federal money, some of it is State or local money, but it gets to be a very expensive process. So we know that there are savings there. We are very willing, and this, I think, was the message we gave to the Education Department, help us find the 1 percent, or help us find 10 percent, and we will not take all that 10 percent and drive it into a surplus. Help us find 10 percent so that we can take that other 9 cents that you find and drive it into a classroom where it really makes a difference, and take it out of bureaucracy. I think they are just as willing to do that as they are to find the 1 percent for social security.

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Mr. SCHAFFER. Mr. Speaker, the description of the gentleman from Michigan (Mr. HOEKSTRA) of the way the Secretary of Education characterized the action of three Members of Congress going down to their building and talking with rank and file employees as storm trooping.

Mr. HOEKSTRA. Did the Secretary actually say that?

Mr. SCHAFFER. Mr. Speaker, he called that a publicity stunt was his words, that this was a publicity stunt.

It is remarkable because what you have going on here in Washington is just a handful of the education elite in the White House and in the Department of Education that want to control the entire national message on education, not only the terms of improvement for America's education system, but the terms of quality, the terms of spending and all of the rest.

I think they feel threatened somewhat when people like the gentleman from Michigan and I and other Members of Congress who have children and care deeply about the quality of education around the country physically go down there to their offices and talk with the rank and file members. I think this threatens somewhat their

ability to control the message. So if it threatens the message, so be it.

Mr. HOEKSTRA. Mr. Speaker, the bottom line that we found out, which we suspected because GAO was reporting earlier this fall that this was going to be the case, for the Secretary to come back and call something a publicity stunt. I talked to my staff about what was going to happen after we came back. He said, well, you can bet that the other side, since they cannot talk about the issue, they are going to just holler and scream and start pounding the table.

If I were them, I would holler and scream and pound the table and scream, because if they are not holering and screaming, they are going to have to answer the one basic question, which I did not see reported anywhere: Mr. Secretary, you are managing $120 billion, why are your books not auditable? Why are you hollering and screaming at Congressmen?

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. KUYKENDALL). The gentleman should direct his comments to the Chair, not to others.

Mr. HOEKSTRA. Mr. Speaker, I thank the Chair for that guidance.

Mr. Speaker, addressing the gentleman from Colorado (Mr. SCHAFFER) here, the question that that Congress can and should be asking is: Mr. Secretary, why can you not answer the question of where the money went? What have you done with $120 billion?

I think that, as part of the Subcommittee on Oversight and Investigations, those are the kinds of questions we will ask over the next 2, 3 weeks, 2, 3, 4 months. The gentleman from Colorado, as a member of the subcommittee, knows that we have been dealing with this issue with the Corporation for National Service for 5 years. For 5 years, they have not had auditable books. Now, some would say, well, that is only a $600 million, $700 million agency, why worry about it? Back in Michigan $600 million, $700 million is still a lot of money.

The Department of Education, there is $120 billion. But the Secretary would get up and pound the table because he cannot answer the basic question as to, why are your books not auditable? We have given you $120 billion. We have entrusted that to you. You cannot tell us where the money went.

Mr. Speaker, I yield to the gentleman from Colorado (Mr. SCHAFFER).

Mr. SCHAFFER. Mr. Speaker, the frustration that was expressed to us just by the finance leaders in the Department of Education was very evident, particularly within the context of this contracting transfer for the contractors that are setting up the audit system. They had abandoned the old audit system just a few years ago and are now in the middle of transforming their entire financial system.

The contractor who was supporting the service took a hike, I suppose. The way it was described to us, they decided to no longer provide support service to the Department of Education, so, therefore, the Department of Education is now looking to a second vendor, third vendor, I guess, to run a third accounting system and accounting process. That will take place they said, I think, in 2001.

So over the span of a 5-year period, they will undergo three different accounting systems. Again, I think the rank and file type people that we met with, they certainly sympathize with the concern that we have as Members of Congress and understand that there is a legitimate question about the auditability of these books and realize that they need to come up with an answer very, very soon.

But in the intervening time period, there is no doubt at all that there are too many questions that go unanswered, particularly at a time when the dollar amount is very, very relevant. We need every spare penny to help make good on our promise, to balance the budget, and do it in a way that honors our commitment to save the Social Security Trust Fund.

They realize that they are a big part of the solution over there. But as long as their books cannot be audited, as long as their funds are being parked, to use the exact term that was used, being parked into accounts to the tune of hundreds of millions of dollars, and not to mention the issue we discovered of the duplicate checks, duplicate checks were being signed to different universities and different recipients around the country, as long as these kinds of accounting glitches are occurring on a day-by-day basis and the books are not auditable, they realize they have a problem.

It almost suggests that the answer we heard from the Secretary and the President was not a reasoned one, not a sensible one, but a defensive one, that, no, we do not have a penny in savings that we can find over here. It is not here. Do not look here. Our agency is as clean as effective as can possibly be, and we are not going to help.

That is why I say I think the Secretary is genuinely threatened. I think it is unfortunate the response we have seen coming out of his office was as caustic as it was. I think that what we represent is a part of a team that is exhibiting a good faith effort to reach out to the Executive Branch of government and help these folks find the one penny in savings for every dollar in expenditures that is necessary in order to run an efficient and credible government.

Mr. HOEKSTRA. Mr. Speaker, reclaiming my time, I think what message we clearly sent last week was really twofold. Number one, we are going to help find the 1 percent savings and make sure we do not raid Social Security. The second thing is we are going to help come in and find the other inefficiencies and the other management deficiencies in this Department to ensure that we get maximum leverage on the $120 billion that we give them each and every year to make sure that that money actually helps kids learn.

If they cannot find 1 percent, if they cannot produce auditable books, it is kind of like what they always say, we are the Federal Government, and we are here to help. It is kind of like, Mr. Secretary, we are here to help. It is part of our responsibility.

The gentleman from Colorado and I are part of the oversight subcommittee. We are held responsible by the House to ensure that the funds that are given to Federal agencies are actually used in and accomplish the goals and the purposes that Congress mandates by law.

Let us talk about some of the things that we found when we talked about them, and that is the grant back fund and the duplicate payments and those types of things. But before we do that, let us just go back. Some have said, well, this is a new effort now. The Secretary comes out on Tuesday, talks about these kinds of issues, and, all of a sudden, now Republicans are interested in education. Wrong.

In 1995, we started the first hearings that led to the Education at a Crossroads report which we published in 1998. The hearing cycle began in 1995 and continues to this year. We have been in Chicago. We have been in Milwaukee. We have been in Wilmington, Delaware. We have been in Milledgeville, Georgia. We have been in San Fernando, California. We have been in Phoenix. We have been in Napa, California. We have been in Louisville, Kentucky, the Bronx and New York, Cincinnati, Little Rock. We have also done a lot of work in investigating the expenditures here in Washington.

The gentleman from Colorado remembers when we went back. One's tax dollars at work were kind of an interesting highlight of this report. We highlighted it. Remember, the Department of Education, one of its primary responsibilities is to help those kids who need help the most, to help them to learn, to read, to help them to learn, to do math.

The Department of Education's office of Special Education and Rehabilitative Services, what do they think is one of their primary missions? Close captioning is provided for, and this is a quote from one of their reports, diverse programs such as, this is the Federal Government, our Department of Education paying for close captioning of Bay Watch, Ricky Lake, the Montel Williams show, and Jerry Springer. Good wholesome, all American programming. I guess I understand why they provide close captioning for Bay Watch. My understanding is most people watch that with the sound turned off anyway. But that is where some of our Federal education dollars go.

Here are some of the educational publications from the Department of Education: Cartoons, the title of which is the Ninjas, the X-Men, and the Ladies; Playing With Power and Identity

in Urban Primary School. We talked about this earlier at a press conference.

Another educational publication is the Bakery Industry. This is their title, Lesson Plans Prepared For Car Grocery Employees. The lessons focus on topics from the workplace in the following areas: Bakery, cake orders, courtesy clerk, and sushi bar, 96 pages long. I am partial to bakeries, my dad was a bakery, but I am not sure this is a high priority program.

Fifth Grade Pipefitters, another leading edge educational department program. Building workplace vocabulary for pipefitters, compound words, 27 pages. I like this one. They are great.

They did one for the cement industry. Care to guess what the name of that is. This is for the cement industry. Title: A Concrete Experience, A Curriculum Developed to the Cement Industry.

I love this one. Donna Reed; Channelling Your Donna Reed Syndrome, a manual on stress management for the workplace, 20 pages long.

This is not about whether we can find 1 percent, it is about whether there is the Commitment to go through the over 200 programs at the Department of Education and to decide to focus on what is right and what is not necessary.

Remember the two contexts that we are debating this in and talking about tonight is the Department of Education, their books are not auditable, and this Republican Congress has actually allocated and approved more funding for the Department of Education than what the President had in his original request.

We are willing to fund education; but at the same time, we are going to hold that Department accountable for the $35 billion that it receives in annual appropriations. That is kind of the context, saying these kinds of things have been going on in the Department of Education.

We identified those from 1995 to 1998. We issued the report in 1998. Now, in 1999, we find out that their books are no longer auditable.

Then maybe we want to talk a bit about the grant back account.

Mr. Speaker, I yield to the gentleman from Colorado (Mr. SCHAFFER).

Mr. SCHAFFER. Mr. Speaker, the grant back account is one that, well, I think the best way to describe it is to just go right to the internal report that is circulating in the Department.

Mr. HOEKSTRA. Mr. Speaker, reclaiming my time for a minute, when we talk about the books are not auditable, this is not a couple of Members saying, hey, we do not think the books are auditable. It is their own chief finance officer, their own Inspector General saying they are not auditable. The same thing, we use words from the people in the Department of Education. So these are not allegations made by Congressmen, these are people within the Department making these kinds of statements.

Mr. Speaker, I yield to the gentleman from Colorado (Mr. SCHAFFER).

Mr. SCHAFFER. Mr. Speaker, just to be clear on what this fund is, this is a fund where various payments are made out of the Department of Education to universities, other programs, States, and school districts directly, I presume, other grantees that are selected to provide the specific services to the Department. These funds are expended and then, perhaps, not drawn down entirely or spent in a way that does not meet the definition of the original grants, so these funds come back to the Department of Education, and they are held there.

A certain portion of them at some point in time are eligible to go back to the States or back to the programs in question. Any unused portion is supposed to go to the United States Treasury, back to the American people.

So one can see there is a lot of money moving in and out that is of an indirect nature, and this fund almost lends itself to a certain amount of suspicion. It was described to us that, while we were at the Department of Education, that money is parked in this fund on occasion, meaning that there is a positive balance and presumably, at some points in time, according to their own memos, a rather large balance on occasion.

Even though those dollars in that fund may not be in and of themselves spent on other purposes, the very fact that the Department of Education is able to show a large positive balance of cash on hand means that they are allowed to make all kinds of other financial commitments and maneuvering within the Department.

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So that is why we raised the question and why we looked at that fund.

But I think, Mr. Speaker, the real evidence of the need for concern by Congress comes right from a memo that we received from the Office of the Chief Financial Officer within the Department of Education, and here is what he says about this particular fund. He says, ''Education's fund,'' education being the Department of Education, ''Education's fund balance account includes $712 million that it cannot identify with any specific program. As stated in the following two paragraphs, these unidentified funds have accumulated since fiscal year 1993 due to adjustments made to its grant program accounts. For example, during the fiscal year 1996, Education made adjustments to approximately 155 of the 184 grant program accounts.''

So, again, of the 184 grant programs that are on their list, they made adjustments to just about all of them, 155 of them, all but 29 of them, and the result being that money comes back to the Department of Education and is parked in this account. We just simply think that, based on their own chief financial officer memos, the questions and the answers that we issued and the answers we received on Friday, we think this is one legitimate place, not the entirety of our scope of concern, but this is one legitimate place where the Congress ought to look to see if we can find the savings that are represented by this one penny out of every dollar in government expenditures.

We are trying to save that one penny. Again, when we went to the financial officers, who are charged with managing this fund, because we think there are still a lot of questions that are unanswered, very clearly from a staff to congressional level basis there is a very clear willingness to clear up the account, to try to find any savings that we can and to help our project of giving dollars to the classroom rather than having it hung up in these questionable accounts in Washington, D.C.

Mr. HOEKSTRA. If we go to take a look at that report, I believe that is also the report that says of the $712 million that were in that account at the end of 1996, only $12 to $13 million were actually in the account based on what the account was set up for, and that the balance, the other 98 percent of the money had found its way into this account with no relationship to the intended purpose of this account. Is that accurate?

Mr. SCHAFFER. That is what their chief financial officer states. He says, ''The grant back account balance as of September 30, 1996, is approximately $725 million, of which $13 million is true grant back activity and $712, as stated above, is unidentified funds not related to the purposes of this account.''

So here, not in my words or the words of the gentleman from Michigan, but in the words of the chief financial officer within the Department of Education, $712 million, as stated above, is unidentified funds not related to the purposes of this account.

Now, we did not go charging any kind of malicious intent with these dollars, or suggest that there is fraud or deliberate abuse of these funds, merely that in an agency with an annual appropriation of $35 billion, it is possible that lines of communications occasionally get crossed and that there are funds where dollars are being parked. And at a point in time when we are trying to save that one penny out of a dollar, this may be a good place to look.

Mr. HOEKSTRA. Reclaiming my time, when the chief financial officer says we have this account established that has over $700 million in it, only 2 percent of which, only $12 million, is in that account based on why that account was set up, meaning roughly $700 million found its way into this account through some other reason, when we combine that with the fact that that is 1996; that 1998's books are not auditable, we have just asked some, I think, very legitimate questions. How much is in the account today? And the estimate was, well, this account today has in it somewhere around $189 to $200 million. So as of today, or at least as of

Friday there was still $200 million in that account.

We have asked the General Accounting Office to go to the Department of Education and ask some very basic questions, which I think we as Members of Congress, representing the American people, are entitled to some answers. We have asked as colleagues, and as the chairman of the oversight subcommittee, I want to know where that original $700 million came from. Under the anti-deficiency act, no Federal agency is entitled to carry dollars over from year to year to year. I want to know where the decision was made that these dollars, $700 million, did not fall under the Anti-Deficiency Act, and that they should have been returned to the Treasury at the end of every fiscal year, where did the Department get the authorization to keep that money at the Department of Education? Now that it has gone from $700 to $189 million, where did this $500 million go? Is the tracking there? Under whose authorization, under what congressional authorization did this $700 million get whittled down to $189 million?

We are talking about real money here. This is $500 million. We have a legitimate right to know. And maybe when we go through this whole process, the Department of Education will have a very reasoned approach to showing how they got from $700 million to $189 million. But when we have these kinds of questions in place about the money being parked inappropriately or in a fund that was designed for another purpose, when we have a department that has unauditable books, and when we have at least an appearance of a violation of the Anti-Deficiency Act, there are some questions that should be asked and the Department should be held accountable for and that they should respond to. And we have set those wheels in motion to try to get the answers to those kinds of questions.

And, Mr. Speaker, I yield to my colleague.

Mr. SCHAFFER. I think the most disappointing aspect of this whole question that we have raised, and the challenge that we have put to the Department of Education is the instantaneous reflexive response from its secretary and from the White House saying we cannot find any efficiency savings in the Department. It is just not there. It is impossible. Stop looking. Go look somewhere else. And to continue to insist we can squeeze one penny of savings out of every dollar of expenditure means we have to hurt children, I think, is the wrong attitude and the wrong approach to take.

I think the American people expect better of people in Washington.

Mr. HOEKSTRA. I was going to give an example of doing better, and one example of this administration thinking that they can do better.

Under the National Performance Review process, which was designed to streamline government, and maybe this was the example the gentleman was thinking of using, but the Federal Education Department does not educate kids, what it does is it hands out money. And they hand out money based on school districts applying and then the Department of Education giving out grants.

Under Vice President GORE's National Performance Review, they did do better. They took a look at how this process works, the discretionary grant process, and they found out that if a school district or an educational entity applied for a grant, it took 26 weeks to get processed and it took 487 separate steps from start to finish.

So if a school district is all excited, or is really concerned because they have identified this issue or problem that they need to deal with, it was kind of like, hey, the Federal Government has this program out here, let us apply for it. Twenty-six weeks later and 487 steps later they might have gotten their answer and they might have gotten a check. Well, they improved that. It now only takes 20 weeks and 216 steps. So if school starts in September, and that school has got some creative teachers who have got a program they would like to propose or whatever, maybe by the beginning of the new year or the second semester they might be able to have an answer to the grant request.

I yield to my colleague.

Mr. SCHAFFER. I was intending to go back to the memo that the gentleman and I received just last Friday. After our visit, the Secretary sent the memo addressed to the gentleman and myself, and it suggests that our questions into this whole slush fund, as the term had been used, is unwarranted.

First of all, he says, ''The account was used as a clearing account to make adjustments. The Inspector General never called this a slush fund.'' So since the Inspector General does not call it a slush fund, therefore, according to the memo, it does not exist.

But the Secretary goes on and says, ''The Department is legally prohibited from obligating funds for new activities from these accounts.'' Again, pointing out that those funds may not be spent out of the account on other things. But parking hundreds of millions of dollars of cash in that account creates a false-positive balance in the overall books that allows other expenditures to take place. This is the point we are raising.

But just listen here to the shallow defense that is put up, or the defensive posture I guess that is represented in the memo the Secretary uses when he writes to the gentleman and myself. ''Most, if not all, Federal agencies maintain 'clearing accounts' in which funds are held temporarily prior to final allocation. Balances in Education Department's clearing accounts primarily are the result of currently unreconciled differences in other departments' accounts. These balances ultimately either are reclassified to the appropriate account or in some cases returned to the Treasury.''

Once again, the answer is, well, other agencies do this. This is a pretty typical thing in government, therefore, it is okay for the Department of Education. He goes on. He says, ''Over the past few years, our Inspector General has worked closely with the Department and independent auditors to further improve controls over these and all other department accounting and financial management systems and procedures.'' Well, what that sentence tells us is that the Department of Education realizes it may have a problem with respect to this account. They have had their own Inspector General working to, as he says, ''improve controls over these and other department accounting and financial management systems.''

And, finally, I would just point out that he says ''The Department currently maintains three clearing accounts.'' We only investigated the one, but he says that there are three. There is not just the big, the rather large, grant back account, which in 1998 was $594 billion.

Mr. HOEKSTRA. $594 million.

Mr. SCHAFFER. Sorry, $594 million. In 1996 it was $712 million. The Secretary claims now that the fund is at $189 million. But there is this short-term clearing account and there is another one called a long-term clearing account, and the Secretary suggests that there is $41 million on hand there, for a grand total of $228 million, according to the Secretary's analysis that he was able to scrap together on Friday.

The point being, even if we are wrong, the fact remains there is $228 million sitting in three clearing accounts over at the Department of Education, which is, coincidently, close, not exactly to the dollar figure, but close to the 1 percent savings we are trying to get at.

So we may not be able to find the whole penny in this account, but I am sure if the gentleman and I were able to figure this out within the course of a couple weeks of investigation and discussion with other members of the Secretary's staff, by the time we all worked cooperatively together to realize that this is an important legitimate national goal, to secure savings and put dollars in the classroom rather than leaving them tied up in Washington, that we can find that one penny savings.

I thing we are well on our way in the research we have done. And the visit that we initiated on Friday is a good step in the right direction and offers some real hope and promise that we will be able to get this job accomplished.

Mr. HOEKSTRA. Going back to the letter my colleague was reading, the Department clearly knows that their financial controls were lacking, when they say the Department has worked closely with their Inspector General. It

is obvious they have not done a good enough job.

In 1998, the last year they tried to audit the books, the books were still not auditable. Perhaps in this one account we can find a good portion of that, but then we still cannot take away what is in this report. Paying for Jerry Springer, paying for a process that takes 20 weeks and 216 steps.

Mr. SCHAFFER. There really are two points upon which we need to focus in order to accomplish the job of truly making the Department of Education an efficient and lean organization for the benefit of children. One is the financial structure of the Department, which is cumbersome and it is boring to a lot of people. It is not exciting. But that is where a lot of the money is.

But the second, which the gentleman has focused on, are the policy-related decisions.

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There are many functions of the Department of Education that we frankly do not need that, as I commented Friday when we came back here, there are good, hard-working, conscientious folks that are working in some of the offices that we visited. But frankly, there are a handful of offices and programs that the Department maintains and runs today that, despite the best of efforts, they are not essential.

I hate to say that to some of the folks that are employed by these programs. They work hard at the task that has been given them. But if we ask an average teacher around the country, those who teach my children and those who are in schools anywhere in America, whether some of these programs that the gentleman from Michigan (Mr. HOEKSTRA) mentioned just a few moments ago are important when stacked up against the classroom level needs that these teachers have in their classroom, I think nine times out of ten a teacher, certainly a principal and an administrator, is going to pick the money to the classroom rather than the money to the Government program in Washington.

Mr. HOEKSTRA. Mr. Speaker, that puts us right back to what the Republican agenda has been and like we said when we began this. The two parameters are, number one, their books are not auditable, so we are going to be able to find the waste, fraud, or the savings in the Department. I am not concerned about that.

But then that moves over into the policy debate. And remember, Republicans have put more money into education than what this President even asked for. So it is not about money. What it is about is policy, how is that money going to get to a local school, how is it going to get to a local teacher or to a local classroom.

My colleague and I just participated in, number one, we said last year and we are going to work on it again this year is that we want to put 95 cents of every Federal education dollar into a local classroom so that a teacher can use that money to help educate a child.

The second thing that we want to do, and this is where we really had the two different worlds of education policy two weeks ago, the ESEA, the Elementary Secondary Education Act, which is a Washington mandate model that says you will use this money to do these types of things and we are going to measure you and hold you accountable, versus the process that you and I very much support, which is what is called Straight A's, which is, in exchange for the States coming back and getting a great degree of flexibility, we will hold them accountable, not for what the other bill does, which is measures process, did you fill the forms out correctly and did you use the money for what we intended it for, we allow the States and allow the local school districts to take the money and use it on what they felt was most needed in that school, if it was technology, if it was reducing class size, if it was teacher training, if it was additional materials for the classroom; and in exchange for that flexibility, the State would be held accountable not for filling out the process, but for improving the educational achievement of every student in the State.

So the Federal Government would reach into a contract with the States and focus on academic achievement rather than a process oriented system.

That is what this is all about. It is about educating kids. That is why we are going over to the Department of Education and saying, we are sorry, a department that manages $120 billion a year that does not have auditable books is not doing a good enough job helping our kids get a good education, a department that perhaps maintains some of these questionable accounting practices really is not doing a good enough job.

We have not even talked about the duplicate payments.

Mr. SCHAFFER. Mr. Speaker, no, we have not talked much about that either.

Mr. HOEKSTRA. Mr. Speaker, this is I think maybe perhaps one of the sadder moments when we were sitting down with the leadership of the Department of Education and we asked about duplicate payments and they said, we are aware of one. And we kind of pushed them on it and they said, well, there might have been a couple. And then we hauled out again from I think their chief function officer document that we said the head of the bullet points were examples of duplicate payments, 40 million, 4 million, 296.

I know that went to the State of Colorado or the University of Colorado.

Mr. SCHAFFER. Mr. Speaker, they sent it back.

Mr. HOEKSTRA. Yes, they sent it back. But these were examples and they were only telling us about a couple. So, again, this is another thing that we have asked for is, give us a listing of all the duplicate payments that were made under this old accounting system and did you recover them.

Because maybe some schools maybe did not know they got a duplicate payment and so they maybe spent it, and now all of a sudden they have got to be put on a repayment schedule to get the money back.

Sloppy fiscal management is not in the best interest of anybody. It is not in the best interest of the taxpayer. It is not in the best interest of the Department of Education. And it is not in the best interest of local school districts, either.

Mr. SCHAFFER. Mr. Speaker, to go back to one of the remarkable quotes that my colleague referenced a little earlier, I do not want to name the Member in particular, but one of our colleagues blasted our visit to the Department of Education. He said in the quote, and this is an AP story, he blasted our efforts as ''storm trooper tactics'' of the three Republicans who visited Friday on the Department of Education.

Mr. HOEKSTRA. Mr. Speaker, I thank the gentleman from Colorado (Mr. SCHAFFER) for participating in the special order.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. BERKLEY (at the request of Mr. GEPHARDT) for today on account of family medical reasons.

Mr. STUPAK (at the request of Mr. GEPHARDT) for today on account of family matters.

Ms. CARSON (at the request of Mr. GEPHARDT) for today and November 2 on account of official business.

Mr. MCNULTY (at the request of Mr. GEPHARDT) for today and November 2 on account of business in the District.

Ms. JACKSON-LEE of Texas (at the request of Mr. GEPHARDT) for today on account of family medical matter.

Mr. OWENS (at the request of Mr. GEPHARDT) for today on account of official business.

Mr. HAYWORTH (at the request of Mr. ARMEY) for today on account of family reasons.

Mr. HULSHOF (at the request of Mr. ARMEY) for today and November 2 on account of attending the birth of Casey Elizabeth Hulshof.

Mr. TOOMEY (at the request of Mr. ARMEY) for today on account of attending Pennsylvania state elections.

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. GREEN of Texas) to revise and extend their remarks and include extraneous material:)

Mrs. THURMAN, for 5 minutes, today.

Mr. DAVIS of Florida, for 5 minutes, today.

Mrs. MEEK of Florida, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Ms. BROWN of Florida, for 5 minutes, today.

Mr. PASCRELL, for 5 minutes, today.

(The following Members (at the request of Mr. MCINNIS) to revise and extend their remarks and include extraneous material:)

Mr. MILLER of Florida, for 5 minutes, today and November 2 and 3.

Mr. MICA, for 5 minutes, today.

Mr. MORAN of Kansas, for 5 minutes, today.

Mr. STEARNS, for 5 minutes, today.

Mrs. FOWLER, for 5 minutes, today.

Mr. GOSS, for 5 minutes, today and November 2–5.

Mr. RAMSTAD, for 5 minutes, today.

Mr. METCALF, for 5 minutes, today.

Mr. SHAW, for 5 minutes, today.

Mr. KINGSTON, for 5 minutes, today.

Mr. MCINNIS, for 5 minutes, today.

(The following Member (at her own request) to revise and extend her remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. DAVIS of Illinois, for 5 minutes, today.

BILL AND JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Administration, reported that that committee did on the following dates present to the President, for his approval, a bill and joint resolutions of the House of the following titles:

On October 27, 1999:

H.R. 1175. To locate and secure the return of Zachary Baumel, a United States citizen, and other Israeli soldiers missing in action.

H.J. Res. 62. To grant the consent of Congress to the boundary change between Georgia and South Carolina.

On October 28. 1999:

H.J. Res. 73. Making further continuing appropriations for the fiscal year 2000, and for other purposes.

OMMISSION FROM THE CONGRESSIONAL RECORD OF THURSDAY, OCTOBER 28, 1999

ENROLLED JOINT RESOLUTION SIGNED

Mr. THOMAS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 73. Joint resolution making further continuing appropriations for the fiscal year 2000, and for other purposes.

ADJOURNMENT

Mr. HOEKSTRA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 36 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, November 2, 1999, at 9 a.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

5038. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Domestically Produced and Imported Peanuts; Change in the Maximum Percentage of Foreign Material Allowed Under Quality Requirements [Docket Nos. FV99–997–2 IFR, FV99–998–1 IFR, and FV99–999–1 IFR] received October 25, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5039. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Imported Fire Ant; Approved Treatments [Docket No. 99–027–2] received October 25, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5040. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Walnuts Grown in California; Decreased Assessment Rate [Docket No. FV99–984–3 IFR] received October 25, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5041. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Refrigeration Requirements for Shell Eggs [Docket No. PY–99–002] received October 25, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5042. A communication from the President of the United States, transmitting a request to make available $8.8 billion in previously appropriated FY 2000 emergency funds for the Department of Agriculture; (H. Doc. No. 106–152); to the Committee on Appropriations and ordered to be printed.

5043. A letter from the Secretary of Agriculture, transmitting a letter reporting violations of section 1341(a) and 1517(a) of Title 31 of the U.S. Code; to the Committee on Appropriations.

5044. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule—Renewal of Expiring Annual Contributions Contracts in the Tenant-Based Section 8 Program; Formula for Allocation of Housing Assistance [Docket No. FR–4459–F–03] (RIN: 2577–AB 96) received October 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

5045. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule—Public Housing Agency Plans [Docket No. FR–4420–F–05] (RIN: 2577–AB89) received October 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

5046. A letter from the Assistant General Counsel for Regulations, Office of Assistant Secretary for Public and Indian Housing, Department of Housing and Urban Development, transmitting the Department's final rule—Public Housing Assessment System (PHAS); Transition to the PHAS [Docket No. FR–4497–N–02] (RIN: 2577–AC08) received October 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

5047. 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—Section 8 Tenant-Based Assistance; Statutory Merger of Section 8 Certificate and Voucher Programs; Housing Choice Voucher Program [Docket No. FR–4428–F–04] (RIN: 2577–AB91) received October 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

5048. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule—Federal Credit Unions; Miscellaneous Technical Amendments—received October 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

5049. 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 Plan; Indiana [IN106–1a; FRL–6446–5] received October 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5050. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; New Jersey; Approval of National Low Emission Vehicle Program [Region 2 Docket No. NJ35–2–195a FRL–6461–7] received October 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5051. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants: Publicly Owned Treatment Works [AD–FRL–6462–7] (RIN: 2060–AF26) received October 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5052. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Virginia; Control of VOC Emissions from Solvent Metal Cleaning Operations [VA 097–5041; FRL–6459–9] received October 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5053. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Princeton and Elk River, Minnesota) [MM Docket No. 98–208 RM–9396] received October 25, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5054. A letter from the Special Assistant to the Bureau, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Fremont and Holton, Michigan) [MM Docket No. 98–180 RM–9365) received October 25, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5055. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Mount Olive

and Staunton, Illinois) [MM Docket No. 99–167 RM–9391] received October 25, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5056. A letter from the Special Assistant to the Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b). Table of Allotments, FM Broadcast Stations (Cal-Nev-Ari, Boulder City, and Las Vegas, Nevada) [MM Docket No. 93–279 RM–8368 RM–8385] received October 25, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5057. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting the Commission's final rule—Regulations Governing Off-the-Record Communications [Docket No. RM–98–1–000] received October 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5058. A letter from the Secretary of the Commission, Bureau of Consumer Protection, Division of Enforcement, Federal Trade Commission, transmitting the Commission's final rule—Guides For The Dog And Cat Food Industry—received October 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5059. A letter from the Chief Counsel (Foreign Assests Control), Department of the Treasury, transmitting the Department's final rule—Sudanese Sanctions Regulations; Libyan Sanctions Regulations; Iranian Transactions Regulations: Licensing of Commercial Sales, Exportation and Reexportation of Agricultural Commodities and Products, Medicine, and Medical Equipment; Iranian Accounts on the Books of U.S. Depository Institutions; Informational Materials; Visas—received October 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

5060. A letter from the Executive Director, Committee For Purchase From People Who Are Blind or Severely Disabled, transmitting the Committee's final rule—Miscellaneous Amendments to Committee Regulations—received October 25, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

5061. A letter from the Executive Director, Committee For Purchase From People Who Are Blind Or Severely Disabled, transmitting the Committee's final rule—Additions and Deletion—received October 25, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

5062. A letter from the Deputy Associate Administrator, Office of Acquisition Policy, National Aeronautics and Space Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Use of Competitive Proposals [FAC 97–14; FAR Case 99–001; Item III] (RIN: 9000–AI44) received September 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

5063. A letter from the Deputy Associate Administrator, Office of Acquisition Policy, National Aeronautics and Space Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Historically Underutilized Business Zone (HUBZone) Empowerment Contracting Program [FAC 97–14; FAR Case 97–307; Item II] (RIN: 9000–AI20) received September 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

5064. A letter from the Deputy Associate Administrator, Office of Acquisition Policy, National Aeronautics and Space Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Cost-Reimbursement Architect-Engineer Contracts [FAC 97–14; FAR Case 97–043; Item XII] (RIN: 9000–AI22) received September 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

5065. A letter from the Deputy Associate Administrator, Office of Acquisition Policy, National Aeronautics and Space Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Value Engineering Change Proposals/PAT [FAC 97–14; FAR Case 97–031; Item XIV] (RIN: 9000–AH84) received September 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

5066. A letter from the Commissioner, Social Security Administration, transmitting the annual inventory of commercial activities as required by Public Law 105–270; to the Committee on Government Reform.

5067. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Missouri Regulatory Program [SPATS No. MO–035–FOR] received October 25, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5068. A letter from the Assistant Secretary, Water and Science, Bureau of Reclamation, Department of the Interior, transmitting the Department's final rule—Offstream Storage of Colorado River Water and Development and Release of Intentionally Created Unused Apportionment in the Lower Division States (RIN: 1006–AA40) received October 26, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5069. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Mississippi Regulatory Program [SPATS No. MS–015–FOR] received October 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5070. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Indiana Regulatory Program [SPATS No. IN–140–FOR; State Program Amendment No. 98–4] received October 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5071. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Yellowfin Sole by Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands [Docket No. 990304063–9063–01; I.D. 101599C] received October 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5072. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 620 of the Gulf of Alaska [Docket No. 990304062–9062–01; I.D. 101499A] received October 25, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5073. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Other Rockfish in the Central Regulatory Area of the Gulf of Alaska [Docket No. 990304062–9062–01; I.D. 101399B] received October 25, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5074. 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. 092899G] received October 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5075. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone off Alaska; Inseason Adjustment to Required Observer Coverage [Docket No. 980826225–8296–02; I.D. 100499B] received October 25, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5076. A letter from the Assistant Secretary of the Army, Department of Defense, transmitting the Department's biennial report on the implementation of section 1135 of the Water Resources Development Act of 1986, as amended, pursuant to 33 U.S.C. 2294 nt.; to the Committee on Transportation and Infrastructure.

5077. A letter from the Acting Assistant Chief Counsel, Office of Motor Carrier Safety, Department of Transportation, transmitting the Department's final rule—Motor Carrier Safety Regulations [Docket No. OMCS–99–6386] (RIN: 2125–AE70) received October 25, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5078. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone Regulations; Mile 94.0 to Mile 96.0, Lower Mississippi River, Above Head of Passes [COTP New Orleans, LA Regulation 99–027] (RIN: 2115–AA97) received October 25, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5079. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Sedona, AZ [Airspce Docket No. 99–AWP–4] received October 25, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5080. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace: York County, PA [Airspace Docket No. 99–AEA–09] received October 25, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5081. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Federal Airway Victor 108 (V–108) in the Vinicity of Colorado Springs, CO [Airspace Docket No. 99–ANM–4] (RIN: 2120–AA66) received October 25, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5082. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29815; Amdt. No. 1957] received October 25, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5083. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures Miscellaneous Amendments [Docket No. 29814; Amdt. No. 1956] received October 25, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5084. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29786; Amendment No. 1954] received October 25,

1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5085. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Short Brothers Model SD3–60 Series Airplanes [Docket No. 99–NM–52–AD; Amendment 39–11383; AD 99–22–05] (RIN: 2120–AA64) received October 25, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5086. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Construcciones Aeronautacs, S.A. (CASA), Model CN–235 Series Airplanes (RIN: 2120–AA64) received October 25, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5087. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A330 and A340 Series Airplanes [Docket No. 99–NM–181–AD; Amendment 39–11385; AD 99–22–07] (RIN: 2120–AA64) received October 25, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5088. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; British Aerospace BAe Model ATP Airplanes [Docket No. 99–NM–19–AD; Amendment 39–11381; AD 99–22–03] (RIN: 2120–AA64) received October 25, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5089. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model DHC–8–102, –103, –106, –201, –202, –301, –311, and –315 Series Airplanes [Docket No. 99–NM–32–AD; Amendment 39–11382; AD 99–22–04] (RIN: 2120–AA64) received October 25, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5090. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Raytheon Model Mitsubishi MU–300 Airplanes [Docket No. 96–NM–210–AD; Amendment 39–11376; AD 99–21–30] (RIN: 2120–AA64) received October 25, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5091. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC–9, DC–9–80 and C–9 (Military) Series Airplanes, and Model MD–88 Airplanes [Docket No. 98–NM–382–AD; Amendment 39–11386; AD 99–22–08] (RIN: 2120–AA64) received October 25, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5092. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; General Electric Aircraft Engines CF34 Series Turbofan Engines [Docket No. 98–ANE–62–AD; Amendment 39–11388; AD 99–22–10] (RIN: 2120–AA64) received October 25, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5093. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747–400 Series Airplanes [Docket No. 99–NM–178–AD; Amendment 39–11387; AD 99–22–09] (RIN: 2120–AA64) received October 25, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5094. A letter from the Chief, Regulations Branch, U.S. Customs Service, Department of the Treasury, transmitting the Department's final rule—Customs BONDed Warehouses [T.D. 99–78] (RIN: 1515–AC41) received October 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5095. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Reporting of Gross Proceeds Payments to Attorneys [Notice 99–53] received October 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5096. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Rulings and determination letters [Rev. Proc. 99–40] received October 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5097. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Weighted Average Interest Rate Update [Notice 99–52] received Ocotber 25, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5098. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notice that the President has exercised the authority provided to him and has issued the required determination to waive certain restrictions on the maintenance of a Palestine Liberation Organization (PLO) Office and on expenditure of PLO funds for a period of six months; jointly to the Committees on International Relations and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Alaska: Committee on Resources. H.R. 359. A bill to clarify the intent of Congress in Public Law 93–632 to require the Secretary of Agriculture to continue to provide for the maintenance and operation of 18 concrete dams and weirs that were located in the Emigrant Wilderness at the time the wilderness area was designated in that Public Law (Rept. 106–425). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 1235. A bill to authorize the Secretary of the Interior to enter into contracts with the Solano County Water Agency, California, to use Solano Project facilities for impounding, storage, and carriage of nonproject water for domestic, municipal, industrial, and other beneficial purposes (Rept. 106–426). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 2737. A bill to authorize the Secretary of the Interior to convey to the State of Illinois certain Federal land associated with the Lewis and Clark National Historic Trail to be used as an historic and interpretive site along the trail; with an amendment (Rept. 106–427). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. House Concurrent Resolution 189. Resolution expressing the sense of the Congress regarding the wasteful and unsportsmanlike practice known as shark finning; with an amendment (Rept. 106–428). Referred to the House Calendar.

Mr. BLILEY: Committee on Commerce. H.R. 2418. A bill to amend the Public Health Service Act to revise and extend programs relating to organ procurement and transplantation; with an amendment (Rept. 106–429). Referred to the Committee of the Whole House on the State of the Union.

Mr. GOSS: Committee on Rules. House Resolution 348. Resolution agreeing to the conference requested by the Senate on the Senate amendment to the bill (H.R. 2990) to amend the Internal Revenue Code of 1986 to allow individuals greater access to health insurance through a health care tax deduction, a long-term care deduction, and other health-related tax incentives, to amend the Employee Retirement Income Security Act of 1974 to provide access to and choice in health care through association health plans, to amend the Public Health Service Act to create new pooling opportunities for small employers to obtain greater access to health coverage through HealthMarts; to amend title I of the Employee Retirement Income Security Act of 1974, title XXVII of the Public Health Service Act, and the Internal Revenue Code of 1986 to protect consumers in managed care plans and other health coverage, and for other purposes (Rept. 106–430). Referred to the House Calendar.

Mr. BURTON: Committee on Government Reform. H.R. 170. A bill to require certain notices in any mailing using a game of chance for the promotion of a product or service, and for other purposes; with an amendment (Rept. 106–431). Referred to the Committee of the Whole House on the State of the Union.

Mr. BURTON: Committee on Government Reform. H.R. 3137. A bill to amend the Presidential Transition Act of 1963 to provide for training of individuals a President-elect intends to nominate as department heads or appoint to key positions in the Executive Office of the President (Rept. 106–432). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mrs. MORELLA (for herself, Mr. DAVIS of Virginia, Mr. CUMMINGS, Mr. MORAN of Virginia, and Ms. NORTON):

H.R. 3185. A bill to amend title 5, United States Code, to establish a new method for fixing rates of basic pay for administrative appeals judges, and for other purposes; to the Committee on Government Reform.

By Mr. BURR of North Carolina:

H.R. 3186. A bill to restrict the authority of the Federal Communications Commission to review mergers and to impose conditions on licenses and other authorizations assigned or transferred in the course of mergers or other transactions subject to review by the Department of Justice or the Federal Trade Commission; to the Committee on Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CALVERT:

H.R. 3187. A bill to amend the Federal Property and Administrative Services Act of 1949 to temporarily continue authority relating to transfers of certain surplus property

to State and local governments for law enforcement and emergency reponse purposes; to the Committee on Government Reform.

By Mr. HALL of Ohio:

H.R. 3188. A bill to provide for the disclosure of the source of gem-quality diamonds and gem-quality diamond products imported into and sold in the United States; to the Committee on Commerce.

By Mr. GARY MILLER of California:

H.R. 3189. A bill to designate the United States post office located at 14071 Peyton Drive in Chino Hills, California, as the ''Joseph Ileto Post Office''; to the Committee on Government Reform.

By Mr. PETERSON of Pennsylvania:

H.R. 3190. A bill to establish the Oil Region National Heritage Area; to the Committee on Resources.

By Mr. SAXTON:

H.R. 3191. A bill to amend the Federal Water Pollution Control Act relating to marine sanitation devices; to the Committee on Transportation and Infrastructure.

By Mr. WALSH (for himself, Mr. HALL of Ohio, Mrs. CLAYTON, Mrs. KELLY, Mr. DIAZ-BALART, and Ms. KAPTUR):

H.R. 3192. A bill to restore food stamp benefits for aliens, to provide States with flexibility in administering the food stamp vehicle allowance, to index the excess shelter expense deduction to inflation, to authorize additional appropriations to purchase and make available additional commodities under the emergency food assistance program, and for other purposes; to the Committee on Agriculture.

By Mr. SHAW (for himself, Mr. DIAZ-BALART, Mr. MILLER of Florida, Mr. FOLEY, Mr. GOSS, Ms. BROWN of Florida, Mrs. THURMAN, Mrs. MEEK of Florida, Mr. DAVIS of Florida, Ms. ROS-LEHTINEN, Mr. DEUTSCH, Mr. MICA, Mr. HASTINGS of Florida, Mrs. FOWLER, and Mr. BILIRAKIS):

H. Con. Res. 217. Concurrent resolution expressing the sense of the Congress that Miami, Florida, and not a competing foreign city, should serve as the permanent location for the Secretariat of the Free Trade Area of the Americas (FTAA) beginning in 2005; to the Committee on Ways and Means.

By Mr. TAYLOR of North Carolina (for himself, Mr. JONES of North Carolina, Mr. COBLE, Mrs. MYRICK, Mr. BALLENGER, Mr. HAYES, Mr. ETHERIDGE, Mrs. CLAYTON, Mr. MCINTYRE, Mr. BURR of North Carolina, and Mr. PRICE of North Carolina):

H. Res. 349. A resolution expressing the sense of the House of Representatives that the President should immediately transmit to Congress the President's recommendations for emergency response actions, including appropriate offsets, to provide relief and assistance to the victims of Hurricane Floyd; to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 116: Mr. MOLLOHAN, Mr. JACKSON of Illinois, and Ms. CARSON.

H.R. 123: Mr. LEWIS of Kentucky.

H.R. 125: Mr. CHRISTENSEN, Mrs. KELLY, and Mr. CROWLEY.

H.R. 274: Mr. BURTON of Indiana, Mr. MASCARA, and Mr. PICKERING.

H.R. 329: Mr. PICKETT.

H.R. 347: Mr. RILEY.

H.R. 460: Mr. HORN.

H.R. 493: Mr. WHITFIELD and Mr. JONES of North Carolina.

H.R. 534: Mr. TAUZIN and Mr. SMITH of Washington.

H.R. 541: Mr. EVANS.

H.R. 583: Mr. WEINER and Mr. BARCIA.

H.R. 765: Mr. LEWIS of Kentucky, Mr. CRAMER, and Mr. ADERHOLT.

H.R. 826: Mr. PICKERING.

H.R. 997: Mr. OWENS, Mr. PICKERING, and Mr. CONYERS.

H.R. 1044: Mr. ARMEY and Mr. BLUNT.

H.R. 1102: Mr. BASS.

H.R. 1115: Mr. RANGEL and Mr. LINDER.

H.R. 1145: Mr. GREEN of Texas.

H.R. 1168: Mr. SHIMKUS.

H.R. 1248: Mr. GUTIERREZ and Mr. HULSHOF.

H.R. 1322: Mrs. MCCARTHY of New York.

H.R. 1441: Mr. WHITFIELD and Mr. KOLBE.

H.R. 1485: Ms. KILPATRICK.

H.R. 1591: Ms. ROYBAL-ALLARD.

H.R. 1611: Mr. LATHAM and Mr. PAUL.

H.R. 1750: Mr. FORBES.

H.R. 1795: Mr. BONIOR, Mr. RUSH, Mr. KUCINICH, and Mr. COYNE.

H.R. 1798: Mr. PRICE of North Carolina and Mr. MARTINEZ.

H.R. 1837: Mrs. MALONEY of New York and Mr. CRAMER.

H.R. 1871: Mr. FOLEY and Ms. MILLENDER-MCDONALD.

H.R. 1885: Mr. OLVER and Ms. BALDWIN.

H.R. 2053: Mr. CROWLEY.

H.R. 2059: Mr. WEINER.

H.R. 2066: Mr. JOHN, Mr. PHELPS, Mr. BURR of North Carolina, and Mrs. THURMAN.

H.R. 2129: Mr. WELDON of Florida, Mr. PACKARD, Mr. LIPINSKI, and Mr. BRYANT.

H.R. 2162: Mr. ADERHOLT.

H.R. 2170: Mr. HINOJOSA and Mr. HASTINGS of Florida.

H.R. 2200: Mr. LANTOS and Mrs. MORELLA.

H.R. 2221: Mr. ISTOOK.

H.R. 2314: Mr. GORDON.

H.R. 2341: Mr. MATSUI, Mrs. LOWEY, Mrs. MEEK of Florida, and Ms. PRYCE of Ohio.

H.R. 2386: Mr. MARTINEZ.

H.R. 2391: Mr. WATTS of Oklahoma, Mr. BOEHLERT, Mr. DICKEY, Mr. DEAL of Georgia, Mr. WAMP, Mr. FROST, Mr. GORDON, Mr. BENTSEN, and Mr. HINOJOSA.

H.R. 2405: Mrs. LOWEY.

H.R. 2420: Mr. JEFFERSON.

H.R. 2439: Mr. GEORGE MILLER of California.

H.R. 2470: Mr. LOBIONDO.

H.R. 2558: Mr. ROGAN.

H.R. 2697: Mr. KENNEDY of Rhode Island, Mr. HILLIARD, and Mr. RAHALL.

H.R. 2722: Mr. MCNULTY, Mr. DOOLEY of California, Mrs. NAPOLITANO, Mr. KENNEDY of Rhode Island, Mr. ENGEL, and Mr. WAXMAN.

H.R. 2727: Mr. PETERSON of Minnesota and Ms. CARSON.

H.R. 2790: Mrs. EMERSON.

H.R. 2819: Mrs. THURMAN.

H.R. 2890: Ms. KILPATRICK and Mr. ENGEL.

H.R. 2902: Mr. GEORGE MILLER of California, Mr. WATT of North Carolina, Mr. MCGOVERN, and Mr. MARTINEZ.

H.R. 2936: Mr. MANZULLO and Mr. MARTINEZ.

H.R. 2960: Mr. NETHERCUTT.

H.R. 2966: Mr. DEFAZIO, Ms. HOOLEY of Oregon, Mr. HUTCHINSON, Ms. KILPATRICK, and Mr. SCARBOROUGH.

H.R. 2985: Mr. FOLEY and Mr. BOEHLERT.

H.R. 3031: Mr. HASTINGS of Florida, Ms. MCKINNEY, Mr. MCNULTY, Mr. BROWN of Ohio, Mr. DELAHUNT, Mr. WAXMAN, Mr. WATT of North Carolina, Mr. STICKLAND, Mr. COYNE, and Mr. FATTAH.

H.R. 3099: Mr. BECERRA.

H.R. 3109: Mr. FROST. Mrs. LOWEY, Mr. MCHUGH, Mr. CONYERS, Mr. STICKLAND, Mr. RANGEL, Mr. ETHERIDGE, Mr. PRICE of North Carolina, and Mr. RUSH.

H.R. 3144: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. PETERSON of Minnesota, and Mr. BAIRD.

H.R. 3147: Mr. FRANK of Massachusetts.

H.R. 3180: Mrs. THURMAN.

H.J. Res. 46: Mr. BILIRAKIS, Mr. QUINN, and Mr. COOK.

H. Con. Res. 77: Ms. STABENOW, Mr. SKELTON, and Mr. BASS.

H. Con. Res. 152: Mr. COOK, Mr. OLVER, Mr. SANDLIN, and Mr. PAYNE.

H. Con. Res 177: Mr. BARCIA and Ms. KILPATRICK.

H. Con. Res. 193: Mr. DAVIS of Virginia, Mr. KOLBE, Mr. CHAMBLISS, Mr. RYAN of Wisconsin, Mr. HAYWORTH, Mr. RILEY, Mr. POMBO, Mr. FRELINGHUYSEN, Mrs. MORELLA Mr. MICA, Mr. SUNUNU, Mr. SOUDER, Mr. MCKEON, Mr. SERRANO, Mr. BARRETT of Wisconsin, Mr. GONZALEZ, Mr. DIXON, Mr. FRANK of Massachusetts, Mrs. THURMAN, Mr. CONYERS, Mr. SHOWS, Mrs. MEEK of Florida, Ms. LEE, Mr. SAWYER, Mr. THOMPSON of Mississippi, Mr. JACKSON of Illinois, Mr. KENNEDY of Rhode Island, Ms. LOFGREN, Mr. CUMMINGS, Mr. MENENDEZ, Mr. CLYBURN, Mr. BISHOP, Mr. PHELPS, Mrs. MINK of Hawaii, Mr. CROWLEY, Ms. JACKSON-LEE of Texas, Ms. SCHAKOWSKY, Mr. REYES, Mr. WATT of North Carolina, Mr. BROWN of Ohio, Mr. MCNULTY, Mr. FALEOMAVAEGA, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. ORTIZ, Mr. COYNE, and Mr. GREEN of Texas.

H. Con. Res. 213: Mrs. ROUKEMA.

H. Con. Res. 216: Ms. KAPTUR, Mr. LIPINSKI, Mr. ACKERMAN, Mr. NEAL of Massachusetts, Mr. BECERRA, Mr. KENNEDY of Rhode Island, Mr. BERMAN, Mr. SOUDER, Mr. KNOLLENBERG, and Ms. DANNER.

H. Res. 298: Mrs. MINK of Hawaii and Mr. PRICE of North Carolina.

H. Res. 325: Ms. BERKLEY, Mr. SCHAFFER, Mr. VENTO, Mr. FRANK of Massachusetts, Mr. WALSH, and Mr. WU.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

64. The SPEAKER presented a petition of the Marine Corps League, Inc, relative to a petition urging the President of the United States of America to send legislation to the United States Congress that will require all school districts throughout the United States of America to provide a United States Flag for display in each classroom, that at the beginning of each school day the Pledge of Allegiance is recited, and the National Anthem be played at the conclusion of the Pledge of Allegiance; to the Committee on Education and the Workforce.

65. Also, a petition of the Marine Corps League, Inc, relative to a resolution urging the Congress of the United States to inaugurate a National Day of Recognition to those who served on active duty from 1945 to 1976, and continuous from 1976 to the present during the major conflicts on the continent of Asia, and that the day of October 23 be chosen to commence this Day of Recognition; to the Committee on Government Reform.

66. Also, a petition of the Marine Corps League, INC, relative to a petition urging the President and Congress to pledge their full support to the State Veterans Home Program as it is the most cost-effective nursing care-alternative available to VA; to the Committee on Veterans' Affairs.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2389

OFFERED BY MR. GOODLATTE

AMENDMENT NO. 1: Strike out all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Secure Rural Schools and Community Self-Determination Act of 1999''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings and purpose.
Sec. 3. Definitions.

TITLE I—SECURE PAYMENTS FOR STATES AND COUNTIES CONTAINING FEDERAL LANDS

Sec. 101. Determination of full payment amount for eligible States and counties.
Sec. 102. Payments to States from Forest Service lands for use by counties to benefit public education and transportation.
Sec. 103. Payments to counties from Bureau of Land Management lands for use to benefit public safety, law enforcement, education, and other public purposes.

TITLE II—LOCALLY INITIATED PROJECTS ON FEDERAL LANDS

Sec. 201. Definitions.
Sec. 202. General limitation on use of project funds.
Sec. 203. Submission of project proposals by participating counties.
Sec. 204. Evaluation and approval of projects by Secretary concerned.
Sec. 205. Local advisory committees.
Sec. 206. Use of project funds.
Sec. 207. Duration of availability of a county's project funds.
Sec. 208. Treatment of funds generated by locally initiated projects.

TITLE III—FOREST COUNTIES PAYMENTS COMMITTEE

Sec. 301. Definitions.
Sec. 302. National advisory committee to develop long-term methods to meet statutory obligation of Federal lands to contribute to public education and other public services.
Sec. 303. Functions of Advisory Committee.
Sec. 304. Federal Advisory Committee Act requirements.
Sec. 305. Termination of Advisory Committee.
Sec. 306. Sense of Congress regarding Advisory Committee recommendations.

TITLE IV—MISCELLANEOUS PROVISIONS

Sec. 401. Authorization of appropriations.
Sec. 402. Treatment of funds and revenues.
Sec. 403. Conforming amendments.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds the following:

(1) The National Forest System, which is managed by the United States Forest Service, was established in 1907 and has grown to include approximately 192,000,000 acres of Federal lands.

(2) The public domain lands known as revested Oregon and California Railroad grant lands and the reconveyed Coos Bay Wagon Road grant lands, which are managed predominantly by the Bureau of Land Management were returned to Federal ownership in 1916 and 1919 and now comprise approximately 2,600,000 acres of Federal lands.

(3) Congress recognized that, by its decision to secure these lands in Federal ownership, the counties in which these lands are situated would be deprived of revenues they would otherwise receive if the lands were held in private ownership.

(4) Even without such revenues, these same counties have expended public funds year after year to provide services, such as education, road construction and maintenance, search and rescue, law enforcement, waste removal, and fire protection, that directly benefit these Federal lands and people who use these lands.

(5) To accord a measure of compensation to the affected counties for their loss of future revenues and for the critical services they provide to both county residents and visitors to these Federal lands, Congress determined that the Federal Government should share with these counties a portion of the revenues the United States receives from these Federal lands.

(6) Congress enacted in 1908 and subsequently amended a law that requires that 25 percent of the revenues derived from National Forest System lands be paid to States for use by the counties in which the lands are situated for the benefit of public schools and roads.

(7) Congress enacted in 1937 and subsequently amended a law that requires that 50 percent of the revenues derived from the revested and reconveyed grant lands be paid to the counties in which those lands are situated to be used as are other county funds.

(8) For several decades during the dramatic growth of the American economy, counties dependent on and supportive of these Federal lands received and relied on increasing shares of these revenues to provide educational opportunities for the children of residents of these counties.

(9) In recent years, the principal source of these revenues, Federal timber sales, has been sharply curtailed and, as the volume of timber sold annually from most of the Federal lands has decreased precipitously, so too have the revenues shared with the affected counties.

(10) This decline in shared revenues has severely impacted or crippled educational funding in, and the quality of education provided by, the affected counties.

(11) In the Omnibus Budget Reconciliation Act of 1993, Congress recognized this trend and ameliorated its adverse consequences by providing an alternative annual safety net payment to 72 counties in Oregon, Washington, and northern California in which Federal timber sales had been restricted or prohibited by administrative and judicial decisions to protect the northern spotted owl.

(12) The authority for these particular safety net payments is expiring and no comparable authority has been granted for alternative payments to counties elsewhere in the United States that have suffered similar losses in shared revenues from the Federal lands and in the educational funding those revenues provide.

(13) Although alternative payments are not an adequate substitute for the revenues, wages, purchasing of local goods and services, and social opportunities that are generated when the Federal lands are managed in a manner that encourages revenue-producing activities, such alternative payments are critically needed now to stabilize educational funding in the affected counties.

(14) Changes in Federal Land management, in addition to having curtailed timber sales, have altered the historic, cooperative relationship between counties and the Forest Service and the Bureau of Land Management.

(15) Both the Forest Service and the Bureau of Land Management face significant backlogs in infrastructure maintenance and ecosystem restoration that are not likely to be addressed through annual appropriations.

(16) New relationships between the counties in which these Federal lands are located and the managers of these Federal lands need to be formed to benefit both the natural resources and rural communities of the United States as the 21st century begins.

(b) PURPOSES.—The purposes of this Act are—

(1) to provide Federal funds to county governments that are dependent on and supportive of the Federal lands so as to assist such counties in restoring funding for education and other public services that the counties must provide to county residents and visitors;

(2) to provide these funds on a temporary basis in a form that is environmentally sound and consistent with applicable resource management plans;

(3) to facilitate the development, by the Federal Government and the counties which benefit from the shared revenues from the Federal lands, of a new cooperative relationship in Federal land management and the development of local consensus in implementing applicable plans for the Federal lands;

(4) to identify and implement projects on the Federal lands that enjoy broad-based local support; and

(5) to make additional investments in infrastructure maintenance and ecosystem restoration on Federal lands.

SEC. 3. DEFINITIONS.

In this Act:

(1) FEDERAL LANDS.—The term ''Federal lands'' means—

(A) lands within the National Forest System, as defined in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)); and

(B) the Oregon and California Railroad grant lands revested in the United States by the Act of June 9, 1916 (Chapter 137; 39 Stat. 218), Coos Bay Wagon Road grant lands reconveyed to the United States by the Act of February 26, 1919 (Chapter 47; 40 Stat. 1179), and subsequent additions to such lands.

(2) ELIGIBILITY PERIOD.—The term ''eligibility period'' means fiscal year 1984 through fiscal year 1999.

(3) ELIGIBLE COUNTY.—The term ''eligible county'' means a county or borough that received 50-percent payments for one or more fiscal years of the eligibility period or a county or borough that received a portion of an eligible State's 25-percent payments for one or more fiscal years of the eligibility period. The term includes a county or borough established after the date of the enactment of this Act so long as the county or borough includes all or a portion of a county or borough described in the preceding sentence.

(4) ELIGIBLE STATE.—The term ''eligible State'' means a State that received 25-percent payments for one or more fiscal years of the eligibility period.

(5) FULL PAYMENT AMOUNT.—The term ''full payment amount'' means the amount calculated for each eligible State and eligible county under section 101.

(6) 25-PERCENT PAYMENTS.—The term ''25-percent payments'' means the payments to States required by the 6th paragraph under the heading of ''FOREST SERVICE'' in the Act of May 23, 1908 (35 Stat. 260; 16 U.S.C. 500), and section 13 of the Act of March 1, 1911 (36 Stat. 963; 16 U.S.C. 500).

(7) 50-PERCENT PAYMENTS.—The term ''50-percent payments'' means the payments that are the sum of the 50-percent share otherwise paid to a county pursuant to title II of the Act of August 28, 1937 (Chapter 876; 50 Stat. 875; 43 U.S.C. 1181f), and the payment made to a county pursuant to the Act of May 24, 1939 (chapter 144; 53 Stat. 753; 43 U.S.C. 1181f–1 et seq.).

(8) SAFETY NET PAYMENTS.—The term ''safety net payments'' means the payments to States and counties required by sections 13982 or 13983 of the Omnibus Budget Reconciliation Act of 1993 (Public Law 103–66; 16 U.S.C. 500 note; 43 U.S.C. 1181f note).

TITLE I—SECURE PAYMENTS FOR STATES AND COUNTIES CONTAINING FEDERAL LANDS

SEC. 101. DETERMINATION OF FULL PAYMENT AMOUNT FOR ELIGIBLE STATES AND COUNTIES.

(a) CALCULATION REQUIRED.—

(1) ELIGIBLE STATES.—The Secretary of the Treasury shall calculate for each eligible State an amount equal to the average of the three highest 25-percent payments and safety net payments made to that eligible State for fiscal years of the eligibility period.

(2) BLM COUNTIES.—The Secretary of the Treasury shall calculate for each eligible county that received a 50-percent payment during the eligibility period an amount equal to the average of the three highest 50-percent payments and safety net payments made to that eligible county for fiscal years of the eligibility period.

(b) ANNUAL ADJUSTMENT.—For each fiscal year in which payments are required to be made to eligible States and eligible counties under this title, the Secretary of the Treasury shall adjust the full payment amount in effect for the previous fiscal year for each eligible State and eligible county to reflect changes in the consumer price index for rural areas (as published in the Bureau of Labor Statistics) that occur after publication of that index for fiscal year 1999.

SEC. 102. PAYMENTS TO STATES FROM FOREST SERVICE LANDS FOR USE BY COUNTIES TO BENEFIT PUBLIC EDUCATION AND TRANSPORTATION.

(a) REQUIREMENT FOR PAYMENTS TO ELIGIBLE STATES.—The Secretary of the Treasury shall make to each eligible State a payment in accordance with subsection (b) for each of fiscal years 2000 through 2006. The payment for a fiscal year shall be made as soon as practicable after the end of that fiscal year.

(b) PAYMENT AMOUNTS.—The payment to an eligible State under subsection (a) for a fiscal year shall consist of the following:

(1) The 25-percent payments and safety net payments under section 13982 of the Omnibus Budget Reconciliation Act of 1993 (Public Law 103–66; 16 U.S.C. 500 note) applicable to that State for that fiscal year.

(2) If the amount under paragraph (1) is less than the full payment amount in effect for that State for that fiscal year, such additional funds as may be appropriated to provide a total payment not to exceed the full payment amount.

(c) DISTRIBUTION AND EXPENDITURE OF PAYMENTS.—

(1) DISTRIBUTION METHOD.—An eligible State that receives a payment under subsection (a) shall distribute the payment among all eligible counties in the State, with each eligible county receiving the same percentage of that payment as the percentage of the State's total 25-percent payments and safety net payments under section 13982 of the Omnibus Budget Reconciliation Act of 1993 (Public Law 103–66; 16 U.S.C. 500 note) that were distributed to that county for fiscal years of the eligibility period.

(2) EXPENDITURE PURPOSES.—Subject to subsection (d), payments received by eligible States under subsection (a) and distributed to eligible counties shall be expended in the same manner in which 25-percent payments are required to be expended.

(d) EXPENDITURE RULES FOR ELIGIBLE COUNTIES.—

(1) GENERAL RULE.—In the case of an eligible county to which $100,000 or more is distributed in a fiscal year pursuant to subsection (c)—

(A) 80 percent of the funds distributed to the eligible county shall be expended in the same manner in which the 25-percent payments are required to be expended; and

(B) 20 percent of the funds distributed to the eligible county shall be reserved and expended by the eligible county in accordance with title II.

(2) COUNTIES WITH MINOR DISTRIBUTIONS.—In the case of each eligible county to which less than $100,000 is distributed for fiscal year 2000 pursuant to subsection (c), the eligible county shall make an election whether or not to be subject to the requirements of paragraph (1) for that fiscal year and all subsequent fiscal years for which payments are made under subsection (a). The county shall notify the Secretary of Agriculture of its election under this subsection not later than 60 days after the county receives its distribution for fiscal year 2000.

SEC. 103. PAYMENTS TO COUNTIES FROM BUREAU OF LAND MANAGEMENT LANDS FOR USE TO BENEFIT PUBLIC SAFETY, LAW ENFORCEMENT, EDUCATION, AND OTHER PUBLIC PURPOSES.

(a) REQUIREMENT FOR PAYMENTS TO ELIGIBLE COUNTIES.—The Secretary of the Treasury shall make to each eligible county that received a 50-percent payment during the eligibility period a payment in accordance with subsection (b) for each of fiscal years 2000 through 2006. The payment for a fiscal year shall be made as soon as practicable after the end of that fiscal year.

(b) PAYMENT AMOUNTS.—The payment to an eligible county under subsection (a) for a fiscal year shall consist of the following:

(1) The 50-percent payments and safety net payments under section 13983 of the Omnibus Budget Reconciliation Act of 1993 (Public Law 103–66; 43 U.S.C. 1181f note) applicable to that county for that fiscal year.

(2) If the amount under paragraph (1) is less than the full payment amount in effect for that county for that fiscal year, such additional funds as may be appropriated to provide a total payment not to exceed the full payment amount.

(c) EXPENDITURE OF PAYMENTS.—Subject to subsection (d), payments received by eligible counties under subsection (a) shall be expended in the same manner in which 50-percent payments are required to be expended.

(d) EXPENDITURE RULES FOR ELIGIBLE COUNTIES.—In the case of an eligible county to which a payment is made in a fiscal year pursuant to subsection (a)—

(1) 80 percent of the payment to the eligible county shall be expended in the same manner in which the 25-percent payments are required to be expended; and

(2) 20 percent of the payment to the eligible county shall be reserved and expended by the eligible county in accordance with title II.

TITLE II—LOCALLY INITIATED PROJECTS ON FEDERAL LANDS

SEC. 201. DEFINITIONS.

In this title:

(1) PARTICIPATING COUNTY.—The term ''participating county'' means an eligible county that—

(A) receives Federal funds pursuant to section 102 or 103; and

(B) is required to expend a portion of those funds in the manner provided in section 102(d)(1)(B) or 103(d)(2) or elects under section 102(d)(2) to expend a portion of those funds in accordance with section 102(d)(1)(B).

(2) PROJECT FUNDS.—The term ''project funds'' means all funds reserved by an eligible county under section 102(d)(1)(B) or 103(d)(2) for expenditure in accordance with this title and all funds that an eligible county elects under section 102(d)(2) to reserve under section 102(d)(1)(B).

(3) LOCAL ADVISORY COMMITTEE.—The term ''local advisory committee'' means an advisory committee established by the Secretary concerned under section 205.

(4) RESOURCE MANAGEMENT PLAN.—The term ''resource management plan'' means a land use plan prepared by the Bureau of Land Management for units of the Federal Lands described in section 3(1)(B) pursuant to section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712) and land and resource management plans prepared by the Forest Service for units of the National Forest System pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604).

(5) SECRETARY CONCERNED.—The term ''Secretary concerned'' means the Secretary of the Interior with respect to the Federal Lands described in section 3(1)(B) and the Secretary of Agriculture with respect to the Federal Lands described in section 3(1)(A).

(6) SPECIAL ACCOUNT.—The term ''special account'' means an account in the Treasury established under section 208(c) for each region of the Forest Service, and for the Bureau of Land Management.

SEC. 202. GENERAL LIMITATION ON USE OF PROJECT FUNDS.

Project funds shall be expended solely on projects that meet the requirements of this title and are conducted on the Federal lands.

SEC. 203. SUBMISSION OF PROJECT PROPOSALS BY PARTICIPATING COUNTIES.

(a) SUBMISSION OF PROJECT PROPOSALS TO SECRETARY CONCERNED.—

(1) PROJECTS FUNDED USING PROJECT FUNDS.—Not later than September 30, 2001, and each September 30 thereafter through 2009, each participating county shall submit to the Secretary concerned a description of any projects that the county proposes the Secretary undertake using any project funds reserved by the county during the three-fiscal year period consisting of the fiscal year in which the submission is made and the preceding two fiscal years. A participating county does not have to submit all of its project proposals for a year at the same time.

(2) PROJECTS FUNDED USING SPECIAL ACCOUNTS.—Until September 30, 2007, a participating county may also submit to the Secretary concerned a description of any projects that the county proposes the Secretary undertake using amounts in a special account in lieu of or in addition to the county's project funds.

(3) JOINT PROJECTS.—Participating counties may pool their project funds and jointly propose a project or group of projects to the Secretary concerned under paragraph (1). Participating counties may also jointly propose a project or group of projects to the Secretary concerned under paragraph (2).

(b) REQUIRED DESCRIPTION OF PROJECTS.—In submitting proposed projects to the Secretary concerned under subsection (a), a participating county shall include in the description of each proposed project the following information:

(1) The purpose of the project.

(2) An estimation of the amount of any timber, forage, and other commodities anticipated to be harvested or generated as part of the project.

(3) The anticipated duration of the project.

(4) The anticipated cost of the project.

(5) The proposed source of funding for the project, whether project funds, funds from the appropriate special account, or both.

(6) The anticipated revenue, if any, to be generated by the project.

(c) ROLE OF LOCAL ADVISORY COMMITTEE.—A participating county may propose a project to the Secretary concerned under subsection (a) only if the project has been reviewed and approved by the relevant local advisory committee in accordance with the requirements of section 205, including the procedures issued under subsection (d) of such section.

(d) AUTHORIZED PROJECTS.—

(1) IN GENERAL.—Projects proposed under subsection (a) shall consist of any type of project or activity that the Secretary concerned may otherwise carry out on the Federal lands.

(2) SEARCH, RESCUE, AND EMERGENCY SERVICES.—Notwithstanding paragraph (1), a participating county may submit as a proposed project under subsection (a) a proposal that the county receive reimbursement for search and rescue and other emergency services performed on Federal lands and paid for by the county. The source of funding for an approved project of this type may only be the special account for the region in which the county is located or, in the case of a county that receives 50-percent payments, the special account for the Bureau of Land Management.

(3) COMMUNITY SERVICE WORK CAMPS.—Notwithstanding paragraph (1), a participating county may submit as a proposed project under subsection (a) a proposal that the county receive reimbursement for all or part of the costs incurred by the county to pay the salaries and benefits of county employees who supervise adults or juveniles performing mandatory community service on Federal lands.

SEC. 204. EVALUATION AND APPROVAL OF PROJECTS BY SECRETARY CONCERNED.

(a) CONDITIONS FOR APPROVAL OF PROPOSED PROJECT.—The Secretary concerned may make a decision to approve a project submitted by a participating county under section 203 only if the proposed project satisfies each of the following conditions:

(1) The project complies with all Federal laws and all Federal rules, regulations, and policies.

(2) The project is consistent with the applicable resource management plan and with any watershed or subsequent plan developed pursuant to the resource management plan and approved by the Secretary concerned.

(3) The project has been approved by the relevant local advisory committee in accordance with section 205, including the procedures issued under subsection (d) of such section.

(4) The project has been described by the participating county in accordance with section 203(b).

(b) ENVIRONMENTAL REVIEWS.—

(1) REVIEW REQUIRED.—Before making a decision to approve a proposed project under subsection (a), the Secretary concerned shall complete any environmental review required by the National Environmental Policy Act of 1969 (42 U.S.C. 321 et seq.) in connection with the project and any consultation and biological assessment required by the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) in connection with the project.

(2) TREATMENT OF REVIEW.—Decisions of the Secretary concerned related to an environmental review or consultation conducted under paragraph (1) shall not be subject to administrative appeal or judicial review unless and until the Secretary approves the project under subsection (a) for which the review or consultation was conducted.

(3) PAYMENT OF REVIEW COSTS.—

(A) REQUEST FOR PAYMENT BY COUNTY.—The Secretary concerned may request the participating county or counties submitting a proposed project to use project funds to pay for any environmental review or consultation required under paragraph (1) in connection with the project. When such a payment is requested, the Secretary concerned shall not begin the environmental review or consultation until and unless the payment is received.

(B) EFFECT OF REFUSAL TO PAY.—If a participating county refuses to make the requested payment under subparagraph (A) in connection with a proposed project, the participating county shall withdraw the submission of the project from further consideration by the Secretary concerned. Such a withdrawal shall be deemed to be a rejection of the project for purposes of section 207(d).

(c) TIME PERIODS FOR CONSIDERATION OF PROJECTS.—

(1) PROJECTS REQUIRING ENVIRONMENTAL REVIEW.—If the Secretary concerned determines that an environmental review or consultation is required for a proposed project pursuant to subsection (b), the Secretary concerned shall make a decision under subsection (a) to approve or reject the project, to the extent practicable, within 30 days after the completion of the last of the required environmental reviews and consultations.

(2) OTHER PROJECTS.—If the Secretary concerned determines that an environmental review or consultation is not required for a proposed project, the Secretary shall make a decision under subsection (a) to approve or reject the project, to the extent practicable, within 60 days after the date of that determination.

(d) DECISIONS OF SECRETARY CONCERNED.—

(1) REJECTION OF PROJECTS.—A decision by the Secretary concerned to reject a proposed project shall be at the Secretary's sole discretion. Within 30 days after making the rejection decision, the Secretary concerned shall notify in writing the participating county that submitted the proposed project of the rejection and the reasons therefor.

(2) NOTICE OF PROJECT APPROVAL.—The Secretary concerned shall publish in the Federal Register notice of each project approved under subsection (a) if such notice would be required had the project originated with the Secretary.

(3) PROJECT APPROVAL AS FINAL AGENCY ACTION.—A decision by the Secretary concerned to approve a project under subsection (a) shall be considered a final agency action under the Administrative Procedures Act.

(e) SOURCE AND CONDUCT OF PROJECT.—For purposes of Federal law, a project approved by the Secretary concerned under this section shall be considered to have originated with the Secretary.

(f) IMPLEMENTATION OF APPROVED PROJECTS.—

(1) RESPONSIBILITY OF SECRETARY.—The Secretary concerned shall be responsible for carrying out projects approved by the Secretary under this section. The Secretary concerned shall carry out the projects in compliance with all Federal laws and all Federal rules, regulations, and policies and in the same manner as projects of the same kind that originate with the Secretary.

(2) COOPERATION.—The Secretary concerned may enter into contracts and cooperative agreements with States and local governments, private and nonprofit entities, and landowners and other persons to assist the Secretary in carrying out an approved project.

(3) BEST VALUE STEWARDSHIP CONTRACTING.—To enter into a contract authorized by paragraph (2), the Secretary concerned may use a contracting method that secures, for the best price, the best quality service, as determined by the Secretary based upon the following:

(A) The technical demands and complexity of the work to be done.

(B) The ecological sensitivity of the resources being treated.

(C) The past experience by the contractor with the type of work being done, using the type of equipment proposed for the project, and meeting or exceeding desired ecological conditions.

(D) The use by the contractor of low value species and byproducts.

(E) The commitment of the contractor to hiring highly qualified workers and local residents.

(g) TIME FOR COMMENCEMENT.—

(1) PROJECTS FUNDED USING PROJECT FUNDS.—If an approved project is to be funded in whole or in part using project funds to be provided by a participating county or counties, the Secretary concerned shall commence the project as soon as practicable after the receipt of the project funds pursuant to section 206 from the county.

(2) PROJECTS FUNDED USING SPECIAL ACCOUNTS.—If an approved project is to be funded using amounts from a special account in lieu of any project funds, the Secretary concerned shall commence the project as soon as practicable after the approval decision is made.

SEC. 205. LOCAL ADVISORY COMMITTEES.

(a) ESTABLISHMENT AND PURPOSE OF LOCAL ADVISORY COMMITTEES.—

(1) ESTABLISHMENT.—Except as provided in paragraph (2), the Secretary concerned shall establish and maintain, for each unit of Federal lands, a local advisory committee to review projects proposed by participating counties and to recommend projects to participating counties.

(2) COMBINATION OR DIVISION OF UNITS.—The Secretary concerned may, at the Secretary's sole discretion, combine or divide units of Federal lands for the purpose of establishing local advisory committees.

(b) APPOINTMENT BY THE SECRETARY.—

(1) APPOINTMENT AND TERM.—The Secretary concerned shall appoint the members of local advisory committees for a term of 2 years beginning on the date of appointment. The Secretary concerned may reappoint members to subsequent 2-year terms.

(2) BASIC REQUIREMENTS.—The Secretary concerned shall ensure that each local advisory committee established by the Secretary meets the requirements of subsection (c).

(3) INITIAL APPOINTMENT.—The Secretary concerned shall make initial appointments to the local advisory committees not later than 120 days after the date of enactment of this Act.

(4) VACANCIES.—The Secretary concerned shall make appointments to fill vacancies on any local advisory committee as soon as practicable after the vacancy has occurred.

(5) COMPENSATION.—Members of the local advisory committees shall not receive any compensation.

(c) COMPOSITION OF ADVISORY COMMITTEE.—

(1) NUMBER.—Each local advisory committee shall be comprised of 15 members.

(2) COMMUNITY INTERESTS REPRESENTED.—Each local advisory committee shall have at least one member representing each of the following:

(A) Local resource users.

(B) Environmental interests.

(C) Forest workers.

(D) Organized labor representatives.

(E) Elected county officials.

(F) School officials or teachers.

(3) GEOGRAPHIC DISTRIBUTION.—To the extent practicable, the members of a local advisory committee shall be drawn from throughout the area covered by the committee.

(4) CHAIRPERSON.—A majority on each local advisory committee shall select the chairperson of the committee.

(d) APPROVAL PROCEDURES.—

(1) ISSUANCE.—Not later than 90 days after the date of the enactment of this Act, the Secretaries concerned shall jointly issue the approval procedures that each local advisory committee must use in order to ensure that a local advisory committee only approves projects that are broadly supported by the committee. The Secretaries shall publish the procedures in the Federal Register.

(2) TREATMENT OF PROCEDURES.—The issuance and content of the procedures issued under paragraph (1) shall not be subject to administrative appeal or judicial review. Nothing in this paragraph shall affect the responsibility of local advisory committees to comply with the procedures.

(e) OTHER COMMITTEE AUTHORITIES AND REQUIREMENTS.—

(1) STAFF ASSISTANCE.—A local advisory committee may submit to the Secretary concerned a request for staff assistance from Federal employees under the jurisdiction of the Secretary.

(2) MEETINGS.—All meetings of a local advisory committee shall be announced at least one week in advance in a local newspaper of record and shall be open to the public.

(3) RECORDS.—A local advisory committee shall maintain records of the meetings of the committee and make the records available for public inspection.

(f) FEDERAL ADVISORY COMMITTEE ACT EXEMPTION.—The local advisory committees shall be exempt from the provisions of the Federal Advisory Committee Act (5 U.S.C. App.).

SEC. 206. USE OF PROJECT FUNDS.

(a) AGREEMENT REGARDING SCHEDULE AND COST OF PROJECT.—

(1) AGREEMENT BETWEEN PARTIES.—As soon as practicable after the approval of a project by the Secretary concerned under section 204, the Secretary concerned and the chief administrative official of the participating county (or one such official representing a group of participating counties) shall enter into an agreement addressing, at a minimum, the following with respect to the project:

(A) The schedule for completing the project.

(B) The total cost of the project, including the level of agency overhead to be assessed against the project.

(C) For a multi-year project, the estimated cost of the project for each of the fiscal years in which it will be carried out.

(D) The remedies for the participating county or counties for the failure of the Secretary concerned to comply with the terms of the agreement.

(2) LIMITED USE OF FEDERAL FUNDS.—The Secretary concerned may decide, at the Secretary's sole discretion, to cover the costs of a portion of an approved project using Federal funds appropriated or otherwise available to the Secretary for the same purposes as the project.

(b) TRANSFER OF PROJECT FUNDS.—

(1) INITIAL TRANSFER REQUIRED.—As soon as practicable after the agreement is reached under subsection (a) with regard to a project to be funded in whole or in part using project funds, the participating county or counties that are parties to the agreement shall transfer to the Secretary concerned an amount of project funds equal to—

(A) in the case of a project to be completed in a single fiscal year, the total amount specified in the agreement to be paid by the county or counties; or

(B) in the case of a multi-year project, the amount specified in the agreement to be paid by the county or counties for the first fiscal year.

(2) CONDITION ON PROJECT COMMENCEMENT.—The Secretary concerned shall not commence a project pursuant to section 204(g)(1) until the project funds required to be transferred under paragraph (1) for the project have been received by the Secretary.

(3) SUBSEQUENT TRANSFERS FOR MULTI-YEAR PROJECTS.—For the second and subsequent fiscal years of a multi-year project to be funded in whole or in part using project funds, the participating county or counties shall transfer to the Secretary concerned the amount of project funds required to continue the project in that fiscal year according to the agreement entered into under subsection (a). The Secretary concerned shall suspend work on the project if the county fails to transfer the required amounts as required by the agreement.

(4) SPECIAL RULE FOR WORK CAMP PROJECTS.—In the case of a project described in section 203(d)(3) and approved under section 204, the agreement required by subsection (a) shall specify the manner in which a participating county that is a party to the agreement may retain project funds to cover the costs of the project.

(c) AVAILABILITY OF TRANSFERRED FUNDS.—Project funds transferred to the Secretary concerned under this section shall remain available until the project is completed.

SEC. 207. DURATION OF AVAILABILITY OF A COUNTY'S PROJECT FUNDS.

(a) SUBMISSION OF PROPOSED PROJECTS TO OBLIGATE FUNDS.—By the end of each of the fiscal years 2003 through 2009, a participating county shall submit to the Secretary concerned pursuant to section 203(a)(1) a sufficient number of project proposals that, if approved, would result in the obligation of at least the full amount of the project funds the county received under title I in the second preceding fiscal year.

(b) TRANSFER OF UNOBLIGATED FUNDS.—If a participating county fails to comply with subsection (a) for a fiscal year, any project funds that the county received in the second preceding fiscal year and remaining unobligated shall be returned to the Secretary of the Treasury for disposition as provided in subsection (c).

(c) DISPOSITION OF RETURNED FUNDS.—

(1) DEPOSIT IN SPECIAL ACCOUNTS.—In the case of project funds returned under subsection (b) in fiscal year 2004, 2005, or 2006, the Secretary of the Treasury shall deposit the funds in the appropriate special account.

(2) DEPOSIT IN GENERAL FUND.—After fiscal year 2006, the Secretary of the Treasury shall deposit returned project funds in the general fund of the Treasury.

(d) EFFECT OF REJECTION OF PROJECTS.—Notwithstanding subsection (b), any project funds of a participating county that are unobligated at the end of a fiscal year because the Secretary concerned has rejected one or more proposed projects shall be available for the county to expend in the same manner as the funds reserved by the county under section 102(d)(1)(A) or 103(d)(1), whichever applies to the funds involved. The project funds covered by this subsection shall remain available until expended.

(e) EFFECT OF COURT ORDERS.—

(1) PROJECTS FUNDED USING PROJECT FUNDS.—If an approved project is enjoined or prohibited by a Federal court after funds for the project are transferred to the Secretary concerned under section 206, the Secretary concerned shall return any unobligated project funds related to that project to the participating county or counties that transferred the funds. The returned funds shall be available for the county to expend in the same manner as the funds reserved by the county under section 102(d)(1)(A) or 103(d)(1), whichever applies to the funds involved. The funds shall remain available until expended and shall be exempt from the requirements of subsection (b).

(2) PROJECTS FUNDED USING SPECIAL ACCOUNTS.—If an approved project is enjoined or prohibited by a Federal court after funds from a special account have been reserved for the project under section 208, the Secretary concerned shall treat the funds in the same manner as revenues described in section 208(a).

SEC. 208. TREATMENT OF FUNDS GENERATED BY LOCALLY INITIATED PROJECTS.

(a) PAYMENT TO SECRETARY.—Any and all revenues generated from a project carried out in whole or in part using project funds or funds from a special account shall be paid to the Secretary concerned.

(b) DEPOSIT.—Notwithstanding any other provision of law, the Secretary concerned shall deposit the revenues described in subsection (a) as follows:

(1) Through fiscal year 2006, the revenues shall be deposited in the appropriate special account as provided in subsection (c).

(2) After fiscal year 2006, the revenues shall be deposited in the general fund of the Treasury.

(c) REGIONAL AND BLM SPECIAL ACCOUNTS.—

(1) ESTABLISHMENT.—There is established in the Treasury an account for each region of the Forest Service and an account for the Bureau of Land Management. The accounts shall consist of the following:

(A) Revenues described in subsection (a) and deposited pursuant to subsection (b)(1).

(B) Project funds deposited pursuant to section 207(c)(1).

(C) Interest earned on amounts in the special accounts.

(2) REQUIRED DEPOSIT IN FOREST SERVICE ACCOUNTS.—If the revenue-generating project was carried out in whole or in part using project funds that were reserved pursuant to section 102(d)(1)(B), the revenues shall be deposited in the account established under paragraph (1) for the Forest Service region in which the project was conducted.

(3) REQUIRED DEPOSIT IN BLM ACCOUNT.—If the revenue-generating project was carried out in whole or in part using project funds that were reserved pursuant to section 103(d)(2), the revenues shall be deposited in the account established under paragraph (1) for the Bureau of Land Management.

(4) PROJECTS CONDUCTED USING SPECIAL ACCOUNT FUNDS.—If the revenue-generating project was carried out using amounts from a special account in lieu of any project funds, the revenues shall be deposited in the special account from which the amounts were derived.

(d) USE OF ACCOUNTS TO CONDUCT PROJECTS.—

(1) AUTHORITY TO USE ACCOUNTS.—The Secretary concerned may use amounts in the special accounts, without appropriation, to fund projects submitted by participating counties under section 203(a)(2) that have been approved by the Secretary concerned under section 204.

(2) SOURCE OF FUNDS; PROJECT LOCATIONS.—Funds in a special account established under subsection (c)(1) for a region of the Forest Service region may be expended only for projects approved under section 204 to be conducted in that region. Funds in the special account established under subsection (c)(1) for the Bureau of Land Management may be expended only for projects approved under section 204 to be conducted on Federal lands described in section 3(1)(B).

(3) DURATION OF AUTHORITY.—No funds may be obligated under this subsection after September 30, 2007. Unobligated amounts in the special accounts after that date shall be promptly transferred to the general fund of the Treasury.

TITLE III—FOREST COUNTIES PAYMENTS COMMITTEE

SEC. 301. DEFINITIONS.

In this title:

(1) ADVISORY COMMITTEE.—The term ''Advisory Committee'' means the Forest Counties Payments Committee established by section 302.

(2) HOUSE COMMITTEES OF JURISDICTION.—The term ''House committees of jurisdiction'' means the Committee on Agriculture, the Committee on Resources, and the Committee on Appropriations of the House of Representatives.

(3) SENATE COMMITTEES OF JURISDICTION.—The term ''Senate committees of jurisdiction'' means the Committee on Agriculture, Nutrition, and Forestry, the Committee on Energy and Natural Resources, and the Committee on Appropriations of the Senate.

(4) SUSTAINABLE FORESTRY.—The term ''sustainable forestry'' means principles of sustainable forest management that equally consider ecological, economic, and social factors in the management of Federal lands.

SEC. 302. NATIONAL ADVISORY COMMITTEE TO DEVELOP LONG-TERM METHODS TO MEET STATUTORY OBLIGATION OF FEDERAL LANDS TO CONTRIBUTE TO PUBLIC EDUCATION AND OTHER PUBLIC SERVICES.

(a) ESTABLISHMENT OF FOREST COUNTIES PAYMENTS COMMITTEE.—There is hereby established an advisory committee, to be known as the Forest Counties Payments Committee, to develop recommendations, consistent with sustainable forestry, regarding methods to ensure that States and counties in which Federal lands are situated receive adequate Federal payments to be used for the benefit of public education and other public purposes.

(b) MEMBERS.—The Advisory Committee shall be composed of the following members:

(1) The Chief of the Forest Service, or a designee of the Chief who has significant expertise in sustainable forestry.

(2) The Director of the Bureau of Land Management, or a designee of the Director who has significant expertise in sustainable forestry

(3) The Director of the Office of Management and Budget, or the Director's designee.

(4) Two members who are elected members of the governing branches of eligible counties; one such member to be appointed by the President pro tempore of the Senate (in consultation with the chairmen and ranking members of the Senate committees of jurisdiction) and one such member to be appointed by the Speaker of the House of Representatives (in consultation with the chairmen and ranking members of the House committees of jurisdiction) within 60 days of the date of enactment of this Act.

(5) Two members who are elected members of school boards for, superintendents from, or teachers employed by, school districts in eligible counties; one such member to be appointed by the President pro tempore of the Senate (in consultation with the chairmen and ranking members of the Senate committees of jurisdiction) and one such member to be appointed by the Speaker of the House of Representatives (in consultation with the chairmen and ranking members of the House committees of jurisdiction) within 60 days of the date of enactment of this Act.

(c) GEOGRAPHIC REPRESENTATION.—In making appointments under paragraphs (4) and (5) of subsection (b), the President pro tempore of the Senate and the Speaker of the House of Representatives shall seek to ensure that the Advisory Committee members are selected from geographically diverse locations.

(d) ORGANIZATION OF ADVISORY COMMITTEE.—

(1) CHAIRPERSON.—The Chairperson of the Advisory Committee shall be selected from among the members appointed pursuant to paragraphs (4) and (5) of subsection (b).

(2) VACANCIES.—Any vacancy in the membership of the Advisory Committee shall be filled in the same manner as required by subsection (b). A vacancy shall not impair the authority of the remaining members to perform the functions of the Advisory Committee under section 303.

(3) COMPENSATION.—The members of the Advisory Committee who are not officers or employees of the United States, while attending meetings or other events held by the Advisory Committee or at which the members serve as representatives of the Advisory Committee or while otherwise serving at the request of the Chairperson, shall each be entitled to receive compensation at a rate not in excess of the maximum rate of pay for grade GS–18, as provided in the General Schedule under section 5532 of title 5, United States Code, including traveltime, and while away from their homes or regular places of business shall each be reimbursed for travel expenses, including per diem in lieu of subsistence as authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently.

(e) STAFF AND RULES.—

(1) EXECUTIVE DIRECTOR.—The Advisory Committee shall have an Executive Director, who shall be appointed (without regard to the provisions of title 5, United States Code, governing appointments in the competitive service) by the Advisory Committee and serve at the pleasure of the Advisory Committee. The Executive Director shall report to the Advisory Committee and assume such duties as the Advisory Committee may assign. The Executive Director shall be paid at a rate of pay for grade GS–18, as provided in the General Schedule under 5332 of title 5, United States Code.

(2) OTHER STAFF.—In addition to authority to appoint personnel subject to the provisions of title 5, United States Code, governing appointments to the competitive service, and to pay such personnel in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, the Advisory Committee shall have authority to enter into contracts with private or public organizations which may furnish the Advisory Committee with such administrative and technical personnel as may be necessary to carry out the functions of the Advisory Committee under section 303. To the extent practicable, such administrative and technical personnel, and other necessary support services, shall be provided for the Advisory Committee by the Chief of the Forest Service and the Director of the Bureau of Land Management.

(3) COMMITTEE RULES.—The Advisory Committee may establish such procedural and administrative rules as are necessary for the performance of its functions under section 303.

(f) FEDERAL AGENCY COOPERATION.—The heads of the departments, agencies, and instrumentalities of the executive branch of the Federal Government shall cooperate with the Advisory Committee in the performance of its functions under subsection (c) and shall furnish to the Advisory Committee information which the Advisory Committee deems necessary to carry out such functions.

SEC. 303. FUNCTIONS OF ADVISORY COMMITTEE.

(a) DEVELOPMENT OF RECOMMENDATIONS.—

(1) IN GENERAL.—The Advisory Committee shall develop recommendations for policy or legislative initiatives (or both) regarding alternatives for, or substitutes to, the short-term payments required by title I in order to provide a long-term method to generate annual payments to eligible States and eligible counties at or above the full payment amount.

(2) REPORTING REQUIREMENTS.—Not later than 18 months after the date of the enactment of this Act, the Advisory Committee shall submit to the Senate committees of jurisdiction and the House committees of jurisdiction a final report containing the recommendations developed under this subsection. The Advisory Committee shall submit semiannual progress reports on its activities and expenditures to the Senate committees of jurisdiction and the House committees of jurisdiction until the final report has been submitted.

(b) GUIDANCE FOR COMMITTEE.—In developing the recommendations required by subsection (a), the Advisory Committee shall—

(1) evaluate the method by which payments are made to eligible States and eligible counties under title I and the use of such payments;

(2) evaluate the effectiveness of the local advisory committees established pursuant to section 205; and

(3) consider the impact on eligible States and eligible counties of revenues derived from the historic multiple use of the Federal lands.

(c) MONITORING AND RELATED REPORTING ACTIVITIES.—The Advisory Committee shall monitor the payments made to eligible States and eligible counties pursuant to title I and submit to the Senate committees of jurisdiction and the House committees of jurisdiction an annual report describing the amounts and sources of such payments and containing such comments as the Advisory Committee may have regarding such payments.

(d) TESTIMONY.—The Advisory Committee shall make itself available for testimony or comments on the reports required to be submitted by the Advisory Committee and on any legislation or regulations to implement any recommendations made in such reports in any congressional hearings or any rulemaking or other administrative decision process.

SEC. 304. FEDERAL ADVISORY COMMITTEE ACT REQUIREMENTS.

Except as may be provided in this title, the provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Advisory Committee.

SEC. 305. TERMINATION OF ADVISORY COMMITTEE.

The Advisory Committee shall terminate three years after the date of the enactment of this Act.

SEC. 306. SENSE OF CONGRESS REGARDING ADVISORY COMMITTEE RECOMMENDATIONS.

It is the sense of Congress that the payments to eligible States and eligible counties required by title I should be replaced by a long-term solution to generate payments conforming to the guidance provided by section 303(b) and that any promulgation of regulations or enactment of legislation to establish such method should be completed within two years after the date of submission of the final report required by section 303(a).

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. AUTHORIZATION OF APPROPRIATIONS.

There are hereby authorized to be appropriated such sums as are necessary to carry out this Act.

SEC. 402. TREATMENT OF FUNDS AND REVENUES.

Funds appropriated pursuant to the authorization of appropriations in section 401, funds transferred to a Secretary concerned under section 206, and revenues described in section 208(a) shall be in addition to the any other annual appropriations for the Forest Service and the Bureau of Land Management.

SEC. 403. CONFORMING AMENDMENTS.

Section 6903(a)(1) of title 31, United States Code, is amended—

(1) by redesignating subparagraphs (D) through (J) as subparagraphs (E) through (K), respectively; and

(2) by inserting after subparagraph (C) the following new subparagraph:

''(D) the Secure Rural Schools and Community Self-Determination Act of 1999;''.

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Senate

The Senate met at 12 noon and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Dear Lord, who always has a next step in the adventure of living and leadership, we thank You for calling us to greater intentionality. Help us to put into action what we intend. Clarify Your goals for us as individuals and as a nation and then call us out from where we are to a new level of risk. What would we do if we trusted You completely? Give us the courage to do it! May this be a ''do-it-now'' action week. We have nothing to fear when we have no one else to please but You. Bless the Senators with intentionality that is willing to risk anything except their relationship with You. You are our Lord and Savior. Amen.

PLEDGE OF ALLEGIANCE

The Honorable CHUCK HAGEL, a Senator from the State of Nebraska, 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 PRESIDENT pro tempore. The Senator from Nebraska is recognized.

Mr. HAGEL. I thank the Chair.

SCHEDULE

Mr. HAGEL. On behalf of the leader, today the Senate will begin 2 hours of morning business and then resume consideration of the conference report to accompany the D.C./Labor-HHS appropriations bill. As announced on Friday, there will be no votes today. By a previous consent agreement, the vote on the conference report to accompany the D.C./Labor appropriations bill will occur at 10 o'clock Tuesday morning. Tomorrow morning there will be an additional 30 minutes of debate on the conference report prior to the 10 a.m. vote. Senators who have statements on that conference report should be prepared to come to the floor during today's session. As a reminder, two cloture motions were filed on Friday in relation to the African trade bill. Those votes will occur tomorrow as outlined by rule XXII or at a time to be determined by the two leaders.

I thank my colleagues for their attention.

MEASURE PLACED ON CALENDAR

Mr. HAGEL. Mr. President, I understand there is a bill at the desk due for its second reading.

The PRESIDENT pro tempore. The clerk will read the bill by title.

The legislative clerk read as follows:

A bill (S. 1832) to amend the Fair Labor Standards Act of 1938 to increase the Federal minimum wage.

Mr. HAGEL. Mr. President, I object to further proceedings on this bill at this time.

The PRESIDENT pro tempore. Under the rule, the bill will be placed on the calendar.

Mr. HAGEL. I thank the Chair.

Mr. President, I note the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WYDEN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HAGEL). Without objection, it is so ordered.

MEDICARE COVERAGE FOR PRESCRIPTION DRUGS

Mr. WYDEN. Mr. President, this is the ninth time I have come to the floor of the Senate to talk about the issue of Medicare coverage for prescription drugs. As the Senate can see, I am urging seniors to send in copies of their prescription drug bills, as this poster instructs, to your Senator, U.S. Senate, Washington, D.C. 20510.

I am doing this because it is critically important that Congress move on this issue and address it in a bipartisan way. With the counsel and input of Senator SNOWE of Maine, there is one bipartisan bill now before the Senate to cover the issue of prescription drugs for the Nation's elderly.

I am sure other Members of the Senate are getting the kind of mail I am. What I will do this morning, as I have done on eight previous occasions, is talk specifically about some of the bills I am getting from senior citizens in Oregon in an effort to pull together a bipartisan coalition for action in this session.

We have heard, again and again, experts on the health care issue say the prescription drug question is too complicated for the Senate to act on at this time. That is a view I do not share. It is not shared by Senator SNOWE. In fact, 54 Members of the Senate have already voted for the funding plan the two of us have developed. We have already laid the foundation for the Senate to move on this issue in a bipartisan way.

I will talk for a few minutes this afternoon about our legislation and about some copies of bills I have received from senior citizens. I have a whole sheaf of them to go through.

What our bill is all about is trying to give senior citizens who are on Medicare the same kind of bargaining power in the marketplace that a health maintenance organization has. The sad part about this issue is that the senior citizens get shellacked on their prescription bills twice. Medicare doesn't cover prescription drugs. When the program began in 1965, it didn't cover prescriptions. Maybe back then there was a

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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feeling they weren't that important. If anybody thought that then, they certainly would not believe that now, because we have more than 20 percent of the Nation's senior citizens spending over $1,000 a year out of pocket for their prescription medicine. They can't afford these prescriptions. The doctors tell them to take three prescriptions. They start off taking two, and then they take one, and eventually they can't afford their medicine, and they get sicker and they need perhaps institutional care, which is far more expensive. What is so sad is that the seniors, of course, with Medicare not covering prescriptions, have to pay out of pocket. On top of that, they have to subsidize the big buyers, the health maintenance organizations, the health plans, and other big buyers that are in a position to get a discount on their prescription medicine.

So Senator SNOWE and I, in support of the bipartisan Snowe-Wyden bill, are urging seniors to send copies of their prescription drug bills to the Senate, to your Senators, in Washington, DC, in the hopes that we can deal with this in this session of the Senate.

I have been concerned about this issue since back in the days when I was codirector of the Oregon Gray Panthers. I ran the legal aid office for senior citizens then, and prescriptions were awfully important even then. But the fact is they are much more important to the Nation's older people today than they were then because, today, so many of these prescriptions can, in effect, help to keep seniors well and healthy and physically fit. So many of the drugs today can help to lower blood pressure, or deal with cholesterol problems, or a wide variety of conditions, and can keep our seniors healthy. The savings associated with these kinds of drugs are absolutely staggering.

I reported last week, when we talked about the question of prescriptions for seniors on the floor of the Senate, about one anticoagulant drug seniors often take today. It costs a little over $1,000 a year for a senior citizen to take that anticoagulant drug. By taking that drug, very often it is possible to prevent a debilitating stroke that can cost a senior more than $100,000, in terms of expenses. Just think of that. An anticoagulant drug helps our seniors stay healthy for about $1,000 a year. As a result of spending $1,000 a year on this particular medicine, we can keep that person from having a debilitating stroke, which could cost more than $100,000 a year.

So, very often, I am asked by colleagues and others in the Congress whether our Nation can afford to cover prescription drugs for the elderly. My answer is that our Nation cannot afford not to cover prescription drugs, when you look at the kind of savings that would be associated with this coverage.

Now, in the Snowe-Wyden bill, we seek to do a number of things beyond giving senior citizens the same kind of bargaining power that a health maintenance organization does. We focus on the principles of the private marketplace, trying to create choices and options and a wide variety of alternatives for the Nation's seniors, and we do it through a concept the President of the Senate and all of us understand very well, and that is, we use the model of the Federal Employees Health Benefits Plan. We don't go out and set up a whole new bureaucracy. We don't set up a lot of price controls and get the Government intervening in the marketplace.

I have great reservations about that kind of approach because, if you go with price controls, say, on Medicare, the only thing that will happen is you will shift all the costs onto the backs of other vulnerable people. I don't think there is a Member of the Senate who would like to see us take action with respect to prescription drugs for the Nation's senior citizens, and then have a lot of costs shifted onto, say, a 27-year-old woman who is divorced and has two kids and is working hard and playing by the rules and suddenly is seeing the prescription drug costs for her children go up very dramatically. So we ought to unleash the forces of the marketplace. That is what is in the bipartisan Snowe-Wyden prescription drug bill.

What I am going to do for a few moments is talk about some of the bills and documents that I have been sent by seniors since we came to the floor and began to urge them, as this poster says, to send in copies of their prescription drug bills to us in the Senate.

The first case I want to talk about this morning involves a senior citizen who is 73 years old and lives in my home State, in Hillsboro. She has a monthly income of $1,000, and she is spending 25 percent of it on her prescription drugs. She doesn't have any of these bills covered by her health insurance—not any of them. She has to take a wide variety of drugs, such as Relafen and Prilosec—a whole host of prescription drugs—primarily due to hypertension and a variety of problems. Her Prilosec alone is one she has to take on a regular basis; yet, as a result of the expenses associated with her prescription medicine, this senior citizen at home in Hillsboro, OR, is not able to take all of the medication she needs. She reports that when she does take her Prilosec as her doctor tells her, she has had to give up other kinds of necessities. She is eating cheaper foods and is particularly concerned that if something isn't done about prescription drugs in the Senate, she is going to have a whole host of other problems. She is not able to afford other essentials, such as being able to take care of expenses for her house.

This is a real case, not some government report from some think tank in Washington, DC, hypothesizing about what the senior citizens need. This is a real, live case from my home State, in Hillsboro, OR. She heard I am urging senior citizens, as this poster says, to send in copies of their prescription drug bills to their Senators.

She sent me her case. Very clearly, these are heartrending cases—to think people with a $1,000-a-month income trying to get by on that alone is hard enough. Having to spend 25 percent of her income on prescription drugs, having to be part of a drug regime where she can't even take all that her doctor is telling her to take—this is what is going on in the United States of America. A country as rich and powerful and as good as ours has not yet figured out a way to help people such as this. It is a tragedy that we cannot come together on a bipartisan basis, the way the Snowe-Wyden bill envisages. There are other approaches that certainly would be appealing as well. But we need to get this done. What everybody says is that this Congress is so polarized, they can't deal with big issues.

Well, I believe the bipartisan Snowe-Wyden bill, which has gotten 54 votes in terms of a funding plan and is based on models that every Member of the Senate knows about, is a very appealing kind of concept. But if our colleagues have different approaches—and certainly in this body we have strong views, and there are a variety of different ideas on this—have them come forward.

But let's not duck this issue. Let us not duck it and say, oh, this is a matter for the 2000 campaign, and we don't need to deal with it today. We need to deal with it now.

I am going to go through a couple of other cases.

Here is another one from a couple in Cornelius, OR, a home in my State. They have a monthly income of about $1,000. They are spending between $200 and $400 every month on their prescription drugs. They have to take drugs for arthritis, for cholesterol problems, and antibiotics on a fixed income.

Clearly, this kind of case where month after month they are seeing between 20 percent and 40 percent of their monthly income going for prescription drugs ought to make it clear to Members of this body that we have to move and move on a bipartisan basis.

There isn't anything that is important in Washington, DC, that isn't bipartisan. I don't know of a single issue that can be addressed in a significant way without Democrats and Republicans coming together. The Snowe-Wyden bipartisan approach is one way. There may be others. But the important thing is we ought to move and we ought to move in this session of Congress.

A third case I would like to go through involves an elderly woman in Forest Grove, OR. Recently, in effect, in the last few weeks, she spent $294 on her prescription medicine. She has had to take a variety of different medicines. That is one example of what we are getting now from the seniors across this country. This particular senior is in Forest Grove, OR, taking a whole host of medications.

A lot of our seniors average 15 prescriptions a year. The third case I have gone through this morning with seniors spending $294 in just a few weeks on her prescription medicines in Forest Grove is pretty representative of what we are hearing.

I hope that as a result of my coming to the floor over these last days before we wrap up for the year that we can see Democrats and Republicans in the Senate coming together to try to deal with this question.

I want to bring up one last case. It is a particularly poignant one. It is from an older person who is now taking 15 prescription drugs. She is on a fixed income with nothing but her Social Security. She is spending $600 a month—$600 a month—on her prescription medicine. None of it is covered by her health insurance. She writes to tell me that she is spending almost her entire monthly income on prescription drugs.

Think of that. A senior citizen, again, at home in Oregon spending almost her entire monthly income on prescription drugs. We asked: What happens when you can't afford the prescription drugs you need? She said borrow. That is what she tries to do. A senior citizen with only Social Security spending virtually all of her monthly income on prescription drugs is now having to borrow from friends and family.

I have a list of these prescriptions. Again, the list goes on and on.

This is an example of the kind of bills that senior citizens are now sending in as a result of our efforts to try to get bipartisan action on this issue.

I hope as a result of my remarks other seniors will, as this poster says, send in copies of their prescription drug bills. I hope they will be interested in the bipartisan Snowe-Wyden prescription drug bill. But, frankly, I would like to make sure they are in contact with all of us in the Senate because this is not an issue that should be allowed to be put off until after the 2000 election.

We are given an election certificate. Mr. President, I know you feel very strongly about important issues such as campaign finance reform where it is important to come together. We are giving election certificates to deal with these issues. I have not been given an election certificate to put this off until after another election. We are all sent here to deal with these important issues such as campaign finance reform and prescription drugs because these are important to the American people.

I am very proud to have been able to work with Senator OLYMPIA SNOWE on this issue.

I think when you are dealing with important questions such as prescription drugs and campaign finance reform it has to be bipartisan. My plan is to keep coming to the floor of the Senate day, after day, after day, bringing up these examples of what I am hearing from the Nation's senior citizens and hope that we can come together. Senator SNOWE and I got 54 votes on the floor of the Senate for the funding approach we are taking. More than $10 billion goes from the Medicare program each year to cover tobacco-related illnesses. We know we have to act. We have to act responsibly to address these concerns of seniors.

There is a marketplace-oriented approach to this problem. We don't need a lot of price controls. We don't need a ''one-size-fits-all'' run from a Washington, DC, program. The Snowe-Wyden bill will give seniors the same kind of bargaining power that a health maintenance organization has to negotiate prices, not through a government regime but through the power of marketplace forces.

I am going to keep coming back to the floor of the Senate until we get action on this issue. I will keep reading from these letters. I hope seniors will continue, as this poster says, to send in copies of their prescription drug bills. I know that seniors at home have made it clear they are going to keep sending them to me, and I am very hopeful that we can get action on this issue in this session.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative bill clerk proceeded to call the roll.

Mr. BAUCUS. 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. BAUCUS. Mr. President, I ask unanimous consent to speak as in morning business for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. BAUCUS pertaining to the introduction of S. 1837 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ROBERTS). The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. THOMAS. 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. THOMAS. What is the order of business, Mr. President?

The PRESIDING OFFICER. The order of business is, under the previous order, the time until 2 p.m. shall be under the control of the distinguished Senator from Wyoming, Mr. THOMAS, or his designee. The Senator is recognized.

BUSINESS OF THE SENATE

Mr. THOMAS. Mr. President, I will take a few minutes and talk about some of the things we are doing. Obviously, we are heading toward the end of this session. There is speculation as to when we will conclude our work. Of course, before that is done, clearly the most important thing before us is the appropriations process, funding the Government, and we will do that.

I had the opportunity this weekend to spend some time in my home State. I can always pick up things about which people feel strongly. They want to see the budget signed. There are differences of view as to what that budget should contain—legitimately, of course.

Most of the people in my State—and I certainly believe they are well informed because I agree with them—think we ought to hold down the size of the budget because that is how we really put some limits on Government. That does not mean we do not fund the things that are essential. Certainly we will not always have unanimity on what people perceive as being essential, and that is what it is all about.

People do want the budget signed. They do not want the Government to shut down, nor does anyone here, and I hope not the President. He has indicated he does not. We have about five bills to complete and get signed. I am optimistic about it. We will conclude our work without a shutdown. We will conclude our work without spending Social Security dollars, which was the commitment we made.

Out of the surplus this year—a surplus, frankly, for the second time in 25 years—we will only spend that money when it comes in the operational budget and not the budget of Social Security. More important, not only will we not spend Social Security money, but we also have a plan to strengthen Social Security for the future. To save Social Security is not enough. We must do that, of course.

The other thing I have heard—and I already mentioned it—is hold down the size of Government; we do not want the Federal Government to continue to grow and to be the dominating factor in people's lives. Indeed, there are essential elements of the Federal Government, but the strength lies in the communities, States, and counties of this country. The more decisionmaking that takes place there, it seems to me the stronger we will be and the closer we will be to the governed making the decisions, and the better off we will be.

We will do well. We will have to make some adjustments. One of them may well be an across-the-board cut of 1 percent. I happen to favor that idea. We are talking about a discretionary budget of about $595 billion. That is out of a total of about $1.7 trillion, the rest being mandatory. We are talking about actually below 1 percent, a .97-percent across-the-board cut, which is about $3.5 billion. That will bring us down to $592 billion. I cannot imagine that agencies with a budget of $15 billion or $260 billion are unable to find 1 percent that can be reduced. Generally, through things that are not terribly

important or some even considered to be wasteful spending, they can find 1 percent. In any event, I am very confident that can be done.

Some say it will require the military to lay off. The fact is, after 1 percent, it would still be a substantial increase over last year and over the President's request for the military budget. We are closing in on getting that job done. Certainly it is the compelling task before us.

It reminds me of one of the things I believe we ought to consider, and that is a biennial budget, so we can do this business of budgeting and allocating resources every other year, which has the advantage of giving agencies and the Federal Government a better opportunity of knowing what they will be doing for a longer period of time. But more important, it provides an opportunity for 1 year to do budgeting and appropriations and 1 year for oversight which, in my view, is equally important. It is important for the Congress to have oversight of the expenditures and to ensure these expenditures are implementing policies that have been passed by the Congress.

Most States do biennial budgeting and find it very useful, very satisfactory, and successful. I suspect there will be resistance, of course, from those involved in the appropriations process because it will eliminate 1 year in which they have perhaps extraordinary authority in the direction we will take. Nevertheless, I hope this idea is favored by the chairman of the Budget Committee and by the leader of the Senate majority. That is something we ought to consider.

As we talk to people at home, we ought to talk a little bit about the accomplishments of this Congress. I believe it has been extraordinary. It is a little difficult to keep up with it through the media's description of what we do; they don't like to talk about anything unless it is sensational; and also opportunities to communicate are very difficult. One of them is the budget.

We have a surplus—the first time in 42 years. Two years in a row, we have had a surplus. Part of that, obviously, is we have more revenue coming in and a strong economy. But equally as important—perhaps more important—is the balanced budget amendments that were passed 3 years ago that have kept down spending. At the end of the seventies and through the eighties, into the nineties, growth each year was in the neighborhood of 10 to 12 percent. In this year, it is just over 2 percent. Is it where we want to be? No. For many of us, it is not. Nevertheless, it is progress. We even have had, of course, a non-Social Security surplus.

Instead of spending at 10 percent, which we did in the early eighties, we are spending at 2.8-percent growth. That is pretty good.

Spending as a percent of gross national product has fallen during the nineties. Unfortunately, largely because of the President's tax bill in 1995, the percentage of taxes with respect to the gross national product has increased, the highest since World War II. Of course, we tried to do something about that. We passed a bill that would have been a reduction in taxes, but, unfortunately, the President vetoed it.

I mentioned Social Security and that we have to do more than simply talk about it. We can do that. Two years ago, President Clinton urged us to save Social Security first. Unfortunately, he has done very little since then, but there have been a number of things done here. Republicans have worked hard in seeking passage of a Social Security lockbox. Unfortunately, it has been filibustered on the other side of the aisle.

One of the most fundamental changes I hope will be considered next year and passed is the notion of having private accounts where people who are closer to the retirement benefit age will continue as they are. But people 25, 35, and 40 years old will have the opportunity to take the dollars they have contributed to Social Security and put them in a personal account, directly invested in equities, directed by the owner through an investment program, that will have several benefits. One, it would belong to the taxpayer. If, unfortunately, you were not able to utilize it before you passed away, it would be part of your estate. The second is, the return on the investment would be more substantially invested in equities than it would be invested as it is now in Government securities. That is the real direction we need to take.

Tax relief, of course, will be back again. It continues to be an issue. When you have taxpayers who are paying more into the Federal Government than is necessary to sustain the essential elements of the Government, then the money ought to be returned. It has been said—and it is probably true—that if dollars remain in Washington, they have a way of getting spent. So we ought to give some relief to taxpayers.

I was out last summer, in August, talking about the tax relief bill, and people sort of rolled their eyes about it because they had heard that before. But when you talked about the elements of it, they became very interested and supportive of it.

Estate taxes: For example, we have a lot of agriculture in Wyoming. Many agriculturists have almost all of their life's earnings in property, not in yearly income but in the estate they build up in that farm or ranch. Currently, they could lose nearly half of that through estate taxes. We would like to do away with those over a period of time.

Capital gains: More and more people are investing money in the market and seeking to take care of themselves for their old age security or to supplement their Social Security. We need to encourage that. One way to do that is to reduce the tax on capital gains.

The marriage penalty: Almost everyone would agree to the fact that a marriage penalty is very unfair, where two young people who are single at a certain wage level pay a certain amount of tax, but if they get married, they pay a higher amount of tax. That is not fair. We sought to change that. Unfortunately, as I said, that was vetoed. Nevertheless, I consider it to be an accomplishment for the Republican Senate because it sets the groundwork to move forward in another year.

Education: This budget we are talking about contains more for education than the President requested. He is arguing about that. The big argument is not the amount of money. The argument is because the President wants to dictate, to stipulate where the money goes—in this case for 100,000 teachers. We think it makes much more sense to be more flexible. If you have the money, send it to the States, send it to the school districts, and let those folks decide where it is most efficient to invest the money.

I have a strong belief that the needs in Greybull, WY, are quite different than they are in Pittsburgh. We ought to be able to adjust for that. I believe what we have done, in the case of education with Ed-Flex, is given local people more flexibility. So there is additional money in this budget for education. We had money in our tax bill to encourage education, as well. I am pretty pleased about that.

National security: We have added $17 billion for the defense of this country. Probably, if you had to select the item and the issue that the National Government is most responsible for—the Federal Government—it is defense. No one else, of course, can participate as fully in the defense of our country as the Federal Government.

Unfortunately, we have had more troop deployments over the last couple years than we have had in 50 years. But the administration has requested funds that would cause military readiness to go down. We have been in Haiti, in Bosnia, in Kosovo, and a number of other places, which has been very expensive. We have found ourselves in the situation, with voluntary Armed Forces, where it is difficult to recruit people to come into the military. Probably the more difficult thing is to retain those people in the military who have been trained to be pilots or mechanics, or whatever, who can find, of course, much better jobs somewhere else.

Health care: Clearly, health care is a vital interest to all of us. Again, folks in Wyoming are interested in that, in particular, because the changes that have been made over the last couple of years have affected rural areas probably to more of an extreme than nonrural areas. We are moving, of course, into an era where very small hospitals find it most difficult. We have some towns in our State with hospitals that have an average occupancy of one or two acute-care beds. That is

very difficult. And there are shifts taking place. We have changed the definition of ''hospital'' so that HCFA, the funding agency, can fund hospitals that have less than full services, even emergency rooms, to move those patients off to somewhere else.

We passed the Patients' Bill of Rights. I hope one of the things that will happen before we leave is some change in the balanced budget amendment on Medicare. That will probably be an additional $15 billion over 10 years, to take away what we think were the overcuts that have been made by the agency that pays it out. So we will be moving forward on that.

Financial modernization: I think for the first time since the 1930s the whole financial picture has changed somewhat. That bill is prepared to come to the floor. We closed the deal last week. We have been trying for 10 years—and finally got that done—to change the regulations that were put in place during the Depression times to fit what is necessary now.

So we have accomplished a great deal in the budget: Social Security, education, defense, tax relief, health care, and now a banking bill—all things that are good for America—but yet without letting the Federal Government grow out of control.

It is legitimate to have different views, and we ought to have an exchange of views. There are different views everywhere. One of the basic differences here has to do, frankly, with the size and involvement of the Federal Government; it has to do with spending. The liberals, of course, want to have more taxes, more spending, put the Federal Government into more things, override the States because they think that is a better way to do it. It is a legitimate point of view. I do not agree with it.

We ought to try to limit those things that can best and must be done by the Federal Government. Do we raise money to do it? Of course. But after that we ought to let that be done closer to the people.

Those are the real issues. Sometimes they do not show up. We get to talking about details, but the basic philosophy is there and it is legitimate and we need to work at it.

I hope we can move forward. I think we have completed a good amount of work this year. We have some more to do. We have probably less than 2 weeks to do it. So I hope we move forward.

I now yield whatever time he might consume to the Senator from Oklahoma.

Mr. INHOFE. I thank the Senator from Wyoming.

PRIVILEGE OF THE FLOOR

Mr. INHOFE. Mr. President, I ask unanimous consent that Paul Barger, a fellow in my office, be granted floor privileges for the remainder of today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The distinguished Senator from Oklahoma is recognized.

NATIONAL DEFENSE

Mr. INHOFE. Mr. President, I appreciate very much the Senator from Wyoming taking the time to show some of the differences and some of the accomplishments of this session of the Senate. While I was watching him do that, it occurred to me that something else constantly needs to be brought up before the American people because a lot of times people look at Democrats and Republicans and do not realize that we do stand for different things.

In the case of the Republican Party, I have had the honor, since I have been in the Senate, of serving on the Senate Armed Services Committee. I originally discovered when I was in the House of Representatives—and it was a shocker—why there is such a difference in the approach to national security between the Democrats and Republicans.

To put it very bluntly, the Republicans have always believed that the primary responsibility of Government was to give America a more secure country and to promote our national security. Yet time and time again, it is quite obvious that there is a difference between Democrats and Republicans.

To document this or to quantify it, there is a group called the Center for Security Policy. I think this is kind of interesting because people need to know what we are doing here. All too often people will read the mail of their Senators and assume that is everything that is going on here, when, in fact, there are some things that may not be accurately expressed in that mail. For example, if a constituent is concerned with how his particular Member is voting on tax issues, the National Tax Limitation Committee and National Taxpayers Union rank us so they can tell who is for more taxes and who is for less taxes. If a constituent is concerned about what is happening in terms of family values, they have a number of organizations that will tell how Members voted on issues such as abortion. If they are concerned about how much regulation is disturbing people who are trying to run small businesses, the NFIB, National Federation of Independent Business, actually does a rating.

As far as national security is concerned, the Center for Security Policy is an organization that takes all these votes we cast having to do with a strong national defense, having to do with test ban treaties, a national missile defense system, defense spending, and they rank us to see who the good guys and the bad guys are in their eyes; that is, who is promoting a stronger national defense and is more concerned about national security or who legitimately believes there is a threat.

The average Democrat is ranked, in accordance with the Center for Security Policy, at 12 percent; the average Republican is 94 percent. That tells us something. It tells us there is a basic difference in the policy of the Democrat versus the Republican Party.

This is significant because we just completed debate on the Comprehensive Test Ban Treaty and we heard a lot of dialog on both sides. To the last one on the Republican side who voted in opposition to this treaty, it was a recognition that there is a real threat out there. By unilaterally disarming, which is essentially what we would have done under the Comprehensive Test Ban Treaty, we would have allowed those nations to go ahead and test their nuclear arsenal, even though there is no way of verifying whether or not they were testing, of course.

Good old America, we do what we say we are going to do. If we say we will not do it, then we don't do it. I remember several times Secretaries of Defense would actually testify: We know we are not going to do it, but there is no way of knowing whether the other side is doing it. I had no doubt in my mind that both China and Russia would continue to test their nuclear weapons, even if they had ultimately ratified. By the way, they kept using the argument that we are going to have to ratify this because if we don't do it, Russia won't do it. I remember that same argument in the START II treaty. Russia still hasn't done it. We need to look at these things. Unfortunately, it does become a partisan issue.

In talking about our national defense, I come from the background of chairing the Readiness Subcommittee of the Senate Armed Services Committee. There is a huge issue taking place right now. I will make a couple of references to it because I have introduced a Senate concurrent resolution, with several Members who are cosponsoring it, which calls upon the President and the Secretary of Defense to reopen the Vieques training bombing range off the island of Puerto Rico.

This is what the range looks like. This is the island of Puerto Rico. It is about 22 miles from here to there. This part represents a live bombing range. It only constitutes 2.7 percent of the entire island.

This bombing range has been hot range active for 58 years. During the time period it has been active, there has only been one death on the ground as a result of the use of the range. That was last April 19. As a result, everyone in Puerto Rico who is running for office, whether it is for delegate or for the Governor of Puerto Rico, is using as his or her platform: We are going to do the most we can to shut down this range.

This is the range over here. It has been used for 58 years. There is live ordnance all over the range. There are protesters there right now, illegally trespassing, who are picking up and throwing around these live pieces of ordnance.

I have written twice to Janet Reno and told her she should go down there

and enforce the trespassing laws, if for no other reason than just to keep someone from getting killed. She has refused to do that. Unfortunately, it has been politicized.

We had a committee meeting where we had the Governor of Puerto Rico and others testify. They take the position that if you want to keep this training range active so we can properly train our American soldiers, which include Puerto Rican soldiers, somehow you don't like Puerto Ricans. I think it is very important to realize that that little training range offers three components of training that cannot be duplicated anywhere else in the Western Hemisphere.

First of all, it is high-altitude bombing. Why is that necessary? It is necessary because, as in the case of Kosovo, when we sent our pilots in there with cruise missiles, it was necessary that they be above the range of the surface-to-air missiles. They were very successful in Kosovo in doing that. There is no place else we can get that training because of airspace restrictions.

I went, the weekend before this last weekend, to the U.S.S. *Eisenhower*, which is scheduled to go to the gulf, where they very likely could see some kind of combat. The Navy pilots were actually from that aircraft carrier conducting their training exercises in two different places in the United States.

Here is the problem. I say this as a professional pilot of 40 years. To do that, they have to go through normal commercial airspace. In other words, they take off in an F–14 or F–18 from the U.S.S. *Eisenhower*. They go to drop their load of either real or not real ordnance. To do this, they have to fly through civilian airspace as if they were a general aviation pilot or a commercial pilot flying a commercial airline. In doing this, it is a totally different set of rules. Then when they come up to the range, where they can drop their ordnance, they have to all of a sudden be tactical. It is totally disruptive, and they can't do it at an altitude high enough to give them the actual training. What it will mean is, if these guys are deployed in the Persian Gulf on February 18, many of them will go over there and will be called upon to do things they have never done before.

At the same time, you have your marine expeditionary units, that would not have had this training—actually landing and going on amphibious operations on the shores of Vieques, where they have been doing it for 58 years without incident. We wouldn't have the Navy being able to fire their guns. In fact, one of the officers said that they would be sending sailors out there to fire when they have never fired live on the ground before.

It is a very serious problem. I bring this up not just to gain support for the resolution but to respond to something that is going on right now.

We had a committee hearing with Governor Rossello. He came in. I will read some of the local press there.

> Gov. Rossello on Friday called Republican Senator James Inhofe a ''backward and reactionary'' member of the ultra right wing of the Republican Party, while several island legislators called him an ''Ugly American'' following comments the Oklahoma Senator made about Puerto Rico this week.
>
> [Senator Inhofe] upholds the same tradition of other people who have made similar statements, which is an anti-Hispanic, anti-minority. . . .

It goes on. I think this is a further demonstration that they must not have a case, if they are going to have to resort to these kinds of insults.

I say, in my own defense, that it wasn't long ago—it was 1996—I, along with the Democrat over on the House side, was the recipient of the Award for Freedom and Democracy from the International Foundation for Election Systems. The statement that was made when I was being introduced was: Senator JAMES INHOFE has done more to promote freedom and democracy in Central America; he has done more to promote trade with Mexico and more to provide humanitarian assistance to the Caribbean than anybody else and is hereby awarded the Freedom and Democracy Award by the International Foundation of Election Systems.

That was due to a couple of things I have done. One time, not too many years ago, when a devastating hurricane wiped out the lower Caribbean, I led a group of 10 airplanes through two hurricanes to take down humanitarian goods, doctors, two nurses, and food for the victims on those islands. In the case of promoting trade with Mexico, in 1981 I promoted the first trade where we actually flew to San Luis Potosi, Mexico, and made, not a cultural exchange but an industrial exchange, where we computerized things they can do down there and things we were doing in my home city of Tulsa, OK. And they now have established trade with that country, and relationships and contracts are still alive today.

I had occasion to be involved in Central America during the problems that were taking place down in Nicaragua and some of the other Central American countries. So I say that in my own defense. I appeal to people to start looking at the real problems that exist in Puerto Rico right now, in terms of that range. I wish there was someplace else we could train other than this island of Vieques. When they say it is an inconvenience and it is noisy and it is just 10 miles—this is the range. This is where the population is. It is 9.7 miles between here and here.

I want to show you, by contrast, if you hold up the other chart, the two red areas are the live ranges that are where? In Oklahoma, Fort Sill, which is an artillery training range, a hot range. When I fly over the area, the controller tells me whether their range is hot or not. So there it is, these two ranges. Here is the population of Lawton, OK. So you can see the hot range goes within 1 mile of a population of 100,000 people, as opposed to Vieques, where the range is 9.7 miles from 9,000 people.

Hold up the other chart, if you will. To give a comparison between the two, at Vieques, they use 9-inch guns. We use 6.1-inch in Fort Sill. The days of training average 164 live days a year in Vieques, and at Fort Sill we average 320 days per year. The range at Fort Sill is open and is hot and used twice as many days per year as it is in Vieques.

Thirdly, the distance from the population is 9.7 miles in Vieques, and it is only 1 mile at Fort Sill. The population, instead of 9,000, is 100,000 people. They talk about the danger that imposes. There have been three fatalities. One fatality in Vieques was an F–18 that went down and both pilots were killed. They have had 1 ground fatality there, and we have had 26 (34 including air fatalities) at Fort Sill over a period of time.

So when people accuse us of having two standards, one for those ranges in the United States and one for the range that happens to be in a territory, I think those people have to stop and realize: aren't they asking for something that is more than what we find to be perfectly acceptable in Kansas or in Oklahoma? So I hope people will keep in mind that several of our officers have made the statement that if we send and deploy, on February 18, as is currently scheduled, those sailors and airmen and marines, they will have to go by way of the Mediterranean to the Persian Gulf. The chances are better than 2-to-1 that they will see combat in the Persian Gulf because that is what history shows us right now. We would be sending them there without the benefit of any training at all.

There is another resolution that was introduced by Senator WARNER, chairman of the Armed Services Committee, last week. He was admonishing the President not to deploy the U.S.S. *Eisenhower* if they don't have that training range opened up so they can get the training. I am going to support that resolution as well as mine. The problem I see with it is that we have already deployed the U.S.S. *Roosevelt*. They are already returning. The U.S.S. *Kennedy* is out there right now, and only half of its personnel have had proper training. We would be asking them to make a second 6-month deployment. That would have a terribly negative effect on an already-eroding problem that we have with retention in the military.

So I have two points I wish to make. One is that we need to do all we can to protect our young people whom we are asking to go into combat by giving them the proper training, and also to point out that there is a difference between the Democratic and the Republican Party when it comes to our support of national defense.

I will repeat one more time the statistic I used from the center for security policy. The average Democrat rates 12 percent; the average Republican rates 94 percent. I don't think the American people would expect that the

defense of our country and national security should be a partisan issue, but it is.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COOKED BOOKS

Mr. VOINOVICH. Mr. President, I rise today to read an editorial from today's Columbus Dispatch. I want to read it in its entirety because I believe it strongly makes a point that needs to be made.

The editorial is entitled: ''Cooked books—That big federal budget surplus? It isn't.''

The editorial reads as follows:

The president and members of Congress should all be kept after school to write this on the blackboard 123 billion times:

There is no federal budget surplus.

The $123 billion surplus that the president and Congress are crowing about last week really is a $1 billion deficit, hidden by $124 billion in excess Social Security tax revenue that shouldn't even be counted in the general budget because it is meant to be set aside in a trust fund to cover retirement-benefit payments later.

Put that Social Security money aside as intended and the truth about the federal surplus becomes evident:

The government spent $1 billion more than it took in last year.

Certainly, a $1 billion deficit is a vast improvement over years past, when the government was running in the red to the tune of $200 billion or more annually and creating a national debt approaching $6 trillion.

But it is still a deficit.

And it is patently dishonest for the president and Congress to pretend that all that red ink is black.

Even the $124 billion in excess Social Security revenues is really not a surplus for the retirement program.

Yes, Social Security took in more last year than it paid out, but that surplus is a drop in the bucket of the program's $8 trillion unfunded liability.

That's the amount of money the program ultimately is obligated to pay out to current retirees and workers above and beyond what those participants have paid or will pay into the system.

The $124 billion cushion that Social Security has right now puts a mere 1.6 percent dent in that massive obligation.

Congress and the president each pay lip service to the idea of balancing the federal budget and preserving the Social Security surpluses for Social Security, but a genuine commitment to these goals would begin with honest bookkeeping.

Until then, it is back to the blackboard:

There is no federal budget surplus.

There is no federal budget surplus.

There is no federal budget surplus.

Thank you, Mr. President.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. VOINOVICH). Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that Bob Perret, a fellow in my office, be accorded the privilege of the floor during the pendency of S. 1287.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. 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. DORGAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. COLLINS). Without objection, it is so ordered.

Mr. DORGAN. Madam President, I ask consent to be recognized in morning business. I understand the majority leader and Democratic leader will soon appear on the floor. When they do, I will be happy to yield the floor to them to take care of business they will transact. In the meantime, I would like to speak in morning business about a very important issue.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

THE INTERSTATE TRANSPORTATION OF CRIMINALS

Mr. DORGAN. Madam President, the picture I have displayed on the floor of the Senate is of an 11-year-old child named Jeanna North. Jeanna North was tragically murdered by a man named Kyle Bell. Kyle Bell was a previously convicted child molester, a violent criminal living in the neighborhood. This young girl, out on roller blades one afternoon on a quiet Fargo street, was abducted and murdered.

Kyle Bell was convicted of that murder. On October 13, Kyle Bell was being transported to prison and he escaped in New Mexico from a bus that was transporting him and nearly 30 other prisoners across the country. Kyle Bell, this convicted child murderer, escaped from a company called Transcorps. Transcorps is a private company. There are a number of private companies that states contract with to haul killers and criminals around the country. When you haul toxic waste around America, you have to meet certain requirements. When you haul circus animals around this country, you have to meet certain minimum requirements. But if you are a business holding yourself out to transport prisoners all around this country from State to State, there are no minimum requirements and no standards. Get yourself a minivan, hire your brother-in-law and two cousins and say you are in business and you want to haul a convicted child killer around the country.

The escape of this convicted child killer occurred in a circumstance where the bus transporting him, which carried over 30 people, pulled up to a service station to get gas. One of the guards apparently was fueling the vehicle, the other apparently might have been getting a hamburger at the Food Mart, and the third was asleep on the bus, and in the meanwhile this killer goes out through a hatch in the roof of the bus. Then the guards get back on the bus and for 9 hours that bus drove across the country, and they never knew this convicted killer had escaped.

He escaped in civilian clothes, incidentally—a convicted killer being transported across this country in civilian clothes. One would logically ask the question: If you are doing that, if you are transporting a convicted killer across State lines, why would you not have an orange prison uniform that says ''I Am A Prisoner''? Because there are no regulations, no standards. You can haul prisoners, including violent prisoners, across this country coast to coast and you do not have any standards to meet. I think that is wrong. If you are a company, a private company contracting to haul violent prisoners across this country, it seems to me you ought to meet minimum regulations, minimum standards.

In order to enhance public safety, I am going to propose later this week a piece of legislation that will require the Justice Department to establish standards that private companies effecting that transport must meet. When there is an interstate transport of criminals across this country, especially high-risk criminals, certain minimum conditions must be met.

Minimum standards on background checks for employees—is that reasonable? You bet. Minimum standards for the type of training an employee would have, who is transporting a violent criminal across State lines; restrictions on the number of hours that employees are on duty during a 24-hour period; minimum standards on the number of guards that must be present for supervising violent criminals; standards requiring that high-risk violent prisoners wear brightly colored clothing, clearly identifying them as prisoners; minimum standards on the type of restraint that is used when transporting these prisoners; and a requirement that private prison transport companies notify law enforcement officials of scheduled stops in their jurisdiction when they are hauling a cargo of violent prisoners.

These are standards that ought to be implemented. The murder of this young girl in Fargo, ND, by Kyle Bell is a tragedy. But it is a tragedy that is compounded by the escape of this murderer who now, this afternoon, is on the loose. God forbid he should harm or kill someone else while he has escaped from custody. But this escape should

persuade us, as almost all law enforcement officials have told me, that there is a need for some reasonable standards or requirements. Even the private companies themselves have said, yes, there is a need for some basic standards.

I intend to introduce legislation that would allow the Justice Department to establish these standards and perhaps we will not again see an escape of a violent killer of this type. The U.S. Marshals Service also transports offenders or criminals across this country, and they have never lost a violent criminal during that transport. When private companies are contracting with States and cities to haul violent criminals, the American public ought to expect that if they pull up to a gas station someplace they are not pulling up next to a minivan that contains three or four convicted murderers who are being handled improperly, by ill-trained guards, sitting in civilian clothing, and potentially able to escape.

The American public should not have to accept that risk. We will not accept risks in the transport of toxic waste. We will not accept the transport, without standards, of cattle; or for that matter of circus animals. Neither should we accept the transport of convicted killers across this country without some basic minimum standard that would guarantee public safety.

The PRESIDING OFFICER. The majority leader is recognized.

ORDER OF BUSINESS

Mr. LOTT. Madam President, Senator DASCHLE and I have been working, really last week and early this week, to reach an agreement on the best way to have further consideration of the trade bill and also the bankruptcy bill. I want to say right up front that there has been a good faith effort on both sides. I certainly feel that way toward the Democratic leader. We are very close to reaching an agreement. I think it is basically a question of showing each other the actual amendments that would be involved. But I understand the Senator from South Carolina will not allow us to enter into any agreement with regard to the trade bill at this time. Having said that, we will continue to work to reach an agreement on the bankruptcy bill as well as trying to find a way to consider the pending trade bill.

AFRICAN GROWTH AND OPPORTUNITY ACT—Resumed

Mr. LOTT. Madam President, with that, I now call for the regular order with respect to the trade bill.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 434) to authorize a new trade and investment policy for sub-Sahara Africa.

Pending:

Lott (for Roth/Moynihan) amendment No. 2325, in the nature of a substitute.

Lott amendment No. 2332 (to amendment No. 2325), of a perfecting nature.

Lott amendment No. 2333 (to amendment No. 2332), of a perfecting nature.

Lott motion to commit with instructions (to amendment No. 2333), of a perfecting nature.

Lott amendment No. 2334 (to the instructions of the motion to commit), of a perfecting nature.

Lott (for Ashcroft) amendment No. 2340 (to amendment No. 2334), to establish a chief agricultural negotiator in the Office of the United States Trade Representative.

AMENDMENT NO. 2340 WITHDRAWN

Mr. LOTT. Madam President, I now withdraw amendment No. 2340.

The PRESIDING OFFICER. The Senator has that right. The amendment is withdrawn.

Mr. LOTT. Madam President, it is now my hope the Senate can consider trade related amendments to the underlying African trade/CBI bill. We have been encouraging Members throughout this process to be prepared to offer their amendments. I have stated previously it has always been our willingness to have Senators offer these trade amendments. I believe it is time to move forward on this important legislation and complete this bill as early as possible this week.

So I ask consent it be in order for me to send to the desk a series of cleared amendments that I think are about equally divided on both sides. This will be the so-called managers' amendments to H.R. 434. I would say, we would offer these en bloc. There may be other amendments that may need to be offered that are not on this list.

I ask this so-called managers' amendment be considered en bloc, agreed to en bloc, and the motion to reconsider be laid upon the table.

Mr. HOLLINGS. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. Madam President, when I yield the floor, the bill will be open for amendment. An amendment can be offered at this point. In my discussion with Senator DASCHLE, I have indicated if we can get agreement on how to proceed on the trade bill and the bankruptcy bill, on which I think he and I can agree, I will be perfectly willing to take down the tree, too. I want the RECORD to reflect that. I have opened this slot so an amendment is in order. Senator DASCHLE may want to comment on that.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Madam President, first, while I fully recognize the ability of the Senator from South Carolina to object to this amendment, it is certainly his right. I am disappointed. The majority leader has made, in my view, a major step forward in trying to resolve the impasse. I commend him and appreciate the direction he has now indicated he is prepared to go in an attempt to bring this matter to a close.

The amendment, as the majority leader indicated, is one that includes amendments on both sides. We expressed last week our concern for two things: First, the array of relevant amendments that may not be germane. The majority leader's amendment includes all relevant amendments that, in many cases, if not all of them, are not germane. So unless we get an agreement to add these relevant amendments, we are precluded from doing so.

There are some relevant amendments that still need to be offered that are not included in this package. By taking the tree down, those relevant amendments about which we have been very concerned are still pending and would not be offered if there were objections to offering them or if we were not able to bring them to closure.

The second problem we had, of course, was with nonrelevant, nongermane amendments. In our discussions and negotiations, we have been able to accommodate that concern by working out an agreement on bankruptcy that I find to be very satisfactory that will allow us to take up nonrelevant, nongermane amendments.

I intend to support cloture tomorrow, if that is the only way we can move this forward. I hope our colleagues will do so. It is no longer now a matter of protecting colleagues' rights. We are denied that right, not by the majority leader or by the parliamentary situation, but by individual Senators who are within their rights, of course, to object to proceeding on this bill.

I want to get this legislation finished. I want to do all I can to protect Senators and their rights to offer amendments. Obviously, we will have to find other ways with which to do that. One way or the other, we are going to continue to work to see if we can resolve these difficulties. I appreciate very much the majority leader's effort to get us to this point.

Mr. LOTT. Madam President, in conclusion, I yield the floor and observe the bill is open for amendment.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Madam President, I remember the distinguished minority leader's plea about protecting the rights of colleagues. Now instead of protecting the rights, we are given our rights on the installment plan. If you get in line for your installment, fine business.

Like the distinguished Senator from New Jersey, he has an amendment that the majority leader was just presenting to grant permanent and normal trade relations status to Albania. Isn't that grand? We have gone from CBI, to the sub-Sahara, and now we are back to Albania. Next thing you know, we will have a Kosovo amendment protecting Members' rights to present amendments. You can get in the back room and work this out.

Here is another one. The Dodd-Ashcroft-Bond amendment that would allow a company with operations in Connecticut and Missouri to obtain the

refund on duties paid on imports of nuclear fuel assemblies. Isn't that wonderful? They can bring up that amendment. That is germane. I am sure it is because down in the Caribbean Basin, they have a lot of nuclear down there, particularly in the sub-Sahara. I have traveled there and I have gone to see all the nuclear plants in Nigeria and Ghana and the Republic of Congo, Brazzaville, the French Congo, and the rest. It is wonderful to see all those nuclear powerplants. That is another germane amendment.

Then the distinguished Senator from Montana has a sense-of-the-Senate amendment that it is the Senate's view that Japan should open its telecommunications sector. Now we have gone from CBI, to sub-Sahara, and we are all the way around to Japan now. With this deal, you can move things around. It is bargain basement time—this sort of parliamentary Filene's that opened up on the weekend. I did not know you could get all of these things over the weekend.

The Roth amendment, the distinguished chairman of the Finance Committee would ensure existing reports regarding trade-related matters are submitted to the Finance and Ways and Means Committees in addition to the committees already designated. We have the Government Operations Committee with jurisdiction in this bill.

Clarification regarding rules of origin for silk products, an amendment requested by the President. Tell him to run for the Senate like his wife.

An amendment requested by the President to clarify the rules of origin regarding silk products. This clarification is part of a settlement reached in a dispute between the United States and the European Union—not sub-Sahara, not CBI, not a Senator, but sooey pig, everybody come, just get whatever you want.

I am ready to deal because I have worked into a position where I can deal now. That is the way trade is treated in the Senate. It is a very sad thing for the main and simple reason we have an extremely important matter not only for textiles but with respect to the general mindset of the National Government.

I have heard time and again on the floor of the Senate how the e-commerce and the telecommunications industry, the information society, the semiconductors, software, Microsoft, and all the rest are an engine that is really barreling this economy forward of the United States. I was very interested in reading over the weekend about the impact. I refer in particular to the October 30 edition of the London Economist:

> A study published in June by the Department of Commerce estimates that the digital economy—

That is what they are talking about—

> the hardware and software of the computer and telecoms industries—amounts to 8% of America's GDP this year. If that sounds rather disappointing, then a second finding—that it has accounted for 35% of total real GDP growth since 1994, which should keep e-fanatics happy.
>
> Perhaps unwisely. A new analysis by Richard Sherlund and Ed McKelvey of Goldman Sachs argues that even this definition of ''technology'' is too wide. They argue that since such things as basic telecom services, television, radio and consumer electronics have been around for ages and they should be excluded. As a result, they estimate the computing and communications-technology sector at a more modest 5% of GDP. . . .
>
> But what, might you ask, about the Internet? Goldman Sachs's estimate includes Internet service providers, such as America Online, and the technology and software used by online retailers, such as Amazon.com. It does not, however, include transactions over the Internet. Should it? E-business is tiny at present, but Forrester Research, an Internet consultancy, estimates that this will increase to more than $1.5 trillion in America by 2003. Internet bulls calculate that this would be equivalent to about 13% of GDP. Yet it is misleading to take the total value of such goods and services, whose production owes nothing to the Internet. The value added of Internet sales—i.e., its contribution to GDP—would be much less, probably little more than 1% of GDP.

But with the contributions, it has a 100-percent impact on this particular body when we would see it with about 1-percent impact actually on the economy. But politically it has gotten where you pick it up in the weekend news magazines. Time magazine—talking about the move of Fruit of the Loom, with its 17,000 jobs from Kentucky, its 7,000 jobs from Louisiana, going down to the Cayman Islands, with its executives contributing over $500,000 to the Presidential race of Gov. George W. Bush, and others, and of course of, the Democrats. They know how to give to both sides.

But with those contributions, it is not 1 percent of the effect, it is 100 percent, and we come around and start changing the rules. When the computer industry came to town—that was American Online, Gateway, and all the rest of them—our friend Bill Gates, talked all of us. We sat around the table and then rushed out with Y2K legislation. It can't even happen until a couple months from now or more, but we changed all the State tort laws. Why? Because of the contributions.

I think they have an article with respect to just exactly that in the same magazine. Here in the magazine they have taken judicial notice, as we used to say in the law:

> The rise of America's high-tech industry is not just a windfall for presidential hopefuls. It could also be a godsend for the liberal political tradition.

But the high-tech industry have come to town now, and they have doubled their effort on all scores.

> The Technology Network (TechNet), a political action group founded two years ago in Silicon Valley, has just set up a second office in Austin, and plans to open more chapters in the future—an attempt to influence policy at both state and local level. Companies in Washington, DC—home of America Online, America's biggest Internet service provider, and a city where the computer industry has just taken over from government as the biggest local employer—have also started their own lobbying group, CapNet.

Oh, boy it goes on and on and says, wait a minute, it has the largest contribution group in all of Washington all of a sudden. Five years ago they were not even around.

That is what it says on page 23 of this October 30 edition of the London Economist.

You ought to read these magazines. Somehow, maybe that is what colleagues can do on the weekends. Because if you read Time magazine, if you read the London Economist, if you read the Washington Post, you can find out what influence it can have up here.

The devastating impact, of course, is somehow, really, we ought to get rid of the textile industry and we ought to get rid of all these smokestack industries and everything else. That is what they said to them in Great Britain years ago: that we will go from a nation of brawn to a nation of brains; instead of providing products, we will provide services; instead of creating wealth, we will handle it. Of course, they have gone to second rate. They have the lowest GDP growth and have created two levels of society.

I came over only because of the unanimous consent request. But I have the articles with respect to the U.S. News & World Report, and Mort Zuckerman 2 weeks ago, that I had inserted into the RECORD about how we are going to two levels of society. Now we see the magazines and the title:

> The new economy e-exaggeration. The digital economy is much smaller than you think.

It is really a bummer for the main and simple reason it does not create jobs, it does not help with the exports. It is not helping with the growth at all. It is small income growth, and imbalanced mix of jobs, and a poor export prospect. In fact, Eamonn Fingleton, the distinguished author of ''Blindside,'' now has put out his book ''In Praise of Hard Industries,'' and compares exactly the hard industries and their contributions to the economic security and power of a nation compared with the e-commerce or the information society, what he calls the deindustrialization group.

> The postindustrial jobs, that is what it is, the postindustrial jobs of people of considerably higher than average intelligence. It does create jobs for the top 2 or 3 percent. You have to be a whiz kid to be one of the 22,000 who work for Bill Gates out there at Microsoft in Redmond, WA. I have had the privilege of visiting there and meeting with those folks.

Right to the point, according to Time magazine, with their stock options, you have 22,000 millionaires. They are well paid. But heavens above, that is not middle America. That is not jobs for everybody. What we are talking about is—of course, the computerization, has assisted—but more than anything else, with robotics we have become a very productive society for not the best IQ laborers in our society but

for normal folks such as you and me who can get the job.

According to Fingleton and Michael Rothchild, 20 percent of the American workforce will be marginalized by the move to an information-based economy. That amounts to a shocking 25 million people. We are not just talking about textiles for the CBI and sub-Sahara. We are talking about the basic, formative industry in America really supporting our society. And with 25 million, they can give you all of these particular statistics about unemployment and otherwise, but I can tell you now, those are retail jobs and part-time jobs for people who have lost their jobs in textiles—some 31,200 in South Carolina since NAFTA—that they have had to seek out as best they can. That is a loss of some 25 million jobs. It is a slow-income growth. For example, the ultimate authority on the income growth or the new economy is the Organization of European Community Statistics and Figures, the Paris-based Organization of Economic Cooperation and Development.

For those who believe in the superiority of the U.S. postindustrial strategy, the 1998 edition of the yearbook makes distinctly chastening reading. It shows, with a per capita income—about $27,821 a year—the United States trails no fewer than eight other nations.

Last week when I was talking about the United States going out of business, look at this: We trail Japan, Denmark, Sweden, Germany, Austria, Switzerland. You can go right on down the list. They are into the manufacturing and the middle class of America. Manufacturing over in those other economies have outpaced the United States in interim growth with 134 percent compared to our 106 percent over the same period. The wages of America's post-industrial workers are generally much higher than the American average. Naisbitt jumps to the completely fallacious conclusion that a general shift by the United States into post-industrialism or the information society will result in a general boost in wages. The fallacy here is that Naisbitt assumes that post-industrial wages are higher by dint of the superior economic virtues. In reality, the high wages paid, such as in the software industry, merely reflect the fact that some businesses generally recruit exceptionally intelligent and capable workers. But it is a very small group of people earning this income.

The leader in income growth, of course, for the entire period from 1980 to 1998 is South Korea, because it has gone, not for high tech, but for hard goods. Of course, they tried to say this information society or post-industrial America is really going to create those jobs, but in truth, it does not. Without those jobs, they have slow income growth and poor export prospects.

We have all been talking about the matter of agriculture, which is a magnificent contribution to our exports. We used to export a lot of hard goods because we manufactured and produced hard goods. Last week, I put into the RECORD that we have really gone out of business with respect to shoes and textiles and machine tools and steel. We are importing steel. Can you imagine—the United States of America is a net steel importer. That is why we have had a hard time getting a ruling. We have had to take the case all the way from the International Trade Administration to the commission and back over to the White House trying our dead level best to save the No. 1 industry important to our national security. But we don't have anything now to export.

When you look to software, you have the language difficulties, the cultural difficulties with respect to that software. You have the proposition of piracy, and they can steal and reproduce immediately this software overseas. This is the most important thing to emphasize because they have people smart enough about software outside of the United States. They assume all of these skills are just here, which is absolutely fallacious. That is why they are trying to change the immigration laws.

The software people are coming up here because they want to take all the smart people the world around and bring them into this country.

Let's talk about Japan, which is supposed to be going broke. That has particularly nettled me, and I am glad to get the exact figures, because they have calculated a controlled kind of capitalism through their Ministry of Finance and their Ministry of International Trade and Industry. They allocate the financing of a particular industry and then they control the local market.

We act as if we have led the way for 50 years on liberal trade and have broken down the barriers, as one of the distinguished proponents said only last Friday. That is why I brought that thick book. Just on textiles alone, barriers persist around the world, specifically in the sub-Sahara and the CBI, specifically no reciprocity in this particular treaty—that is the thing we are trying to emphasize. Those things continue. Japan now is supposed to have gone broke. Let's see how they compare.

The living standards and everything have really improved. In fact, with the so-called almost depression that was described in the Wall Street Journal, there was a less than 4 percent unemployment rate, less than 4 percent in the first 8 years of the 1990s up to early 1999. The highest it had been at any stage was 4.4 percent. Japan's total exports during that period rose by a cumulative 53 percent in the first 8 years. That represents real growth of more than 18 percent.

So Japan is still coming on as an economic superpower at this minute—the little island of 125 million versus the great United States with its 260 million. Japan outproduces the United States of America. If it continues at this particular rate, by the end of next year, 2000, it will have a bigger gross domestic product; it will have a larger economy, the largest in the world.

John Schmitt and Lawrence Mishel pointed out that the per capita gross domestic product actually grew faster in Japan than in the booming United States for the first 8 years of 1990. The distinguished Senator from New York and the distinguished chairman of our Finance Committee started off the debate on Friday that way: What a wonderful economic boom we have had. We have to sober up. We have to look at the real facts.

Actually, our competition is growing much stronger and much faster than we are. Japan's performance has been even better than the comparisons suggest. For a start, the figures measured gross domestic product, whereas the most appropriate yardstick for comparison is gross national product. The distinction, of course, is that the GNP is a more comprehensive measure. Unlike gross domestic product, it takes in account the debits and credits relating to cross-border investments.

The United States has become an increasingly large net importer of capital in recent years. Its GNP is actually now considerably less than its GDP. By contrast, Japan has long been a major net exporter of capital and its GNP is considerably larger than its GDP. These are the kinds of things that have to be taken into consideration. The yen has been gaining a net 24 percent between 1989 and 1998 on the dollar.

I saw that in the Financial Times last week. I put that article in. If we continue with this deficit in the balance of trade, there is bound to be a devaluation. In this regard, if other things are equal, the strength of a nation's currency is the ultimate determinant of the size of its economy, the ultimate symbol of its economic health. In the 1960s, President John F. Kennedy felt so strongly about this that he ranked dollar devaluation alongside nuclear war as the two things he feared most.

Let us get right to a particularly interesting section here: the clearest evidence of the lengths to which Japanese leaders are prepared to go to understate their economy. They know how to talk rather than run around beating their breasts like American politicians saying how great we are, the only remaining superpower. We are going to blow them off the map and, of course, if they don't move with the Air Force, we are not going to invade, or anything else of that kind. It is almost embarrassing, this braggart attitude of United States politicians.

Perhaps the clearest evidence of the lengths to which Japanese leaders are prepared to go to understate their economy's true strengths is in the way they talk about the Japanese Government's budget. All through the 1990s, they have suggested that the government has been running huge deficits—deficits ostensibly intended to stimulate consumption, particularly consumption

of imported goods. So successful have they been in this regard that America's most respected media organizations—organizations of the caliber of the New York Times, the Washington Post, and the Wall Street Journal—have fallen for the story. Thus, year after year, Americans have been treated to a deluge of reports that Japan was supposedly running huge government deficits. In reality, as authoritative figures from OECD demonstrate, Japan was running huge government surpluses. In 1995, for instance, the year when the Wall Street Journal reported that Japan was running a budgetary deficit of 2 percent, the OECD found that the government achieved a budgetary surplus of 3.5 percent. In fact, according to OECD's figures, which were published each year in the widely circulated yearbook OECD In Figures, not only was Japan's surplus one of the strongest of any OECD nation, but Japan was the only major nation that had a budget surplus at all that year. By comparison, the United Kingdom, for instance, ran a deficit of 5.0 percent and America's deficit was 2.2 percent.

Well, this Senator knows better than anyone how they didn't really continue to call deficits surpluses. I put that in the RECORD, and I will put it in the RECORD again time after time. The Department of Treasury's figures showed that they had $127 billion deficit last fiscal year. Now, true it is, they had some carry-over amount, which concluded to be about $16 billion. So, at best, it would be $111 billion to $112 billion deficit—not a surplus. That is the debt of treasury at year end, September 30, 1999, for fiscal year 1999—a deficit, not a surplus. But these newspapers pick this up, and we have almost got a cheering section carrying us into bankruptcy. Continuing to read, it says:

So how strong is the Japanese economy really?

Eamonn Fingleton said, in this book Hard Industries:

From his vantage point in Tokyo, he has seen little since then to undermine his confidence in his analysis. Certainly, he has been vindicated in his central point, which was that Japan's current account surpluses would continue to soar in the latter half of the 1990s, thus, giving the lie to much talk in the American press in the mid-1990s that Japan's export industries would be disastrously hollowed out by South Korea and other low-wage East Asian nations.

. . . the truth is that, at last count, Japan was producing $708 billion in new savings a year—or nearly 60 percent more than America's total of $443 billion.

They are saving twice as much.

. . . Japan's net external assets jumped from $294 billion to $891 billion in the first seven years of the 1990s. By contrast, America's net external liabilities ballooned from $71 billion to $831 billion.

Madam President, the reason we continue to give these figures with respect to this particular bill is that we are in deeper trouble than most Senators realize. They are all talking about whether they are human, or whether they have on an overcoat, or a jacket, or whatever nonsense it is about running the campaign, and who all is for education. Everybody is for education and wants smaller classrooms, or better math and science programs. We finally got, again—in the U.S. News and World Report, from David Gergen, he got back to my particular premise, that what we ought to do is double the teachers' pay. You get what you pay for. Average pay is $37,000. The average pay in my State is down to $31,000. I see the young graduates coming across the stage and they say: Senator, I would like to have gone into teaching, but I could not save enough money to send my children to college. Yet, we are bumping into each other, saying how we are all for education. We can be all for it or all against it. The most you are going to spend is 7 cents out of every dollar. It is a local matter. We are Senators and we have to get on to the things the local and State governments do not take care of, and that is trade. That is the economic strength and viability and security of the United States, the sustenance of the middle class. That is why I am talking about these particular figures.

In the first seven years of the 1990s, America's current account deficits totaled $726 billion, up 79 percent. Thus, despite a massive devaluation of the dollar that supposedly brought a dramatic turnaround in American competitiveness that would soon dispose of the deficits for goods.

Madam President, for the first 8 years of the 1990s, Japan's current account surpluses totaled $750 billion. That was more than 2½ times the total of $279 billion recorded in the first 8 years of the 1980s. So all during the '90s, we have been reading and telling each other these fairy tales. One, that the information age is upon us and the information society, and post-industrialism has taken over. The computer software and so forth is the engine of the economy that is barreling us forward into global competition. False. It is taking us down into very precarious straits. We are relying upon it, and we are going to eliminate the middle class and the workforce of America. Otherwise, we have been told time and time again about how Japan has been going down and we have been going up. We have had 8 years of the boom, with the lowest inflation, the lowest unemployment; but we have been giving away the store.

Mr. President, I wasn't prepared to get into this general item this afternoon, but it is salutary that we were able to touch on it so we can talk sense to the American people, because what we have with the CBI, the sub-Sahara bill, is an extension of NAFTA to the Caribbean Basin Initiative; and so the sub-Sahara. If you are in with or close to the leadership, you can take care of Japan, Albania, and operations in Connecticut and Missouri to refund some money on nuclear fuel assemblies. You even can get a distilled spirits tax fixed.

You watch it.

I am going to present an amendment to put side agreements that we had on NAFTA on this particular bill, and you can bet your boots they will stand down there and say it is not germane, having had the audacity to come in with nuclear, Japan, Albania, distilled spirits, and what have you, but not take a formative, relevant, serious concern that we have on this particular bill.

I didn't like NAFTA. But, be that as it may, it had side agreements on both the environment and labor. I have a side agreement to present on the environment. I want them to allow us to vote on that side agreement for the CBI and the sub-Sahara. I want them to let us vote—at least a vote. Don't get here with a technicality after you have sneaked in all your Japanese, Albanian, Missouri, and nuclear amendments here this afternoon when nobody is in town and then come tomorrow when the Senate is in full session and say, oh, no, that is not germane; we have rules of rules. They will get to be rules of rules tomorrow. One is reciprocity. We have tariffs that are being really merged out and disassembled out because under the Multifiber Arrangement we had a 10-year blend-out of it and a termination. So now we are entering the last 5 years.

But there are still some tariffs that ought to be reconciled with the CBI and the tariffs in the sub-Sahara, so we can get some modicum of reciprocity when they talk about the trade adjustment assistance. That takes gall to do that. They say it is unconscionable to oppose this bill. I will say it takes gall to talk about trade adjustment assistance, which is nothing more than welfare payments putting people out of work.

So they say: Hurry up, we have to get this bill done because we have 200,000 of those put out of work who have lost their jobs as a result of these silly trade agreements—these one-way streets that the Senate has ratified and agreed upon. You wouldn't have to have trade adjustment assistance if you just let them trade, if you just let them work, and not put them out of business.

But the great merit, according to the senior Senator from New York, on this particular measure is, back in Kennedy's days, 37 years ago, we passed trade adjustment assistance. I don't want that to infer that John F. Kennedy was against textiles. Thirty-eight years ago, President John F. Kennedy put in his seven-point textile program and one-price cotton looking out for the cotton farmer.

So the Senator from Massachusetts, then President, was very aware of the economic viability of these United States of America. He knew what was keeping the country strong and what was necessary to keep the country strong. So he put that in. He wasn't bragging about having to put in trade adjustment assistance. He was just trying to reconcile the successful United States at the time with the other trading nations, giving them a chance under the Marshall Plan to rebuild their economies.

At that particular time, they said to me, as Governor: Governor, what do

you expect these Third World emerging nations to make? Let them make the textiles and the shoes, and we will continue, and we will make the computers and the airplanes. My problem now, in November 1999, is those countries are making 86 percent of the shoes worn on the floor of the Senate. I can see them now. These countries also are making two-thirds of the clothing that I see, looking at in this Chamber, imported into the United States.

Look at the contracts made by USAir and all of the other airlines concerning Airbus. They are making the planes and dumping them here in the United States. They are making the computers and dumping them in the United States. The Japanese have taken over the computer industry, in spite of Sematech, in spite of Microsoft, in spite of Intel.

We have to be not pessimists nor optimists but realists.

Here on the floor of the Senate is a good moment to really bring everything into focus because the leadership said we are now going to vote cloture tomorrow and the minority leader is not going to ask them to vote against it. That is exactly how NAFTA was passed.

I will never forget the New York Times article. I wish I had it. But I will try to get it and put it in the RECORD tomorrow. But in NAFTA, the President then just bought off the sufficient votes to pass NAFTA. I will never forget. He gave a cultural exchange to my friend, Jake Pickle of Texas. He gave two C–17s to another Texas fellow. He gave another particular freebie, and they went down with the 26 giveaways to pick up the 26 votes.

Here on this solemn afternoon, we have the same deal going. They are buying off the votes. They are getting it on nuclear fuel assemblies. We are getting it on the Japanese telecommunications. We are getting it on Ways and Means and Finance Committee rules. We are getting it on silk products of the United States and the European Union. We are getting it on Albania. We just go right down—on Kyrgyzstan. What in the world? Kyrgyzstan. I don't know about that. Now we are in Asia Minor. I am almost at Bible school. Asia Minor. This procedure has gotten to be a disgrace. They buy enough votes and they win. They have 11 of them listed here on the so-called managers' amendment. So they put them all in there and take care of those 11 votes so they will know that they will get cloture.

It is wonderful to serve in this body.

But it is better to be heard because it is important that we be heard. I can tell you here and now, when the ATMI wakes up, the American Textile Manufacturers Institute, and they put in the sub-Sahara along with the CBI, I want to see them at that party. They are going to hold a victory party because they supported this particular bill. That is going to happen. That is exactly what is going to occur. You can see the fix is on. They are going to roll over this particular Senator and get rid of what little textile industry we have left.

There will be a few of the real competitors; the Roger Millikens will last. They put money in, and they know how to run an industry and they will survive. But generally speaking, they can't survive. The reason they can't survive is on account of us. We Democrats, we Republicans, we Senators and Congressmen have many requirements called the American high standard of light. That standard calls for Social Security, Medicare, Medicaid, plant closing notice, parental leave, safe working place, safe machinery, clean air, clean water, all of these things, labor rights, and otherwise. And it is one of these things in the global competition that is not required. On the other hand, they have the comparative advantage of their governmental policies.

I wish Ricardo were here because he didn't think finance could be transferred so easily, that the bankers would all stay close to their home folks and depositors. Now you can transfer it on satellite by computer, in a flash, and you can get capital anywhere. You can send on a computer chip the technology and save 20 percent of your labor costs by moving to low-wage offshore countries. So a company in the United States with $500 million in sales can save 20 percent, or $100 million, by keeping its main office and its sales force here in the United States, send its manufacturing to a Third World, low-wage country, and make $100 million, or they can continue to work their own people and go broke because of competition.

That is why on last week I inserted part of an important book in the RECORD. I will get that book again and show you that all of them are leaving here in the United States—Dan River, the corn mills, Burlington, all of them are going down. It is not the sewing operations alone, it is fabric plants, and, of course, the Japanese, the Koreans, and, most of all, the Chinese, the People's Republic of China.

They are whining on the other side of the aisle about most favored nation for China. Look at a most-favored-nation Chinese vote and anyone will see a vote for this bill.

China, we have sub-Sahara; put up the front companies and put up the production of the People's Republic of China through the sub-Sahara.

The arrangement that those folks relied on some 5 years ago; they better batten down the hatches because I don't know how they will get the money out of the machinery and survive with this particular measure. It is drastic. It is unconscionable. They say we are unconscionable; I say they are unconscionable.

We can see how the majorities are fixed. We have not had any real debate on the floor of the Senate on trade as a matter of national policy or otherwise. They say the President wants this; the minority leader says it is his duty to give the President what he wants. The other side of the aisle has been wanting to do away with all kinds of trade agreements and market forces, and Adam Smith has long since gone in this global competition. It ought to depend on market forces. They depend on protection. Of course, so does the other side of the aisle when it comes to intellectual property, movies, books, copyrighting, when it comes to protecting the talents of the individual producers, the authors, writers, singers, and performers. Fine, let's have protection for them. But for those who work by the sweat of their brow, that is protectionism and a terrible thing. We are isolationist and we are unconscionable.

Maybe they will have another consent agreement similar to this one, and I will have another opportunity to talk. I appreciate the indulgence of my colleagues this afternoon.

Mr. BAUCUS. Mr. President, I am proud to stand on the floor of the world's greatest deliberative body. I've been proud every time over the past twenty years that I have had this privilege. I can think of no greater honor than to discuss with my Senate colleagues issues of vital importance to our nation.

So I am deeply distressed that I have not yet had an opportunity to discuss important trade issues. Last week, the majority leader chose to cut off consideration of amendments to the Africa bill, the only trade bill which will reach the floor of this honorable body. That bill included amendments which had bipartisan support. Because of this bizarre process, we can't even act on Senator HARKIN's amendment to combat child labor, which has widespread support.

I had filed two amendments to the bill, both of them trade-related. Both of them issues which are extremely important to Americans. I am very disappointed that we were locked out of discussing them. However, with the new filing of cloture, I hope that we may have the chance to talk about these important matters.

One of the amendments allowed for tariff cuts on environmental goods as part of a global agreement in the WTO. The measure has the support of both business and environmental groups. This is a rare instance where both sides of the trade-environment debate agree on something. It's a shame that the Senate cannot move forward on something so sensible.

The second amendment concerned agricultural subsidies. American farmers are the most productive in the world. But they're being frozen out of foreign markets by European and Japanese subsidies. I filed an amendment that would fight back by funding our Export Enhancement Program.

This amendment required the Secretary of Agriculture to target at least two billion dollars in Export Enhancement Program funds into the EU's

most sensitive markets if they fail to eliminate their export subsidies by 2003. It's time to start fighting fire with fire. This ''GATT trigger'' should provide leverage in the next round of the WTO in reducing grossly distorted barriers to agricultural trade.

I voted against cloture last week because I objected to the way the majority leader handled the bill. I was denied the ability to do what the people of Montana sent me here to do. But I support the bill itself. I support each of its elements—the Caribbean Basin Initiative, the Africa Growth and Opportunity Act, and the renewal of both Trade Adjustment Assistance and the Generalized System of Preferences.

I have long supported efforts to extend additional tariffs preferences to the Caribbean Basin. But with conditions. The benefits should be conditioned on the beneficiary countries' trade policies, their participation and cooperation in the Free Trade Area of the Americas (''FTAA'') initiative, and other factors. This trade bill is substantially similar to the version I supported in the 105th Congress with some reservation.

I see a flaw in the bill, however, and would like to work to repair it. The bill suggests criteria the President can use when deciding whether to grant CBI benefits. It is a long list of about a dozen items. Criteria like Intellectual Property Rights. Investment protections. Counter-narcotics. Each one is important. The bill should make these criteria mandatory.

In particular, I believe that the President should be required to certify that CBI beneficiaries respect worker rights, both as a matter of law and in practice. We can't maintain domestic support for open trade here at home unless our programs take core labor standards into account.

We want to help our Caribbean neighbors compete effectively in the U.S. market. But we don't want them to compete with U.S. firms by denying their own citizens fundamental worker rights.

It only seems reasonable that as we help the economic development of these nations, we also help them enforce the laws already on their books. The majority of these countries already have the power and only need the will to ensure that their citizens see the benefits of enhanced trade—decent wages, decent hours and a decent life.

Overall, I believe that CBI parity is the right thing to do—if it does what it is intended to do. That is lift the people of the hurricane devastated countries out of poverty and ensure them a better way of life.

I also believe that the U.S. must lead by example. Sensitively to labor and environment must play a role in our trade decisions and actions around the world.

It's tragic that partisan politics keeps the United States Senate from taking these actions.

I have the same concerns about labor in terms of the African Growth and Opportunity portion of the bill. But I supported the Chairman's mark, which included a provision requiring U.S. fabric for apparel products produced in eligible sub-Saharan African countries.

Developing markets is in the best interest of us all. And the trade bill would help Africa move in that direction. But this bill is about more than trade. It is about hope.

It is about bringing the struggling nations of Sub-Saharan Africa into our democratic system. It is about establishing stability and a framework wherein the citizens of these nations can enjoy the fruits of prosperity. It is about building a bridge between the United States and Africa that will be a model for all nations.

The third part of the bill renews the Trade Adjustment Assistance Program. This program is vital to help our workers adjust to the new forces of globalization.

I have seen the effects of this program in Montana. We have been well served by the efforts of Gary Kuhar, Director of the Northwest TAA Center in Seattle, Washington.

Impact on Montana—Montana currently has six firms affected by TAA funding, including:

Montana Moose—Christmas ornament operation,

Ranchland—a cattle operation,

Mountain Woods—furniture designer,

Western States—pellet operation,

Sun Mountain Sports—manufacturer of golf bags and other ripstops,

Burt and Burt—wind chimes, and

Kahlund Enterprises—picture frames producer.

In fact, the renewal of Trade Adjustment Assistance translates to 330 Montana employees impacted and approximately $44 million in gross annual sales preserved.

This legislation is long overdue. While we delay, certified firms anxiously await funding. This is fundamentally unfair—especially for firms fighting import competition that is beyond their control.

They cannot afford to wait while TAA is caught up in the annual battle for funding as the ''perennial bargaining chip'' for other trade proposals. That's just ineffective government. It's time to pass this legislation.

Finally, let me say a word about GSP renewal. This is the fourth part of the trade bill. This is also a question of effective government. Over the years, the program has lapsed periodically when renewal legislation was delayed. The latest lapse occurred on June 30. Four months later, we still haven't acted on its renewal.

Who gets hurt? Not just foreign companies. A lot of American firms get hurt. That includes both American importers and exporters. A lot of the American firms produce abroad and then export to the United States. Much of this is internal company trade. That's the reality of today's global economy.

When GSP lapses, these companies are suddenly required to deposit import duties into an account. Customs holds the money until renewal legislation is signed. Eventually the companies get their money back. But they don't know how long renewal legislation will take. So they don't how much they'll have to set aside, or how long the money will it be in escrow.

How can we expect businesses to operate efficiently under such conditions? These cycles of GSP lapsing and then being renewed represent government at its worst. We have a responsibility to provide business and consumers with a consistent, predictable set of rules. We need to fix this GSP lapse as quickly as possible.

Mr. President, a lot of effort, a lot of thought, a lot of time has gone into this bill. Much time has also gone into formulating amendments. It was a great disappointment to see this effort unravel over partisan politics. We may have a second chance this week. Let's not squander the opportunity. We can and should work together to pass this bill.

We were elected to his body to pass legislation not to bicker. Let's do what the people sent us here to do.

I yield the floor and 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. GRAHAM. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM. Madam President, I ask that we return to morning business for a period of 30 minutes for remarks on the Labor-HHS conference report.

The PRESIDING OFFICER. Without objection, it is so ordered.

D.C./LABOR-HHS APPROPRIATIONS

Mr. GRAHAM. Madam President, the business before the Senate will soon be the conference report on Labor Department and Health and Human Services and Education appropriations bill. We are now considering various trade measures. Since we will be taking up the D.C./Labor-HHS conference report tomorrow, I appreciate the Presiding Officer's generosity in allowing me to discuss this very important piece of legislation.

I think it is fair to describe that one night within the last few weeks, through back-door negotiations, various members of the Senate and House of Representatives Appropriations Committees crafted the conference reports that we have before us today. The end result was that a very large elephant, weighing $313.6 billion, The Labor/HHS conference report, being placed upon the back of a relatively small and not particularly compliant ant weighing $429 million, the District of Columbia's Appropriations bill.

Out of that marriage of elephant and ant, we now have before the Senate the

conference report on the District of Columbia with the enormous addition of a $313 billion of Labor-HHS ''rider''.

Unfortunately, when these bizarre marriages occur, the public interest is not necessarily served. This parliamentary tactic has stolen from Members of the Senate the right to offer motions instructing the conferees on how we believe they should proceed in conference. We have also lost the right to challenge the existence of authorizing legislation on an appropriations bill during the process of negotiation between the two Houses. There will be no opportunity for Congress or the President to independently consider the Labor, Health and Human Services and Education Appropriations bill. While one is an elephant and one is an ant, they are both important and deserve separate and distinct consideration.

There is not the opportunity to protest the inclusion of items which were not included in either the Senate or the House bill, or were so altered as to be unrecognizable. This bill is purely the creation of that late-night negotiation. This lack of democracy has allowed the will of a small minority to triumph on a variety of provisions of great importance. I will take the opportunity this afternoon to focus on only two of the issues that are a part of this marriage of elephant and ant: First, the proposal to terminate competitive bidding for Medicare's payment of health maintenance organizations' reimbursement; and, second, preventing the Congress from fully funding the Social Service Block Grant Program.

Let me begin the discussion with the absconding of funds from two congressionally authorized competitive pricing demonstrations. This takes us back 2 years to 1997 during the consideration of the Balanced Budget Act. Both Houses of Congress voted to create demonstration projects based upon community participation in an attempt to learn more about how HMOs, which provided services to Medicare beneficiaries, could be priced; that is, how the amount of that reimbursement from the Federal Government could be determined by competitive bidding.

In order to understand what this issue is about, I am afraid some discussion of how HMOs currently are priced when they provide services for a Medicare beneficiary is required. In a simplified form, the way in which an HMO receives reimbursement when it provides funds to a Medicare beneficiary is a function of how much is paid within that county for fee-for-service payments. While there are some modifications to this overly broad statement, basically if, let us say, in a particular county the average payment for a fee-for-service Medicare patient is $5,000, then the HMO is reimbursed at, more or less, 95 percent of that level, or $4,500. There is some blending of the national fee-for-service rate and the local fee-for-service rate, but as of today, and in the past and in the immediate future, the description I have given is essentially an accurate representation.

What has been the result of this reliance on a percentage of fee-for-service within a narrow, local area on the amount that HMOs are reimbursed? It has resulted the fact that in many areas of your State and mine, where fee-for-service charges are relatively low—that is particularly true in rural areas—there are no HMOs. Why? Because HMOs cannot economically justify operating with the reimbursement levels they would get based on 95 percent of those relatively low fees for service.

On the other hand, in some areas which have very high fees for service—for instance, an area that has a large tertiary hospital, particularly one associated with a medical school where costs tend to be very high because of the nature of the service they provide—that community will have a high fee-for-service rate. Therefore, 95 percent of that high level will result in high reimbursement levels for HMOs. So, you have not just one HMO, but typically many HMOs that want to compete to get that fixed-formula-based percentage of fee-for-service reimbursement.

The purpose of the 1997 action of the Congress was to try a different model; to not rely on this central planning use of fee-for-service but rather go out and test the marketplace. What will the market in a rural area say is called for to engage managed care as an option for Medicare beneficiaries? What is the appropriate level of HMO reimbursement in a large urban area with high fee-for-service costs? That was the purpose of this competitive bidding demonstration project.

The Balanced Budget Act, in conjunction with the Health Care Financing Agency, set up a structure which included area advisory committees. These committees consisted of health plans, providers, and beneficiary representatives. It was decided the two communities in which demonstrations would take place were Kansas City and Phoenix. The function of the area advisory committees was to recommend how to best implement the competitive pricing demonstrations in these two communities.

Unfortunately, in the bill that will be before us tomorrow, the bill that the conference has reported as the funding for Departments of Labor, HHS, and the District of Columbia, all funding for these two demonstrations in Kansas City and Phoenix has been removed, removed by those who do not want to find out if there is a means to use the competitiveness of the marketplace to arrive at what should be the appropriate reimbursement level for health maintenance organizations.

Experience has shown us in other areas of the Medicare system that there is the potential for preserving high levels of quality and saving money by using the dynamism of the marketplace as determined by competitive bidding. Let me use an example from my own State. One of the other provisions in that 1997 Balanced Budget Act was to set up competitive bidding on the Part B, or hospital component of Medicare, as it related to a variety of items, including durable medical equipment. The demonstration for durable medical equipment was settled to be in Lakeland, FL.

In its first year, this project has substantially reduced the amount Medicare pays for the five products that were included in the demonstration, and in that one community has saved Medicare approximately $1 million.

What are the areas that are being competitively bid? Let me say that these products, durable medical equipment, for most of America today are the subject of a price list. It would be as if you suddenly needed, let's say, a wheelchair—you had broken your leg and you had to have a wheelchair for temporary use—and the way you would pay for that wheelchair, or decide what was the appropriate rental for the wheelchair, was to have Government give you a price list and say this is what thou shalt pay to purchase or lease that wheelchair. That is exactly what Medicare does today for a list of hundreds of durable medical equipment items. So we are going to find out, was there a different way to establish what those prices should be? Was there a means by which we could use the marketplace to set the price? That was the purpose of the demonstration in Lakeland, FL.

What results? Competitive pricing has reduced the price of oxygen supplies and equipment by 17.5 percent over what was on that price list, for exactly the same oxygen supplies and equipment. Competitive bidding for hospital beds and ancillary hospital items has been reduced by 29.8 percent by competitive bidding as opposed to the price list. For enteral nutrition, where a person is taking his or her nutrition through intravenous means rather than more normal oral means, the price of that has been reduced by 29.2 percent as a result of competition, rather than using the price list. Surgical dressings have been reduced by 12.9 percent, and urological supplies by 20 percent. All of these savings were accomplished by the use of competitive bidding as opposed to relying on almost a Soviet system of a prescribed price list.

It is estimated, if this Lakeland demonstration were to be applied on a nationwide basis and applied to a broader range of items that are just as susceptible to competitive bidding as the five which were selected for the demonstration in Lakeland, we could save the Medicare programs over $100 million a year. The Medicare program is a big program, but even for that big program, even for the Federal Government, saving $100 million a year is an important achievement.

It is interesting that, while we are about to take a vote on whether we

should terminate even a demonstration on competitive bidding to establish the appropriate price for HMO reimbursement, we are applying competitive bidding in other areas. We are using the competitive marketplace, rather than centralized planning, to determine what is a fair price.

For example: In 1998, Congress reformed the means by which national parks reimbursed their concessionaires. To put it more accurately, the concessionaires paid for the privilege of operating within one of our national parks. Previously, prior to 1998, concessionaires had a preferential right of renewal allowing them to match any other offers, thus eliminating competition.

You can imagine if, Madam President, there were a firm which had a concession in a national park in your beautiful State of Maine and they knew that in order to keep that concession, all they had to do was match any other competitor who would deign to try to take the concession. That would not encourage very many people to go to the effort of offering a competitive bid because they knew all the incumbent concessionaire had to do was just match their best price and they would continue to have the concession.

In 1998, we changed the system. We said we would go to an open, competitive bidding process and let those who could offer the highest quality and the best return to the park system be the concessionaires.

Yesterday, I had the privilege of visiting Bandelier National Monument in New Mexico. It exemplified the concession's contract law's positive effect on the national parks system. The new concessionaire improved the quality of products and provided such things as handicapped access to facilities that had not been available previously.

We can anticipate that the rates of return to the Government at Bandelier and other national parks will increase because we have a good example at Yosemite National Park. At Yosemite, the application of competitive bidding resulted in almost a 15-percent increase in the rate of return to the Government of the lease of their various concession facilities.

I commend Senator CRAIG THOMAS, our colleague, who was the leader in assuring this movement towards a fair price and quality goods and services for the users of our national parks. Unfortunately, the zeroing out of funds for competitive bidding demonstrations in Phoenix and Kansas City, as this conference report on the Labor-HHS/District of Columbia appropriations will do—it ensures that we will never know if we can achieve similar savings in the Medicare+Choice Program; that is, we can never know there will be a better, fairer way of reimbursing health maintenance organizations, which provide services to Medicare beneficiaries than what we are getting today through this percentage of fee-for-service formula.

Here is a riddle for the Senate to answer: Why would the appropriators eliminate funding for a program that saves money without harming quality, that gives us the opportunity to learn if there is a free-enterprise approach to reimbursing HMOs as opposed to a socialist approach?

Madam President, it does not take a Sherlock Holmes to solve this mystery.

Chapter 1 of our mystery: It is July, 1999. The United States spends a full week debating managed care reform. The end result of this debate is vapid, weak legislation that impacts less than one-third of all Americans whose health care is covered by HMOs. It has weak standards on issues such as emergency room, access to specialists, a woman's right to use an OB/GYN as a primary physician, the right to continue to use a doctor if an HMO changes its plan. The legislation the Senate passed earlier this summer also had very limited enforcement and no right to sue.

It is interesting that the House of Representatives has written a different chapter with a much stronger and more effective bill of patients' rights when they are members of a health maintenance organization.

We have a second chapter in our book. The Senate is about to eliminate two demonstration projects that will allow us learn whether the marketplace might be an appropriate determinant of how Medicare HMOs should be reimbursed. Chapter 2 continues with the Senate Finance Committee designing a bill to give funds back to providers who have made the case they have been negatively, excessively impacted by the Balanced Budget Act of 1997. It is the same Balanced Budget Act that weaves its way through this whole volume.

What does the Senate Finance Committee decide to do? Nearly one-third of the money that will be provided back to physicians, hospitals, home health care agencies, skilled nursing facilities —a whole variety of medical providers—nearly one-third of the total money goes to the health maintenance organizations that provide services under the Medicare+Choice Program.

The irony is that only about 15 percent of the beneficiaries of Medicare receive their health care through a health maintenance organization. The remaining 85 percent of Medicare beneficiaries get their Medicare through the traditional fee-for-service system; that is, they make an unrestrained choice as to what doctor they want to see and then receive the services of that physician, and they, along with Medicare, then reimburse that physician.

The 85 percent of Medicare beneficiaries who use fee for service get only two-thirds of the additional payback money. Clearly, there is something fishy about the way these critical funds, intended to allow for the providers of health care to Medicare beneficiaries avoid draconian cuts in their service levels, were divided. Clearly, there is something amiss when one-third of the money in the Balanced Budget Act ''add back'' measure goes to one-sixth of the Medicare beneficiaries.

Adding to this peculiar situation is the Congressional Budget Office's estimate that up until the end of this decade, the number of Medicare beneficiaries receiving their reimbursement through an HMO will still be less than the one-third of the total Medicare population. Yet, one-third of the money in the Balanced Budget Act ''add back'' bill is allocated to Medicare HMOs.

Chapter 3: A Republican Member of the House of Representatives introduces a bill to give doctors the right to collectively bargain with HMOs. The chairman of the Judiciary Committee brings this bill up before his committee for consideration. What happens? Let me read from the Daily Monitor of Wednesday, October 27. I ask unanimous consent that this article be printed in the RECORD immediately after my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(Exhibit 1.)

Mr. GRAHAM. Under the headline ''GOP Leaders Order Hyde To Kill Bill On Doctor Bargaining'':

Managed care lobby pushed to halt measure allowing doctors to negotiate with health plans.

After an intense lobbying campaign by managed care plans, House GOP leaders have killed for this year—at least—a bill that would allow doctors to bargain collectively with health plans.

The bill (H.R. 1304), sponsored by Tom Campbell, R-Calif., had been scheduled for a markup in the House Judiciary Committee Tuesday. But Speaker J. Dennis Hastert, R-Ill., on Monday asked committee Chairman Henry J. Hyde, R-Ill., to yank it.

''It won't be dealt with this year,'' Hyde said. ''The leadership decided that they were involved with other health care issues and this was the. . .one that broke the camel's back. It's extra weight on a complicated issue. They felt it was another area of focus they don't need right now.''

On Oct. 7, after months of heated negotiations and debate, the House passed a broad patients' rights measure (H.R. 2723, later H.R. 2990) after voting down a much narrower package backed by Hastert. The issue has long been a thorn in the side of the GOP leadership, which favors allowing the marketplace—rather than government—to regulate managed care.

The Campbell bill would for the first time allow independent doctors who contract with health plans to bargain collectively on everything from fees to who determines the treatment a patient receives. Health insurance groups strongly oppose the bill, arguing that doctors would be able to fix prices and drive up health insurance premiums. Doctors, led by the American Medical Association, backed the measure. They say health plans are beginning to monopolize the patient market, and that doctors often have no choice but to sign restrictive contracts in order to stay in business.

Hyde said that, along with Hastert, rank-and-file members who had been contacted by the health insurance industry asked him to pull the bill.

The chairman said he still wants to pursue the issue in the future but could not say if he would ever mark up the Campbell bill. ''I don't know,'' he said. ''I'm interested in doing something with the difficult relationship between doctors, HMOs and insurers. I don't think the problem will go away, nor will our responsibility [to address it].''

We have had the HMO industry delude, almost to total lack of effectiveness, the Patients' Bill of Rights in the Senate. We have had the industry increase its reimbursement at twice the rate that fee-for-service medicine is having its reimbursement increased as a part of the Balanced Budget Act ''add-backs'' legislation that we will soon be considering. We have had the House kill a bill to allow doctors to collectively bargain when they negotiate with HMOs. And now, after the HMOs have said what they want is to have the marketplace, not Government, run their business, they seem to have said they do not want to participate in the competitive bidding process to determine their levels of reimbursement. It appears that they would rather rely on the socialist-based theory of percentage of fee-for-service cost.

The managed care industry has successfully used its influence to move forward one of its key policy objectives: To strengthen Medicare managed care at the expense of Medicare fee for service. You might think that my statement is extreme, but I assure you it is accurate.

The policy objective is very clear. Using the words of the former Speaker of the House, Speaker Newt Gingrich, which he used to describe his view of Medicare reform, I quote from an Associated Press article of July 30, 1996, in a speech given to the Health Insurance Association of America. This is what the Speaker said:

We don't get rid of it [Medicare] in round one because we don't think that's politically smart, and we don't think that's the right way to go through a transition. But we believe it [traditional Medicare] is going to wither on the vine.

''Wither on the vine.''

If you had to have a series of events that all had as their common objective diverting energy, resources, and attention away from the program where 85 percent of the Medicare beneficiaries receive their health care services towards the program where 15 percent receive their health care services—and nobody is estimating that within the next 10 years any more than 30 percent of the Medicare beneficiaries will receive their health care through HMOs—you couldn't have had a better strategy than the chapters that we have either written or are in the process of writing in the Congress in 1999.

On behalf of the 39 million Medicare beneficiaries in America today, and the millions more who will rely on the program tomorrow, I pledge to make certain that when Congress embarks upon true Medicare reform it will be focused on what is best for all beneficiaries, both fee-for-service and Medicare+ Choice participants alike.

We must reverse the course of this Congress. This Congress has shielded HMOs from patient protections, balanced negotiations with physicians, and competition in pricing. This Congress has rewarded HMOs with one-third of the additional money for one-sixth of the Medicare beneficiaries. And this Congress has refused to enhance the fee-for-service programs for 85 percent of the Medicare beneficiaries.

This Congress can begin to reverse this record by sustaining the President's veto of the outrage which describes itself as the Labor-HHS/District of Columbia appropriations bill. I am confident that the President will reject this legislation. We will have our next opportunity when we sustain his veto.

Madam President, having talked about just one of the outrages in this bill, let me turn to a second. That is the funding of the social services block grant.

On September 30, by a 57–39 vote, the Senate placed its strong bipartisan support behind the continued funding of the Social Services Block Grant Program at its authorized level of $2.38 billion.

The Social Services Block Grant allocates funds to States, enabling them to provide services to vulnerable, low-income children and elderly, disabled people. The Social Services Block Grant is a mandatory program established under Title XX of the Social Security Act.

The purpose of Title XX is to intervene with vulnerable populations before they reach the point of disability or other condition that might make them eligible for a Social Security entitlement program.

In 1996, the Senate Finance Committee joined the House Ways and Means Committee, and then the full Chambers, in promising that this program of social services block grants would be funded at the authorized level of $2.38 billion for the fiscal year 2000. In fact, we made a commitment to the States that the social services block grant would be guaranteed at the $2.38 billion annual level until welfare reform was fully completed in the year 2002.

When this commitment was recommended to be breached by the Senate version of the Labor-HHS appropriations bill, on September 30, the Senate stood up, and by that vote of 57–39 voted to restore full funding to comply with our commitment to our constituents and to the States.

Once again, the appropriators have nullified our vote. They have voided our promise to the States. In the conference report that will be before us, the Labor-HHS/District of Columbia appropriations bill, the Social Services Block Grant Program will be recommended for funding at $1.7 billion—over a half billion dollars below what is our authorized level, what is our commitment to the States. This figure is below what was approved by the Senate. This figure is also below the $1.9 billion that the House Labor, Health and Human Services and Education Appropriations Subcommittee approved for this program.

The raiding of the Title XX program should serve as an example of what can happen when a program is block granted. Our experience with the social services block grant should serve as a red flag as we structure other social services funding.

Those, for instance, who might succumb to the siren call of block grants for education should take note. A Federal program which serves a largely politically voiceless group of Americans, as Hubert Humphrey described, those who live in the dawn of life, our children, those who live in the twilight of life, our elderly, and those who live in the shadows of life, the disabled, these are the Americans who will be at risk, just as they are at risk today with the slashing of funding of the social services block grant. They will be at risk if we move towards the same pattern of funding for important national programs such as education. Because they will not have the HMOs' lobbyists, they will not have the PACs to represent their interests, to ensure they get their share when the Federal largess is divided, they are likely to get the scraps that are left over.

I urge the President of the United States to veto this legislative elephant which is squashing the ant. I urge that he veto the legislation that would fund the Departments of Labor and HHS, and the District of Columbia because we, the Congress, can do better. We need to be given the opportunity and the challenge to do so.

EXHIBIT 1

[From the CQ Daily Monitor, Oct. 27, 1999]

GOP LEADERS ORDER HYDE TO KILL BILL ON DOCTOR BARGAINING

(By Karen Foerstel)

After an intense lobbying campaign by managed care plans, House GOP leaders have killed for the year—at least—a bill that would allow doctors to bargain collectively with health plans.

The bill (HR 1304), sponsored by Tom Campbell, R–Calif., had been scheduled for a markup in the House Judiciary Committee Tuesday. But Speaker J. Dennis Hastert, Ill., on Monday asked committee Chairman Henry J. Hyde, R–Ill., to yank it.

''It won't be dealt with this year,'' Hyde said. ''The leadership decided that they were involved with other health care issues and this was the . . . one that broke the camel's back. It's extra weight on a complicated issue. They felt it was another area of focus they don't need right now.''

On Oct. 7, after months of heated negotiations and debate, the House passed a broad patients' rights measure (HR 2723, later HR 2990) after voting down a much narrower package backed by Hastert. The issue has long been a thorn in the side of the GOP leadership, which favors allowing the market place—rather than government—to regulate managed care.

The Campbell bill would for the first time allow independent doctors who contract with health plans to bargain collectively on everything from fees to who determines the treatment a patient receives. Health insurance groups strongly oppose the bill, arguing

that doctors would be able to fix prices and drive up health insurance premiums. Doctors, led by the American Medical Association, back the measure. They say health plans are beginning to monopolize the patient market, and that doctors often have no choice but to sign restrictive contracts in order to stay in business.

Hyde said that, along with Hastert, rank-and-file members who had been contacted by the health insurance industry asked him to pull the bill.

The chairman said he still wants to pursue the issue in the future but could not say if he would ever mark up the Campbell bill. ''I don't know,'' he said. ''I'm interested in doing something with the difficult relationship between doctors, HMOs and insurers. I don't think the problem will go away, nor will our responsibility [to address it].''

Mr. GRAHAM. I thank the Chair and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. VOINOVICH). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FITZGERALD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. FITZGERALD. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

RALPH TASKER ''A COACHING LEGEND''

Mr. LOTT. Mr. President, I rise today to honor a man who touched the lives of each person he came into contact with throughout his teaching and coaching career. Coach Ralph Tasker was a respected person, and a perfect gentleman. He always looked for the good in people and had that rare ability to bring out the best in others.

Born and raised in Moundsville, West Virginia, Coach Tasker took up basketball when he was five years old. This was his common bond with most of his friends. In Moundsville, nearly everyone worked in coal mines except for Tasker's parents, who owned and operated a grocery store. He played basketball in high school, earning all-state honors in his junior and senior campaigns. From there he played four years at Alderson-Broaddus College, and this is where he met his wife, Margaret Elizabeth Marple. The two were married and devoted to each other for nearly fifty years until Margaret passed away in 1991.

Tasker began his coaching career straight out of college at Sulphur Springs High School in Sulphur Springs, Ohio, in 1941. He spent less than a year at Sulphur Springs, but even then made an impact on his students and players. Tasker went beyond the role of coach and teacher, as he was always a friend to his students and players. From his first year in coaching, his students considered Coach Tasker a father figure. Those who knew Coach Tasker describe him as dedicated, sincere, and loyal to his players and community.

After leaving Sulphur Springs, Coach Tasker served our country for three years in the U.S. Air Corps. He then accepted another coaching position in New Mexico at Lovington High School. After three years and one state championship with Lovington, Coach Tasker moved twenty miles south to Hobbs High School, where he would remain for the rest of his coaching career. Forty-nine years, eleven state championships, two perfect seasons, and two National High School Coach of the Year awards later, Coach Tasker decided to retire. In fifty-three years of coaching, Tasker had a remarkable collection of achievements. He finished with 1,122 wins and 291 losses, which ranks him as the third place coach in total number of wins in high school boys' basketball history. Among many honors, he was elected to four different halls of fame, won twelve state championships, and in 1991 was named the National Athletic Coach of the Year in the prestigious Walt Disney National Teacher Awards Program.

Coach Tasker was slow to take credit, but quick to praise. He often said, ''When you've got players like I've got, they make a great coach out of you.'' He was uncomfortable in the limelight, and even chose to put his awards away in drawers, preferring to display artwork by his grandchildren. Coach Tasker always sought to uplift his children, grandchildren, students, and players.

Mr. President, Coach Ralph Tasker passed away on Monday, July 19, 1999, after a brief bout with cancer. I trust the Senate will join me in honoring one of the greatest men in the sports history of New Mexico and this country. He will be missed by everyone. I believe my friend Senator DOMENICI put it best when he said, ''The passing of Ralph Tasker marks the loss of an institution in Hobbs and in New Mexico.''

CONGRATULATIONS TO THE GARRETSON, SD, CHAPTER OF THE FUTURE FARMERS OF AMERICA

Mr. DASCHLE. Mr. President, I have spoken many times to my colleagues in this body about the importance of agriculture in America. It is certainly one of the most valuable industries in my home state of South Dakota and is clearly essential to the economy and well-being of the entire United States.

Undoubtedly, farming has always been a difficult job. But, consistent with the industrious spirit of America, there have always been dedicated young men and women who have been willing to face the challenge of growing the food for this country. And even during tough times, there have been young Americans who are willing to answer the call to one of the most noble vocations in our country—they want to be farmers.

Last week, the Future Farmers of America hosted their seventy-second annual national convention in Lexington, Kentucky. Nearly 50,000 future farmers and their guests, including a number of young South Dakotans, gathered to exchange ideas, develop leadership skills and to have a frank discussion about the future of family farming.

Mr. President, I'm proud to report that, of the hundreds of local FFA chapters from across the country, and of the thousands of participants nationwide, the Future Farmers of America chapter from Garretson, South Dakota was named National FFA Chapter of the Year. Chapter members Brian Cooper, Gary Kringen, Mitch Coburn, Amanda Dorman, and their adviser Ed Mueller have spent countless hours working on projects ranging from promoting economic development in rural communities to providing lessons in farm safety to elementary students. Their hard work and dedication to the future of agriculture is a heartening sign that there will be a future generation of farmers to work the land and raise the food for this great country.

I want to offer my most sincere congratulations to the members of the Garretson chapter of the Future Farmers of America on receiving this great honor. These young people have earned the admiration and respect of their community and the entire state of South Dakota. Brian, Gary, Mitch, and Amanda remind us that outstanding young people are willing to commit themselves to farming—one of the most challenging, rewarding, and important careers they could choose.

CHANGES TO THE BUDGETARY AGGREGATES AND APPROPRIATIONS COMMITTEE ALLOCATION

Mr. DOMENICI. Mr. President, section 314 of the Congressional Budget Act, as amended, requires the Chairman of the Senate Budget Committee to adjust the appropriate budgetary aggregates and the allocation for the Appropriations Committee to reflect amounts provided for emergency requirements.

I hereby submit revisions to the 2000 Senate Appropriations Committee allocations, pursuant to section 302 of the Congressional Budget Act, in the following amounts:

[In million of dollars]

	Budget Authority	Outlays
Current Allocation:		
General purpose discretionary	557,504	561,698
Violent crime reduction fund	4,500	5,554
Highways	.....	24,574
Mass transit	.....	4,117
Mandatory	321,502	304,297
Total	883,506	900,240
Adjustments:		
General purpose discretionary	+2,499	+1,340
Violent crime reduction fund	.....	.....
Highways	.....	.....
Mass transit	.....	.....

[In million of dollars]

	Budget Authority	Outlays
Mandatory	.....	.....
Total	+2,499	+1,340
Revised Allocation:		
General purpose discretionary	560,003	563,038
Violent crime reduction fund	4,500	5,554
Highways	.....	24,574
Mass transit	.....	4,117
Mandatory	321,502	304,297
Total	886,005	901,580

I hereby submit revisions to the 2000 budget aggregates, pursuant to section 311 of the Congressional Budget Act, in the following amounts:

[In million of dollars]

	Budget Authority	Outlays	Deficit
Current Allocation: Budget Resolution	1,452,453	1,433,080	−24,998
Adjustments: Emergencies	+2,499	+1,340	−1,340
Revised Allocation: Budget Resolution	1,454,952	1,434,420	−26,338

CONGRESSIONAL BUDGET OFFICE LETTER ON S. 1792

Mr. ROTH. Mr. President, I ask unanimous consent that a copy of a letter from Dan L. Crippen, Director of the Congressional Budget Office, dated October 29, 1999, be printed in the RECORD. The letter analyzes S. 1792, the Tax Relief Extension Act of 1999.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, October 29, 1999.

Hon. WILLIAM V. ROTH, Jr.,
Chairman, Committee on Finance,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 1792, the Tax Relief Extension Act of 1999.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Hester Grippando (for revenues), who can be reached at 226–2720, John R. Righter (for payment to territories of rum excise tax), who can be reached at 226–2860, and Jeane De Sa (For streptococcus pneumoniae vaccine), who can be reached at 226–9010.

Sincerely,

BARRY B. ANDERSON
(For Dan L. Crippen, Director).

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE, OCTOBER 29, 1999

S. 1792: TAX RELIEF EXTENSION ACT OF 1999

(As reported by the Senate Committee on Finance on October 26, 1999)

SUMMARY

S. 1792 would amend existing tax laws and extend numerous tax provisions that have expired recently or are about to expire. The Joint Committee on Taxation (JCT) estimates that enacting S. 1792 would decrease on-budget governmental receipts by $320 million over the 2000–2004 period, but would increase such receipts by $461 million over the 2000–2009 period. By extending through calendar year 2000 the exclusion of employer-provided educational assistance, JCT estimates that the bill also would decrease off-budget revenues by a total of $118 million in fiscal years 2000 and 2001. In addition, CBO estimates that the bill would increase direct spending by $124 million over the 2000–2004 period and by $159 million over the 2000–2009 period. Although the bill would affect both governmental receipts and direct spending, section 301 of the bill specifies that any change in the surplus or deficit resulting from enactment shall not be counted for purposes of enforcing the pay-as-you-go procedures established by the Balanced Budget and Emergency Deficit Control Act.

JCT estimates that S. 1792 contains one new intergovernmental mandate, the cost of which would not exceed the threshold for intergovernmental mandates ($50 million in 1996, adjusted annually for inflation) established in the Unfunded Mandates Reform Act (UMRA). JCT estimates that S. 1792 contains 16 new private-sector mandates, and that the costs of those mandates would exceed the threshold established in UMRA ($100 million in 1996, adjusted annually for inflation) in each of fiscal years 2000 through 2004.

DESCRIPTION OF MAJOR PROVISIONS

S. 1792 would amend the Internal Revenue Code to:

Extend to tax years 1999 and 2000 a provision to allow individuals to use nonrefundable personal tax credits to offset their regular tax liability in full (as opposed to limiting such credits to the difference between their regular tax liability and their alternative minimum tax liability);

Extend the research and experimentation tax credit through December 31, 2000;

Extend the exemption from Subpart F for active financing income through tax year 2000;

Extend to tax year 2000 the suspension of income limitation on percentage depletion from marginal oil and gas wells;

Extend the work opportunity and welfare-to-work tax credits through December 31, 2000;

Temporarily increase the amount of the excise tax on rum paid to Puerto Rico and the U.S. Virgin Islands from $10.50 per proof gallon to $13.50 per proof gallon;

Add the streptococcus pneumoniae vaccine to the list of taxable vaccines;

Increase the amount of the estimated tax that individuals must pay based on the amount of their prior year's tax to 110.5 percent for tax years beginning in 2000 and to 112 percent for tax years beginning in 2004;

Modify the rules that allow taxpayers to credit the payment of foreign taxes against the payment of U.S. taxes owed on income derived from foreign sources; and

Prohibit taxpayers who use an accrual method of accounting from also using the installment method of accounting when reporting dispositions of property for income tax purposes.

ESTIMATED COST TO THE FEDERAL GOVERNMENT

The estimated budgetary impact of S. 1792 is shown in the following table. Estimated spending would fall within budget functions 800 (general government) and 550 (health).

	By fiscal year, in millions of dollars				
	2000	2001	2002	2003	2004
CHANGES IN REVENUES					
Estimated On-Budget Revenues	200	−3,738	730	686	1,802
Estimated Off-Budget Revenues [1]	−77	−41	0	0	0
Total Changes in Revenues	123	−3,779	730	686	1,802
CHANGES IN DIRECT SPENDING [2]					
Estimated Budget Authority	85	20	6	6	7
Estimated Outlays	85	20	6	6	7

[1] Represents a loss of taxes to the Federal Old-Age and Survivors Insurance and Disability Insurance Trust Funds from extending through calendar year 2000 the exclusion of employer-provided educational assistance.

[2] Implementing the bill would also increase spending subject to appropriation, but CBO estimates that such costs would not be significant.

Sources: Congressional Budget Office and Joint Committee on Taxation.

BASIS OF ESTIMATE

Revenues: All revenue estimates were provided to CBO by JCT.

Direct Spending: Payment to Territories of Rum Excise Tax. Under current law, a tax of $13.50 per proof gallon is assessed on distilled spirits produced in or brought into the Untied States. The treasuries of Puerto Rico and the Virgin Islands receive $10.50 of the tax assessed on rum manufactured in either territory. In addition, the territories receive payments, at a similar rate, on all rum imported into the United States from any foreign country. Those payments to Puerto Rico and the Virgin Islands are recorded as outlays in the budget.

Under the bill, the governments of Puerto Rico and the Virgin Islands would receive the full $13.50 per proof gallon for assessments made between July 1, 1999, and December 31, 2000. Based on recent tax and payment data, CBO estimates that increasing the territories' share of the excise tax would increase direct spending by $85 million in fiscal year 2000 (including $18 million in retroactive payments for fiscal year 1999) and $16 million in fiscal year 2001.

Streptococcus Pneumoniae Vaccine. S. 1792 would add conjugate vaccines against streptococcus pneumoniae to the list of taxable vaccines and thus would allow for federal payments to individuals for injuries related to those vaccines from the National Vaccine Injury Compensation Trust Fund. CBO estimates that this provision would increase outlays for compensation to individuals by $4 million over the 2000–2004 period. This provision also would increase federal Medicaid outlays by $21 million over the 2000–2004 period because Medicaid would be required to pay the excise tax on purchases of vaccines against streptococcus pneumoniae. The federal government purchases about one-half of all vaccines through its Vaccines for Children Program.

In addition, this provision would increase the cost of vaccines purchased under section 317 of the Public Health Service Act. Section 317 would authorize grants to states for the purchase of vaccines under federal contracts with vaccine manufacturers. We estimate that any increase in spending under this section would not be significant and would be subject to the availability of appropriated funds.

PAY-AS-YOU-GO CONSIDERATIONS

The Balanced Budget and Emergency Deficit Control Act sets up pay-as-you-go procedures for legislation affecting direct spending or receipts. The net changes in outlays and governmental receipts that are subject to pay-as-you-go procedures are shown in the following table. For the purposes of enforcing pay-as-you-go procedures, only the effects in the budget year and the succeeding four years are counted.

	By Fiscal Year, in Millions of Dollars									
	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Changes in receipts	200	−3,738	730	686	1,802	−1,000	468	427	445	441

	By Fiscal Year, in Millions of Dollars									
	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Changes in outlays	85	20	6	6	7	7	7	7	7	7

Section 301 specifies that any change in the surplus or deficit resulting from enactment of S. 1792 shall not be counted for purposes of enforcing the pay-as-you-go procedures.

ESTIMATED IMPACT ON STATE, LOCAL, AND TRIBAL GOVERNMENTS

JCT has determined that the provision that would add streptococcus pneumoniae to the list of taxable vaccines is an intergovernmental mandate. JCT estimates that the cost of this mandate would not exceed the threshold specified in UMRA ($50 million in 1996, adjusted annually for inflation).

ESTIMATED IMPACT ON THE PRIVATE SECTOR

JCT has determined that the following provisions of the bill contain private-sector mandates: (1) clarify the tax treatment of income and losses on derivatives, (2) add certain vaccines against streptococcus pneumoniae to the list of taxable vaccines, (3) expand reporting of cancellation of indebtedness income, (4) impose limitation on prefunding of certain employee benefits, (5) limit conversion of character of income from constructive ownership transactions, (6) modify installment method and prohibit its use by accrual method taxpayers, (7) limit use of nonaccrual experience method of accounting, (8) deny charitable contribution deduction for transfers associated with split-dollar insurance arrangements, (9) prevent duplication or acceleration of loss through assumption of certain liabilities, (10) require consistent treatment and provide basis allocation rules for transfers of intangibles in certain nonrecognition transactions, (11) limits distributions by a partnership to a corporate partner of stock in another corporation, (12) prohibit allocations of stock in an S corporation employee stock ownership plan, (13) impose 10 percent vote on value test for real estate investment trusts (REITs), (14) change treatment of income and services provided by taxable REIT subsidiaries, with 20 percent asset limitation, (15) modify treatment of closely held REITs, and (16) modify estimated tax rules for closely held REITs.

JCT estimates that the costs of the private-sector mandates would exceed the threshold established in UMRA ($100 million in 1996, adjusted annually for inflation) in each of fiscal years 2000 through 2004, with the amount of such costs ranging from a low of $383 million in 2004 to a high of $1,042 million in 2001.

Estimate prepared by: Revenues: Hester Grippando (226–2270), Payment to Territories of Rum Excise Tax: John R. Righter (226–2860), Streptococcus Pneumoniae Vaccine: Jeanne De Sa (226–9010).

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis; G. Thomas Woodward, Assistant Director for Tax Analysis.

MISLEADING ADVERTISEMENT FOR THE FAIRNESS IN ASBESTOS COMPENSATION ACT

Mr. LEAHY. Mr. President, I come to the Senate floor today to stand up for a small business in my home state—the Rutland Fire Clay Company of Rutland, VT.

For the past week, a coalition of 240 special interest organizations have run a series of the same paid advertisements in such Washington-based publications as Roll Call and National Journal's Congress Daily AM . The targets of these interest groups in this expensive ad campaign are, of course, the members of this body and of the House of Representatives. The advertisement uses the recent bankruptcy reorganization filing of the Rutland Fire Clay Company to promote the Fairness in Asbestos Compensation Act, S. 758 and H.R. 1283.

Mr. President, here is a copy of this ad. The headline is: ''How asbestos litigation ruined a family business.'' Then in the body of the advertisement is this pullout headline: ''Rutland Fire Clay Files For Chap. 11.'' Throughout the ad is the history of this 116-year-old Vermont firm as reported in the Rutland Herald on October 19, 1999.

Finally, the ad concludes with this statement: ''we believe that the interests of the hundreds of large and small businesses affected by this national travesty, their employees, pensioners, communities who depend on them, and their millions of shareholders warrant your support of the Act as well.'' I ask unanimous consent that the text of this advertisement be printed in the RECORD at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. LEAHY. Mr. President, I am offended by this slick advertisement. It is clear that the executives on Madison Avenue who crafted this ad want lawmakers—you, me, and all of our colleagues—to believe that the employees of the Rutland Fire Clay Company support the Fairness in Asbestos Compensation Act and that this bill would have helped the Vermont firm avoid reorganization in bankruptcy. Nothing is further from the truth.

Thomas Martin, who is the President of the Rutland Fire Clay Company, and who is named in the advertisement, has written to me to set the record straight. Mr. Martin writes: ''I reviewed the bill and my opinion is it would not help Rutland Fire Clay Company reduce this [asbestos litigation] burden, nor would it help other small businesses with thousands of claims. . . . Under S. 758 costs would be apportioned to Rutland Fire Clay Company equally, and thus higher, than under the current system.''

Mr. Martin continues: ''The advertisement's heading gave the impression that our family business would be 'ruined' and that our 22 employees would be out of work. The truth is that we have worked out a consensual bankruptcy plan which recognizes the value of Rutland Fire Clay Company and its employees. No jobs will be lost and we will continue to serve the fireplace and home repair markets as we have for 116 years.''

Finally, Mr. Martin notes: ''our firm in no way assisted in preparation of the CAR advertisement nor did we have any knowledge of it until your office sent me a copy.''

I ask unanimous consent that the full text of Thomas Martin's letter to me be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. LEAHY. I have met with Tom Martin of the Rutland Fire Clay Company and corresponded with him about asbestos litigation. Mr. Martin should be commended for reaching a settlement with his insurers and the trial bar concerning his firm's asbestos problems. Unlike some big businesses that are trying to avoid any accountability for their asbestos responsibilities through national legislation, Mr. Martin and the Rutland Fire Clay Company are trying to do the right thing within the legal system.

Mr. Martin plans to lead the Rutland Fire Clay Company from bankruptcy next year as a stronger firm with a solid financial foundation for the 21st Century. I applaud Tom Martin and the employees of the Rutland Fire Clay Company for their efforts.

Mr. President, I am willing to work with my colleagues on both sides of the aisle and with interested parties to craft fair legislation to help victims and businesses, large and small, affected by asbestos. But exploiting the bankruptcy filing of a small firm in Vermont and using misleading advertisements to promote a flawed bill are not the right ways to advance our consideration of this issue, and they are certainly not an admirable way to attempt to sway opinion in or outside of this body.

I believe the 240 special interest organizations that sponsored this advertisement owe an apology to Tom Martin and the other Vermonters who work for the Rutland Fire Clay Company, and I will remind them of that obligation until they offer that apology.

EXHIBIT NO. 1

[From the Rutland Herald, Oct. 19, 1999]

RUTLAND FIRE CLAY FILES FOR CHAP. 11

HOW ASBESTOS LITIGATION RUINED A FAMILY BUSINESS: 22 EMPLOYEES AND 50,000 LAWSUITS

Asbestos lawyers would have you believe that only billion dollar companies are affected by the asbestos nightmare. But in reality, more than 300 small businesses, as well as large ones, find themselves today enmeshed in the asbestos litigation mess. This spiraling litigation—filed largely by non-sick claimants who may have been exposed to asbestos, as have a majority of all Americans, but have no physical symptoms or impairment—continues to drive firms to bankruptcy or its brink.

Just last week, Rutland Fire Clay, a small family-owned Vermont manufacturer of furnace and wood stove repair cements, was

forced into bankruptcy as a result of what it termed ''the crushing burden of asbestos related lawsuits.''

You should know these facts about the Rutland Fire Clay case:

Rutland Fire Clay, with its 22 employees, is a small, 116 year-old family business, in Rutland, Vermont.

The business was started in 1883 by Rufus Perkins and his two sons and has manufactured, for more than 100 years, a cement material for use in the repair of furnaces and residential wood stoves sold through hardware stores. The product originally contained a very small amount of encapsulated asbestos, although Rutland discontinued the use of asbestos in its products almost 30 years ago.

Since 1984, there have been 50,000 asbestos cases filed against the company, and 37,000 remain pending today—most of these cases involving non-sick claimants.

The company has estimated its liability for current and future asbestos claims at $67 million, with assets of only $3 million.

Thomas Martin, the firm's president, said in a Rutland press interview last week, that if it weren't for asbestos claims, the 116 year-old company would never have wound up in bankruptcy. He described business as ''excellent,'' with the company expecting a record sales year.

The Rutland Fire Clay case is a stark example of what happens in the asbestos litigation world today. Asbestos lawyers continue to draw from an almost limitless pool of potential defendants by targeting, with the touch of a word processing button, small and large companies—many with only a tangential association to asbestos. These ''asbestos'' defendants include local building products distributors, home remodeling centers, ''mom and pop'' hardware stores, and other unsuspecting companies who manufactured, or only distributed, products that may have contained nominal amounts of asbestos in a component part of end products, such as forklifts, cranes, gaskets, grinding wheels, lawnmower engines, etc.

While the principal focus of the bipartisan Fairness in Asbestos Compensation Act is, as it should be, on the rights of deserving asbestos victims, we believe that the interests of the hundreds of large and small businesses affected by this national travesty, their employees, pensioners, communities who depend upon them, and their millions of shareholders warrant your support of the Act as well.

EXHIBIT NO. 2

RUTLAND FIRE CLAY COMPANY,
Rutland, VT, October 29, 1999.

Hon. PATRICK J. LEAHY,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR LEAHY: Thank you for sending me the recent advertisement produced by the Coalition for Asbestos Resolution (CAR) that is using our recent bankruptcy filing in its campaign in support of S. 758 and its companion, H.R. 1283.

We presently have over 37,000 lawsuits pending against us and we have approximately $4 million of insurance and $2 million in assets. For small firms such as ours with limited remaining insurance and minimal assets, the burden of claims is indeed crushing as quoted in the CAR advertisement. However, I reviewed this bill and my opinion is it would not help Rutland Fire Clay Company reduce this burden, nor would it help any other small business with thousands of claims. As an example under section 601 apportionment of costs for the ARC are addressed. Potential disputes could easily arise between defendants as to their respective share of costs. Our company cannot afford the expense of litigation if disagreement with the large defendants is the result. In addition, our historical costs per claim processed for defense and indemnity have been very low relative to that of other defendant companies. Under S. 758 costs would be apportioned to Rutland Fire Clay Company equally, and thus higher, than under the current system.

The advertisement's headline gave the impression that our family business would be ''ruined'' and that our 22 employees would be out of work. The truth is that we have worked out a consensual bankruptcy plan which recognizes the value of Rutland Fire Clay Company and its employees. No jobs will be lost and we will continue to serve the fireplace and home repair markets as we have for 116 years.

Lastly, our firm in no way assisted in preparation of the CAR advertisement nor did we have any knowledge of it until our office sent me a copy.

Thank you,

Sincerely,

THOMAS P. MARTIN,
President.

MESSAGE FROM THE HOUSE

At 12:36 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House disagrees to the amendment of the Senate to the bill (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, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. ARCHER, Mr. BLILEY, Mr. ARMEY, Mr. RANGEL, and Mr. DINGELL as the managers of the conference on the part of the House.

MEASURE PLACED ON THE CALENDAR

The following bill was read the second time and placed on the calendar:

S. 1832. A bill to amend the Fair Labor Standards Act of 1938 to increase the Federal minimum wage.

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–5969. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a cumulative report on rescissions and deferrals dated October 27, 1999; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, to the Committee on the Budget, to the Committee on Energy and Natural Resources, and to the Committee on Foreign Relations.

EC–5970. A communication from the Director, Office of Administration, United States International Trade Commission, transmitting, pursuant to law, a report relative to its commercial activities inventory; to the Committee on Governmental Affairs.

EC–5971. A communication from the Executive Director, United States Holocaust Memorial Museum, transmitting, pursuant to law, a report relative to its commercial activities inventory; to the Committee on Governmental Affairs.

EC–5972. A communication from the Secretary, The Commission of Fine Arts, transmitting, pursuant to law, a report relative to its commercial activities inventory; to the Committee on Governmental Affairs.

EC–5973. A communication from the Office of Independent Counsel Thompson, transmitting, pursuant to law, a report relative to the Office's audit and investigative activities for fiscal year 1999; to the Committee on Governmental Affairs.

EC–5974. A communication from the Chair, Architectural and Transportation Barriers Compliance Board, transmitting, pursuant to law, a report relative to the Federal Managers' Financial Integrity Act; to the Committee on Governmental Affairs.

EC–5975. A communication from the Chairman and Chief Executive Officer, Chemical Safety and Hazard Investigation Board, transmitting, pursuant to law, a report relative to the Office's audit and investigative activities for fiscal year 1999; to the Committee on Governmental Affairs.

EC–5976. A communication from the Auditor of the District of Columbia, transmitting, pursuant to law, a report entitled ''Fiscal Year 1998 Annual Report on Advisory Neighborhood Commissions''; to the Committee on Governmental Affairs.

EC–5977. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled ''Suspension of Community Eligibility; 64 FR 56256; 10/19/99'', received October 29, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–5978. 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: Pollock by Vessels Catching Pollock for Processing by the Inshore Component in the Bering Sea Subarea'', received October 16, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5979. 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 ''Atlantic Highly Migratory Species Fisheries; Atlantic Bluefin Tuna; Opening of General Category NY Bight Fishery'' (I.D. 100899B), received October 29, 1999; to the Committee on Commerce, Science, and Transportation.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–369. A resolution adopted by the House of the Legislature of the State of Michigan relative to hazardous materials facilities; to the Committee on Environment and Public Works.

HOUSE RESOLUTION NO. 223

Whereas, Federal law under Title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA) requires identifying the locations of facilities which handle hazardous materials and also requires the development of a plan for communities to respond

to hazardous material releases and to establish right-to-know provisions for hundreds of substances identified as extremely hazardous materials plus an additional 1,000 potentially hazardous substances an toxic chemicals; and

Whereas, More than 3,200 businesses and industries within the Commonwealth of Pennsylvania have been officially identified as being within the SARA Title III planning requirements; and

Whereas, The time frames for reporting chemicals used by facilities under SARA Title III may be considered ineffective at times due to the length of the required reporting period; and

Whereas, Conforming the time frames for reporting Material Safety Data Sheets to State and local officials, mirroring Occupational Safety and Health Administration requirements on the reporting of hazardous materials, may lead to an enhanced and more accurate reporting system; and

Whereas, The establishment of Hazardous Material Exposure Parameters around hazardous material facilities and the requirement of direct reporting to residences and businesses within these parameters may lead to the increased safety of our communities; therefore be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania respectfully request that the Congress of the United States pursue amendments to SARA Title III to ensure higher levels of safety for communities which have hazardous material facilities within their borders; and be it further

Resolved, That copies of this resolution be transmitted to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with amendments:

S. 623. A bill to amend Public Law 89–108 to increase authorization levels for State and Indian tribal, municipal, rural, and industrial water supplies, to meet current and future water quantity and quality needs of the Red River Valley, to deauthorize certain project features and irrigation service areas, to enhance natural resources and fish and wildlife habitat, and for other purposes (Rept. No. 106–203).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 1052. A bill to implement further the Act (Public Law 94–241) approving the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, and for other purposes (Rept. No. 106–204).

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. HOLLINGS (for himself and Mr. THURMOND):

S. 1836. A bill to extend the deadline for commencement of construction of a hydroelectric project in the State of Alabama; to the Committee on Energy and Natural Resources.

By Mr. BAUCUS:

S. 1837. A bill to amend title XIX of the Social Security Act to provide low-income medicare beneficiaries with medical assistance for out-of-pocket expenditures for outpatient prescription drugs; to the Committee on Finance.

By Mr. WELLSTONE:

S. 1838. A bill to provide that certain income derived from an agreement between the Bios Forte Band of Chippewa Indians and the State of Minnesota shall not be considered income for purposes of Federal assistance eligibility; to the Committee on Indian Affairs.

S. 1839. A bill to provide that land which is owned by the Lower Sioux Indian Community in the State of Minnesota but which is not held in trust by the United States for the Community may be leased or transferred by the Community without further approval by the United States; to the Committee on Indian Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ABRAHAM:

S. Res. 212. A resolution to designate August 1, 2000, as ''National Relatives as Parents Day''; to the Committee on the Judiciary.

By Mr. LOTT (for himself and Mr. DASCHLE):

S. Res. 213. A resolution to authorize testimony, document production, and representation of employees in the Senate in *Bonnie Mendelson* v. *Delaware River and Bay Authority*; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WELLSTONE:

S. 1838. A bill to provide that certain income derived from an agreement between the Bois Forte Band of Chippewa Indians and the State of Minnesota shall not be considered income for purposes of Federal assistance eligibility; to the Committee on Indian Affairs.

INCOME EXEMPTION FROM FEDERAL ASSISTANCE ELIGIBILITY REQUIREMENTS

● Mr. WELLSTONE. Mr. President, I am introducing today legislation of great importance to two tribes in Minnesota, the Bois Forte Bank of Chippewa and the Grand Portage Band of Chippewa. This bill would exempt income derived from an agreement between the two bands and the State of Minnesota from being considered as income for purposes of Federal assistance eligibility when the funds from the agreement are distributed to tribal members.

Under current law, most payments to Indians derived from trust resources are exempt from consideration as income or resources for the purposes of determining federal benefits under various Federal or federally assisted programs. Regulations promulgated by various Federal agencies reflect the statutory exemptions for income derived from interests of individual Indians in trust or restricted lands and from payments distributed to tribal members as the result of Indian claims awards. This legislation is to accord similar treatment to payments made to the approximately 2,700 members of the Bois Forte Band and the 790 members of the Grand Portage Band.

In 1988 the two bands entered into an agreement with the state of Minnesota whereby the State agreed to make an annual payment to the bands in exchange for the bands' restriction of their members' hunting and fishing rights. These rights are guaranteed by the treaty of September 30, 1854. From that payment, the Tribal Councils of the Bands make small annual payments to their members. The Bois Forte Band pays each of its members $500 per year, for example. The shares of minors are paid into a trust fund that cannot and disbursed until the minor reaches the age of 18. The shares of adults are paid directly to them.

These payments are intended to compensate the band members for a Federal treaty right that they have elected to forgo in return for these funds. As a result, this constitutes income which is derived from a trust resource. The intent of the Federal law is that such funds—up to a certain level, are not treated as income for purposes of Federal benefit eligibility. This is in recognition of the special status of Indian tribes within the United States, and the trust relationship that the Federal Government maintains to this day. However, while these payments clearly fall within the intent Federal law to protect trust resources, the current statute does not encompass these payments.

The result is that for a small number of band members, approximately 10 percent of the Bois Forte band and currently no members of the Grand Portage Band, this income is of no real benefit because it reduces or eliminates their public assistance payment. These members are all extremely poor, elderly, or disabled. Mr. President, these are people who can least afford to bear the brunt of this loophole in Federal law.

Additionally, Mr. President, these band members see a spike in their income—an extremely small spike mind you—in 1 month out of the year. Does it serve any public purpose to kick them off of Federal assistance in that 1 month, only to require them to reapply in the following month? Their circumstances are not changed by this payment. These funds will not lift anyone out of poverty, they do not replace an income lost to disability or age.

This bill will ensure that members of the Bois Forte and Grand Portage Bands receive fair—though small—compensation for their foregone treaty rights. It is a question of simple equity and I urge my colleagues to support it.●

By Mr. BAUCUS:

S. 1837. A bill to amend title XIX of the Social Security Act to provide low-income Medicare beneficiaries with medical assistance for out-of-pocket

expenditures for outpatient prescription drugs; to the Committee on Finance.

THE HEALTHY SENIORS ACT OF 1999

Mr. BAUCUS. Mr. President, I rise today to introduce the Healthy Seniors Act of 1999. Prescription drugs are a hot topic these days. From the lawn of the White House to the TV screen in your house, everyone is talking about prescription drugs, and for good reason. Americans have the greatest health care system in the world: The best doctors, the best research, and the most effective prescription drugs. That doesn't mean anything if thousands of seniors can't afford to use them. We are creating a system where the well-off can buy the best health care and the poor can afford little more than an aspirin.

Recently, ''60 Minutes'' did a show on the high cost of prescription drugs and the need to provide coverage to low-income beneficiaries. National Public Radio has run a series of stories on the rising cost of prescription drugs and government plans to make them available to Medicare beneficiaries. Full-page advertisements and news stories are in our Nation's newspapers, from the Washington Post to the Billings Gazette. We have all seen Flo and her bowling ball.

I have a story from the Montana Standard, Butte's local newspaper. The headline reads: ''Montanans Testify for Medicare Drug Coverage.''

> Greg Loushin's heart breaks every time he watches Montana's elderly and uninsured scrounge for change to buy prescription drugs. Oftentimes, the Butte pharmacist pulls money from his own pocket.

Think of that, the local pharmacist pulls money from his own pocket when his own customers do not have adequate funds to pay for their drugs.

From the story:

> Pharmacist helping seniors buy drugs they need from his own money.

People help one another out in Butte, MT. Greg's customers are lucky to have him for a pharmacist. But we know in our increasingly interpersonal world, Greg's generosity is a rare exception. It isn't a long-term solution to the problem of escalating costs of prescription drugs; creating a prescription drug benefit under Medicare is.

Why is it suddenly so important seniors be given a drug benefit under Medicare? Why all the attention? Why the stories? The answer is twofold.

First, prescription drug costs have risen dramatically. Overall medical inflation has been slowed in recent years, but the cost of prescription drugs has actually skyrocketed, rising much faster than the average cost of medical care. In 1980, prescription drugs were only 4 percent of total health costs. In the year 2000, they will account for 16 percent of the total, a fourfold increase in 20 years. The increased costs are attributable both to the prices charged for the new, sophisticated drugs that are being developed by pharmaceutical companies, and to increase use of the drugs by our seniors.

Today as never before there is increased competition among drug companies to put out new drug therapies for the many ailments that face Americans, young and old. I, for one, do not want to stunt the innovation that has made America the leading architect of medical technology.

The second reason the drug benefit is so important is these research efforts are increasingly fruitful. Drugs can now treat illnesses where formally surgery was needed. Drug coverage means healthier individuals, leading to fewer hospitals and less time in the hospital.

New York has a plan called EPIC to help low-income seniors with medications that saved an estimated $47 million in hospitalization costs in the recent year, compared with the $41 million it cost to run the program. David Cutler, a Harvard economist, reports elderly disability rates have fallen 15 percent in the last decade largely because of increased use of prescription drugs.

Barbara Holter, a Montana Medicare beneficiary, last week wrote me:

> Senator BAUCUS . . . innovative prescription drugs and biological therapies played an important role in the treatment of arthritis. While not a cure, these new medications can help alleviate the pain, slow the progress of disease, and prevent disability. Unfortunately, 35 percent of Medicare beneficiaries do not have coverage. It is important that Congress take action to expand access to drug coverage.

Gone are the days when surgery and mechanical devices alone work to save lives and increase their quality. A heart ailment that may have required an extensive bypass a few years ago can now be treated with a clot-busting medication or a stent. To paraphrase the renowned physician and health care policy expert, Dr. William Schwartz, medicine is changing ''from the mechanical to the molecular.''

Everyone seems to recognize this shift. Everyone, that is except our government. We are 60 days from the year 2000, and we are still trying to run a health care program rooted in the year 1965.

Some say we ought to reform Medicare before providing a drug benefit. Senator BILL ROTH, chairman of the Finance Committee, has indicated his interest in working in a bipartisan fashion to strengthen Medicare in the coming year. I welcome his willingness to do so. Without action, Medicare will go broke in just 15 years, at the very time our social insurance system becomes inundated with the baby boom generation, about 15 years from now.

We must act to save Medicare. We ought not let perfection be the enemy of the good. I accept and agree that Medicare must be changed. It is also true the average senior fills 19 prescriptions every year on average. Our seniors don't have the luxury of waiting until the politics are right to get the drugs they need. This is particularly true in rural areas.

As this chart indicates, one-third of Medicare beneficiaries have no prescription drug coverage. One-third of seniors in our country have no prescription drug coverage. In rural areas, it is even worse. In rural America, the number increases to nearly half. Seniors are being denied products that can save their lives because of geography. Half of American seniors don't have prescription drug coverage.

Part of the problem is we don't have a lot of managed care in rural areas. In fact, we have very little. Managed care will often provide drug coverage to seniors. In many parts of America, particularly rural America, there is no managed care, much less prescription drug coverage for seniors.

Recently, my staff spoke to Ardys Olin and her mother Thelma of Billings, MT. Both are beneficiaries of Gold Choice, Montana's only Medicare managed care plan. Ardys is disabled; Thelma is 87. For the time being, they both get prescription drug coverage through Gold Choice, the only managed care program for Medicare in Montana. They are quite pleased with it.

Because payment rates are insufficient to sustain managed care in rural America, Gold Choice is soon going to leave Montana, leaving its 2,600 beneficiaries without prescription drug coverage. Where are these people going to go? What are they going to do when Gold Choice pulls out of Montana?

Most employers in rural America can't afford to offer prescription drug coverage in their retirement plans. The profit margins are so low in rural America. Unfortunately, many people in rural areas have little or no retirement income beyond their Social Security checks. These people are hurting. Many of the 2,600 Montanans losing prescription drug coverage with the termination of Gold Choice—the only managed Medicare care program in our State—don't have enough money of their own to buy Medigap coverage. Medigap is the insurance plan offered by many companies to fill the gap between what Medicare doesn't pay and what Medicare should pay. Maybe people do not have enough money to buy Medigap insurance. That is why many Americans don't have any prescription drug coverage at all. They simply have to hope they do not become ill and, if they do, that they will be able to afford the cost of the drugs their doctors prescribe.

The legislation I am introducing will begin, not totally—but begin to address this problem. We are not creating any new bureaucracies, no new large Government programs. We are simply extending the reach of the Medicaid program to administer drug coverage to our most needy. That is it. This bill provides prescription drug coverage to the elderly whose incomes are 175 percent of the Federal poverty limit. In real terms, that means seniors making up to about $13,500 a year will be provided some prescription drug coverage; $16,800 in the case of couples.

This bill impacts seniors who are less able to pay for their prescription drugs.

Consider the following data graciously provided by, and under review at, Health Affairs, the Nation's leading health policy journal.

These numbers are from a study supported by the Commonwealth Fund, a national philanthropic organization engaged in independent research on health and social policy issues, and is the product of the able scholarship of Dr. Jan Blustein, professor at the Wagner School of New York University.

This chart shows the extent to which low-income seniors with hypertension have prescription drug coverage. Hypertension—that is, high blood pressure—is prevalent among the elderly, occurring in better than 50 percent of persons over age 65. As you can see, seniors with hypertension, with incomes between 100 and 125 percent of poverty, only have prescription drug coverage about 65 percent of the time. Again, seniors whose income is between 100 percent and 125 percent of poverty have prescription drug coverage only about 65 percent of the time. Those between 126 percent and 150 percent of poverty, the next line down, fare even worse, receiving drug coverage only about half the time, 55 percent of the time.

Mr. President, 150 percent of poverty is not a lot of money, only about $11,500 a year. There is clearly a need to help these people, and the bill I am introducing today does just that.

Let me be clear in stating this legislation is not intended as a permanent solution to the prescription drug problem. It does not provide stop-loss coverage for beneficiaries whose drug bills measure in the thousands of dollars. And because it uses Medicaid, the legislation uses a delivery mechanism that can differ from State to State in the scope of benefits it provides. But it does provide a benefit to those who need it the most. It is not perfect, but it is a start. Most important, it is an idea that has broad-based support from the public and in the Congress.

The Medicare Commission, although unable to reach a supermajority on its recommendation to fix the program—that is, Medicare—proposed covering drugs for low-income seniors through Medicare. In a recent poll, 86 percent of Americans favored adding a new Medicare drug benefit to cover part of the cost of the prescription drugs.

During the recent debate over tax cuts and the Federal budget, I, with 33 of my colleagues, sent the President a letter urging him to set aside one-third of the on-budget surplus for Medicare. I am pleased he announced his intentions just last week to do that, to fund a prescription drug benefit. Although creating a prescription drug benefit will be expensive, I think inaction is even more costly. In the words of the former President, Calvin Coolidge, ''We cannot do everything at once but we can do something at once.''

Let's do that something now to help our most vulnerable seniors, help them pay for the drugs that can save their lives.

By Mr. WELLSTONE:

S. 1839. A bill to provide that land which is owned by the Lower Sioux Indian Community in the State of Minnesota but which is not held in trust by the United States for the community may be leased or transferred by the Community without further approval by the United States; to the Committee on Indian Affairs.

APPROVAL NOT REQUIRED TO VALIDATE LAND TRANSACTIONS

● Mr. WELLSTONE. Mr. President, I am introducing legislation today which will allow the Lower Sioux Indian Community of Minnesota to sell non-trust land which falls outside their reservation borders. Enactment of this bill would give the Lower Sioux the same rights as any other landowner: to conduct real estate transactions without an act of Congress.

The Lower Sioux Community has acquired several parcels of land outside its reservation borders. None of these lands are held in trust by the United States. The Community pays state and local property taxes on the land and is not exempted from local zoning ordinances. The Community is treated like any other non-Indian land owner with regard to these parcels under the law—except that federal law requires that Congress approve the sale of land owned in fee simple by Indian tribes. In other words, should the Community wish to engage in almost any kind of land transaction involving these parcels, Congress must pass legislation to allow it to happen.

The Community seeks to have this burden lifted from them. It argues that the Community's development projects are unfairly restricted by this requirement. Indeed, my colleagues know how long it can take for Congress to act on even the most parochial and non-controversial of legislation. Last year, we were successful in passing legislation authorizing the sale of a single parcel of land owned by the Lower Sioux. It passed as part of a technical amendments bill, but the entire process took over six months. All of this for a plot of land no bigger than thirteen acres.

Obviously, such hurdles can make dealing with the Lower Sioux Community complicated and time consuming. Congress could even choose not to act upon a request. This puts the band at a competitive disadvantage relative to other land owners. The Lower Sioux is not a wealthy community. It can ill afford the hassles of pursuing closure in Washington to deals in Minnesota.

This legislation is introduced at the request of the Lower Sioux Community. The legislation does not cover any other tribe besides the Lower Sioux Community, and again, it applies only to land not held in trust by the United States or that is not within the borders of the Community's reservation. This is a narrowly focused bill designed to meet the unique needs and circumstances of the Lower Sioux Community.

Mr. President, this legislation will lower barriers to the Lower Sioux's pursuit of economic opportunities to improve the lives of its members. With that in mind, I believe it is both appropriate and necessary and I urge its adoption.

I ask that a copy of a tribal council resolution in support of the bill be printed in the RECORD.

The material follows:

LOWER SIOUX COMMUNITY COUNCIL
RESOLUTION NO. 08–99

Whereas, The Lower Sioux Community Council is the governing body of the Lower Sioux Indian Community in Minnesota, a federally recognized Indian tribe; and

Whereas, The Lower Sioux Community has in the past purchased land in its own name in fee simple for various Community purposes, including the promotion of economic development that would enable the Community and its members to become self-sufficient; and

Whereas, The Community must make additional such purchases in the future for economic development, housing, and other purposes; and

Whereas, There is no certainty that the Community will be able to transfer any of its fee land to the United States to hold in trust for the Community; and

Whereas, Under current federal law, when the Community purchases land in fee it must pay taxes on such land but it is not allowed to transfer, lease, mortgage, or otherwise convey interests in such land without a congressional statute allowing it to do so; and

Whereas, The restrictions on the transfer, lease, and mortgage of Community fee land unfairly burden the Community's development projects, and place the Community in a worse position than any other surrounding landowner.

Now Therefore be it *Resolved* that: The Lower Sioux Community Council urges the Minnesota congressional delegation specifically, and Congress generally, to support legislation that will remove the restrictions on the Community's ability to transfer, lease, mortgage, or otherwise convey interests in land owned by it in fee. The removal of these restrictions will allow the Community to use its fee land in the same manner as any other landowner in order to develop its economy and provide services to its members.●

ADDITIONAL COSPONSORS

S. 345

At the request of Mr. ALLARD, the name of the Senator from Delaware (Mr. ROTH) was added as a cosponsor of S. 345, a bill to amend the Animal Welfare Act to remove the limitation that permits interstate movement of live birds, for the purpose of fighting, to States in which animal fighting is lawful.

S. 424

At the request of Mr. COVERDELL, the name of the Senator from Tennessee (Mr. FRIST) was added as a cosponsor of S. 424, a bill to preserve and protect the free choice of individuals and employees to form, join, or assist labor organizations, or to refrain from such activities.

S. 670

At the request of Mr. JEFFORDS, the name of the Senator from Nebraska (Mr. KERREY) was added as a cosponsor of S. 670, a bill to amend the Internal Revenue Code of 1986 to provide that

the exclusion from gross income for foster care payments shall also apply to payments by qualifying placement agencies, and for other purposes.

S. 678

At the request of Mrs. FEINSTEIN, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. 678, a bill to establish certain safeguards for the protection of purchasers in the sale of motor vehicles that are salvage or have been damaged, to require certain safeguards concerning the handling of salvage and nonrebuildable vehicles, to support the flow of important vehicle information to the National Motor Vehicle Title Information System, and for other purposes.

S. 866

At the request of Mr. CONRAD, the name of the Senator from Washington (Mr. GORTON) was added as a cosponsor of S. 866, a bill to direct the Secretary of Health and Human Services to revise existing regulations concerning the conditions of participation for hospitals and ambulatory surgical centers under the medicare program relating to certified registered nurse anesthetists' services to make the regulations consistent with State supervision requirements.

S. 1158

At the request of Mr. HUTCHINSON, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor 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 names of the Senator from Georgia (Mr. COVERDELL) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. 1187, a bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the Lewis and Clark Expedition, and for other purposes.

S. 1327

At the request of Mr. DODD, his name was added as a cosponsor of S. 1327, a bill to amend part E of title IV of the Social Security Act to provide States with more funding and greater flexibility in carrying out programs designed to help children make the transition from foster care to self-sufficiency, and for other purposes.

S. 1384

At the request of Mr. ABRAHAM, the names of the Senator from North Dakota (Mr. DORGAN) and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of S. 1384, a bill to amend the Public Health Service Act to provide for a national folic acid education program to prevent birth defects, and for other purposes.

S. 1419

At the request of Mr. MCCAIN, the names of the Senator from Maine (Ms. SNOWE), the Senator from Delaware (Mr. ROTH), the Senator from New Jersey (Mr. TORRICELLI), the Senator from Kansas (Mr. ROBERTS), and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of S. 1419, a bill to amend title 36, United States Code, to designate May as ''National Military Appreciation Month''.

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 1419, supra.

S. 1510

At the request of Mr. MCCAIN, the name of the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 1510, a bill to revise the laws of the United States appertaining to United States cruise vessels, and for other purposes.

S. 1515

At the request of Mr. HATCH, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1515, a bill to amend the Radiation Exposure Compensation Act, and for other purposes.

S. 1528

At the request of Mr. LOTT, the names of the Senator from Rhode Island (Mr. REED) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 1528, a bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to clarify liability under that Act for certain recycling transactions.

S. 1547

At the request of Mr. MACK, his name was added as a cosponsor of S. 1547, a bill to amend the Communications Act of 1934 to require the Federal Communications Commission to preserve low-power television stations that provide community broadcasting, and for other purposes.

S. 1623

At the request of Mr. SPECTER, the names of the Senator from Delaware (Mr. ROTH) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 1623, a bill to select a National Health Museum site.

S. 1708

At the request of Mr. MOYNIHAN, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 1708, a bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to require plans which adopt amendments that significantly reduce future benefit accruals to provide participants with adequate notice of the changes made by such amendments.

S. 1781

At the request of Mr. LEVIN, the name of the Senator from Michigan (Mr. ABRAHAM) was added as a cosponsor of S. 1781, a bill to amend the Act that established the Keweenaw National Historical Park to require the Secretary of the Interior to consider nominees of various local interests in appointing members of the Keweenaw National Historic Park Advisory Commission.

SENATE CONCURRENT RESOLUTION 63

At the request of Mr. ABRAHAM, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of Senate Concurrent Resolution 63, a concurrent resolution condemning the assassination of Armenian Prime Minister Vazgen Sargsian and other officials of the Armenian Government and expressing the sense of the Congress in mourning this tragic loss of the duly elected leadership of Armenia.

SENATE RESOLUTION 108

At the request of Mr. BREAUX, the names of the Senator from Delaware (Mr. ROTH), the Senator from Nebraska (Mr. HAGEL), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Iowa (Mr. GRASSLEY), and the Senator from New York (Mr. SCHUMER) were added as cosponsors of Senate Resolution 108, a resolution designating the month of March each year as ''National Colorectal Cancer Awareness Month''.

SENATE RESOLUTION 128

At the request of Mr. COCHRAN, the names of the Senator from Montana (Mr. BAUCUS) and the Senator from Delaware (Mr. ROTH) were added as cosponsors of Senate Resolution 128, a resolution designating March 2000, as ''Arts Education Month''.

SENATE RESOLUTION 196

At the request of Mr. WARNER, the names of the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Louisiana (Ms. LANDRIEU), and the Senator from Arizona (Mr. MCCAIN) were added as cosponsors of Senate Resolution 196, a resolution commending the submarine force of the United States Navy on the 100th anniversary of the force.

SENATE RESOLUTION 212—TO DESIGNATE AUGUST 1, 2000, AS ''NATIONAL RELATIVES AS PARENTS DAY''

Mr. ABRAHAM submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 212

Whereas children are this Nation's most valuable resource;

Whereas the most important responsibility for this Nation's lawmakers and citizens is the protection and care of children;

Whereas in order to ensure the future success of this Nation, children must be taught values that will help them lead happy, healthy, and productive lives;

Whereas the family unit is most suitable to provide the special care and attention needed by children;

Whereas this year, many children will suffer from child abuse, neglect, poor nutrition, and insufficient child care, all of which jeopardize the well-being of young children and the opportunity for a fulfilling and successful adulthood;

Whereas extended family members, willing to open their hearts and homes to children whose immediate families are in crises, play an indispensable role in helping those children heal by providing them with a stable

and secure environment in which they can grow and develop;

Whereas approximately 520,000 children are currently under the care and guidance of foster parents—about 150,800, or 29 percent, of whom are children living in foster homes with extended family members who care for these children and provide them with a positive home environment; and

Whereas ''National Relatives as Parents Day'' is an appropriate occasion to recognize the dedication, compassion, and selflessness of extended family members who willingly assume the often thankless responsibility of providing a relative child with a family and home: Now, therefore, be it

Resolved, That the Senate—

(1) designates August 1, 2000, as ''National Relatives as Parents Day''; and

(2) requests that the President issue a proclamation calling on the people of the United States to observe ''National Relatives as Parents Day'' with appropriate ceremonies and activities.

Mr. ABRAHAM. Mr. President, today I rise to introduce my resolution which would recognize August 1st, 2000 as ''National Relatives as Parents Day.''

Mr. President, last year the state of Michigan and its Governor, John Engler, declared August 1, 1999, as Relatives Raising Relative Children Day in order to recognize the enduring and valuable contributions of those individuals willing to raise relative children as their own sons and daughters. I believe that we should follow the example set by my home State and recognize all of our relatives raising relatives.

Mr. President, my resolution declaring August 1, 2000 as ''National Relatives as Parents Day'' provides the perfect opportunity to recognize and honor the dedication and compassion of relatives who willingly take on the often thankless responsibility of providing a relative child in need of a family and home.

Mr. President, there is little doubt that children are our Nation's most valuable resource. They are, quite literally, America's future. And, it is our most important responsibility as lawmakers and as citizens to protect and care for our most vulnerable charges.

Mr. President, there is also little doubt that the family plays a vital and irreplaceable role in providing young children with the secure and caring environment necessary to teach them the values integral to leading a happy, healthy and productive life. Mr. President, it is within the family that children best receive the special care and attention necessary for their proper development.

Unfortunately, not all children grow up in a healthy home environment. Too many children will suffer from child abuse or neglect, poor nutrition and insufficient child care, all of which jeopardize the well-being of a young child and his or her opportunity for a fulfilling and successful adulthood. Sadly, in the event that the family unit breaks down, the child cannot remain in his or her existing home situation.

Mr. President, I am pleased to note that there are many individuals willing to open their hearts and homes to children whose families are in crisis. These special people play an indispensable role in helping children heal—providing children with a stable and secure environment in which they can grow and develop into successful adults.

Mr. President, approximately 520,000 children live with foster families—about 150,800, or 29 percent, of whom are children living with relatives who are willing to take in relative children, providing them with guidance and a caring and positive home environment. It is in honor of these individuals that I stand today, for without their selflessness, many of the close to 160,000 children would either remain in unhealthy and unsafe environments or be uprooted and placed in temporary group homes. Relatives who take on the responsibility of parents deserve special recognition for their long-lasting contributions to their children and to the larger community.

It is my hope that all of my colleagues will join with me in recognition of all of this country's relatives, who as parents, have had an incalculable positive impact in the lives of young children in need of a family and home.

SENATE RESOLUTION 213—TO AUTHORIZE TESTIMONY, DOCUMENT PRODUCTION, AND REPRESENTATION OF EMPLOYEES IN THE SENATE

Mr. LOTT (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 213

Whereas, in the case of *Bonnie Mendelson* v. *Delaware River and Bay Authority*, Civil Action No. 98–90–GSL, pending in the U.S. District Court for the District of Delaware, testimony has been requested from David P. Hauck and Julie B. Cardillo, employees of the Congressional Special Services Office, and Bonnie Powell, a former employee of the Congressional Special Services Office;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved, That David P. Hauck, Julie B. Cardillo, Bonnie Powell, and any other current or former employee of the Senate from whom testimony or document production may be required, are authorized to testify and produce documents in the case of *Bonnie Mendelson* v. *Delaware River and Bay Authority*, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent David P. Hauck, Julie B. Cardillo, Bonnie Powell, and any other current or former employee of the Senate in connection with the testimony and document production authorized in section one.

AMENDMENTS SUBMITTED

AFRICAN GROWTH AND OPPORTUNITY ACT

FEINGOLD AMENDMENTS NOS. 2427–2428

(Ordered to lie on the table.)

Mr. FEINGOLD submitted two amendments intended to be proposed by him to the bill (H.R. 434) to authorize a new trade and investment policy for sub-Sahara Africa; as follows:

AMENDMENT NO. 2427

Strike sections 111 through 114 and insert the following:

SEC. 111. ENCOURAGING MUTUALLY BENEFICIAL TRADE AND INVESTMENT.

(a) FINDINGS.—Congress makes the following findings:

(1) A mutually beneficial United States Sub-Saharan Africa trade policy will grant new access to the United States market for a broad range of goods produced in Africa, by Africans, and include safeguards to ensure that the corporations manufacturing these goods (or the product or manufacture of the oil or mineral extraction industry) respect the rights of their employees and the local environment. Such trade opportunities will promote equitable economic development and thus increase demand in African countries for United States goods and service exports.

(2) Recognizing that the global system of textile and apparel quotas under the MultiFiber Arrangement will be phased out under the Uruguay Round Agreements over the next 5 years with the total termination of the quota system in 2005, the grant of additional access to the United States market in these sectors is a short-lived benefit.

(b) TREATMENT OF QUOTAS.—

(1) KENYA AND MAURITIUS.—Pursuant to the Agreement on Textiles and Clothing, the United States shall eliminate the existing quotas on textile and apparel imports to the United States from Kenya and Mauritius, respectively, not later than 30 days after each country demonstrates the following:

(A) The country is not ineligible for benefits under section 502(b)(2) of the Trade Act of 1974 (19 U.S.C. 2462(b)(2)).

(B) The country does not engage in significant violations of internationally recognized human rights and the Secretary of State agrees with this determination.

(C)(i) The country is providing for effective enforcement of internationally recognized worker rights throughout the country (including in export processing zones) as determined under paragraph (5), including the core labor standards enumerated in the appropriate treaties of the International Labor Organization, and including—

(I) the right of association;

(II) the right to organize and bargain collectively;

(III) a prohibition on the use of any form of coerced or compulsory labor;

(IV) the international minimum age for the employment of children (age 15); and

(V) acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health.

(ii) The government of the country ensures that the Secretary of Labor, the head of the national labor agency of the government of that country, and the head of the International Confederation of Free Trade Unions-Africa Region Office (ICFTU–AFRO) each has access to all appropriate records and other information of all business enterprises in the country.

(D) The country is taking adequate measures to prevent illegal transshipment of goods that is carried out by rerouting, false declaration concerning country of origin or place of origin, falsification of official documents, evasion of United States rules of origin for textile and apparel goods, or any other means, in accordance with the requirements of subsection (d).

(E) The country is taking adequate measures to prevent being used as a transit point for the shipment of goods in violation of the Agreement on Textiles and Clothing or any other applicable textile agreement.

(F) The cost or value of the textile or apparel product produced in the country, or by companies in any 2 or more sub-Saharan African countries, plus the direct costs of processing operations performed in the country or such countries, is not less than 60 percent of the appraised value of the product at the time it is entered into the customs territory of the United States.

(G) Not less than 90 percent of employees in business enterprises producing the textile and apparel goods are citizens of that country, or any 2 or more sub-Saharan African countries.

(H) The country has established, or is making continual progress toward establishing—

(i) a market-based economy, where private property rights are protected and the principles of an open, rules-based trading system are observed;

(ii) a democratic society, where the rule of law, political freedom, participatory democracy, and the right to due process and a fair trial are observed;

(iii) an open trading system through the elimination of barriers to United States trade and investment and the resolution of bilateral trade and investment disputes; and

(iv) economic policies to reduce poverty, increase the availability of health care and educational opportunities, expand physical infrastructure, and promote the establishment of private enterprise.

(2) OTHER SUB-SAHARAN COUNTRIES.—The President shall continue the existing no quota policy for each other country in sub-Saharan Africa if the country is in compliance with the requirements applicable to Kenya and Mauritius under subparagraphs (A) through (H) of paragraph (1).

(3) TECHNICAL ASSISTANCE.—The Customs Service shall provide the necessary technical assistance to sub-Saharan African countries in the development and implementation of adequate measures against the illegal transshipment of goods.

(4) OFFSETTING REDUCTION OF CHINESE QUOTA.—When the quota for textile and apparel products imported from Kenya or Mauritius is eliminated, the quota for textile and apparel products from the People's Republic of China for each calendar year in each product category shall be reduced by the amount equal to the volume of all textile and apparel products in that product category imported from all sub-Saharan African countries into the United States in the preceding calendar year, plus 5 percent of that amount.

(5) DETERMINATION OF COMPLIANCE WITH INTERNATIONALLY RECOGNIZED WORKER RIGHTS.—

(A) DETERMINATION.—

(i) IN GENERAL.—For purposes of carrying out paragraph (1)(C), the Secretary of Labor, in consultation with the individuals described in clause (ii) and pursuant to the procedures described in clause (iii), shall determine whether or not each sub-Saharan African country is providing for effective enforcement of internationally recognized worker rights throughout the country (including in export processing zones).

(ii) INDIVIDUALS DESCRIBED.—The individuals described in this clause are the head of the national labor agency of the government of the sub-Saharan African country in question and the head of the International Confederation of Free Trade Unions-Africa Region Office (ICFTU–AFRO).

(iii) PUBLIC COMMENT.—Not later than 90 days before the Secretary of Labor makes a determination that a country is in compliance with the requirements of paragraph (1)(C), the Secretary shall publish notice in the Federal Register and an opportunity for public comment. The Secretary shall take into consideration the comments received in making a determination under such paragraph (1)(C).

(B) CONTINUING COMPLIANCE.—In the case of a country for which the Secretary of Labor has made an initial determination under subparagraph (A) that the country is in compliance with the requirements of paragraph (1)(C), the Secretary, in consultation with the individuals described in subparagraph (A), shall, not less than once every 3 years thereafter, conduct a review and make a determination with respect to that country to ensure continuing compliance with the requirements of paragraph (1)(C). The Secretary shall submit the determination to Congress.

(C) REPORT.—Not later than 6 months after the date of enactment of this Act, and on an annual basis thereafter, the Secretary of Labor shall prepare and submit to Congress a report containing—

(i) a description of each determination made under this paragraph during the preceding year;

(ii) a description of the position taken by each of the individuals described in subparagraph (A)(ii) with respect to each such determination; and

(iii) a report on the public comments received pursuant to subparagraph (A)(iii).

(6) REPORT.—Not later than March 31 of each year, the President shall publish in the Federal Register and submit to Congress a report on the growth in textiles and apparel imported into the United States from countries in sub-Saharan Africa in order to inform United States consumers, workers, and textile manufacturers about the effects of the no quota policy.

(c) TREATMENT OF TARIFFS.—The President shall provide an additional benefit of a 50 percent tariff reduction for any textile and apparel product of a sub-Saharan African country that meets the requirements of subparagraphs (A) through (H) of subsection (b)(1) and subsection (d) and that is imported directly into the United States from such sub-Saharan African country if the business enterprise, or a subcontractor of the enterprise, producing the product is in compliance with the following:

(1) Citizens of 1 or more sub-Saharan African countries own not less than 51 percent of the business enterprise.

(2) If the business enterprise involves a joint-venture arrangement with, or related to as a subsidiary, trust, or subcontractor, a business enterprise organized under the laws of the United States, the European Union, Japan, or any other developed country (or group of developed countries), or operating in such countries, the business enterprise complies with the environmental standards that would apply to a similar operation in the United States, the European Union, Japan, or any other developed country (or group of developed countries), as the case may be.

(d) CUSTOMS PROCEDURES AND ENFORCEMENT.—

(1) OBLIGATIONS OF IMPORTERS AND PARTIES ON WHOSE BEHALF APPAREL AND TEXTILES ARE IMPORTED.—

(A) IN GENERAL.—Notwithstanding any other provision of law, all imports to the United States of textile and apparel goods pursuant to this Act shall be accompanied by—

(i)(I) the name and address of the manufacturer or producer of the goods, and any other information with respect to the manufacturer or producer that the Customs Service may require; and

(II) if there is more than one manufacturer or producer, or if there is a contractor or subcontractor of the manufacturer or producer with respect to the manufacture or production of the goods, the information required under subclause (I) with respect to each such manufacturer, producer, contractor, or subcontractor, including a description of the process performed by each such entity;

(ii) a certification by the importer of record that the importer has exercised reasonable care to ascertain the true country of origin of the textile and apparel goods and the accuracy of all other information provided on the documentation accompanying the imported goods, as well as a certification of the specific action taken by the importer to ensure reasonable care for purposes of this paragraph; and

(iii) a certification by the importer that the goods being entered do not violate applicable trademark, copyright, and patent laws.

(B) LIABILITY.—The importer of record and the final retail seller of the merchandise shall be jointly liable for any material false statement, act, or omission made with the intention or effect of—

(i) circumventing any quota that applies to the merchandise; or

(ii) avoiding any duty that would otherwise be applicable to the merchandise.

(2) OBLIGATIONS OF COUNTRIES TO TAKE ACTION AGAINST TRANSSHIPMENT AND CIRCUMVENTION.—The President shall ensure that any country in sub-Saharan Africa that intends to import textile and apparel goods into the United States—

(A) has in place adequate measures to guard against unlawful transshipment of textile and apparel goods and the use of counterfeit documents; and

(B) will cooperate fully with the United States to address and take action necessary to prevent circumvention of any provision of this section or of any agreement regulating trade in apparel and textiles between that country and the United States.

(3) STANDARDS OF PROOF.—

(A) FOR IMPORTERS AND RETAILERS.—

(i) IN GENERAL.—The United States Customs Service (in this Act referred to as the ''Customs Service'') shall seek imposition of a penalty against an importer or retailer for a violation of any provision of this section if the Customs Service determines, after appropriate investigation, that there is a substantial likelihood that the violation occurred.

(ii) USE OF BEST AVAILABLE INFORMATION.—If an importer or retailer fails to cooperate with the Customs Service in an investigation to determine if there has been a violation of any provision of this section, the Customs Service shall base its determination on the best available information.

(B) FOR COUNTRIES.—

(i) IN GENERAL.—The President may determine that a country is not taking adequate

measures to prevent illegal transshipment of goods or to prevent being used as a transit point for the shipment of goods in violation of this section if the Customs Service determines, after consultations with the country concerned, that there is a substantial likelihood that a violation of this section occurred.

(ii) USE OF BEST AVAILABLE INFORMATION.—

(I) IN GENERAL.—If a country fails to cooperate with the Customs Service in an investigation to determine if an illegal transshipment has occurred, the Customs Service shall base its determination on the best available information.

(II) EXAMPLES.—Actions indicating failure of a country to cooperate under subclause (I) include—

(aa) denying or unreasonably delaying entry of officials of the Customs Service to investigate violations of, or promote compliance with, this section or any textile agreement;

(bb) providing appropriate United States officials with inaccurate or incomplete information, including information required under the provisions of this section; and

(cc) denying appropriate United States officials access to information or documentation relating to production capacity of, and outward processing done by, manufacturers, producers, contractors, or subcontractors within the country.

(4) PENALTIES.—

(A) FOR IMPORTERS AND RETAILERS.—The penalty for a violation of any provision of this section by an importer or retailer of textile and apparel goods—

(i) for a first offense (except as provided in clause (iii)), shall be a civil penalty in an amount equal to 200 percent of the declared value of the merchandise, plus forfeiture of the merchandise;

(ii) for a second offense (except as provided in clause (iii)), shall be a civil penalty in an amount equal to 400 percent of the declared value of the merchandise, plus forfeiture of the merchandise, and, shall be punishable by a fine of not more than $100,000, imprisonment for not more than 1 year, or both; and

(iii) for a third or subsequent offense, or for a first or second offense if the violation of the provision of this section is committed knowingly and willingly, shall be punishable by a fine of not more than $1,000,000, imprisonment for not more than 5 years, or both, and, in addition, shall result in forfeiture of the merchandise.

(B) FOR COUNTRIES.—If a country fails to undertake the measures or fails to cooperate as required by this section, the President shall impose a quota on textile and apparel goods imported from the country, based on the volume of such goods imported during the first 12 of the preceding 24 months, or shall impose a duty on the apparel or textile goods of the country, at a level designed to secure future cooperation.

(5) APPLICABILITY OF UNITED STATES LAWS AND PROCEDURES.—All provisions of the laws, regulations, and procedures of the United States relating to the denial of entry of articles or penalties against individuals or entities for engaging in illegal transshipment, fraud, or other violations of the customs laws, shall apply to imports of textiles and apparel from sub-Saharan African countries, in addition to the specific provisions of this section.

(6) MONITORING AND REPORTS TO CONGRESS.—Not later than March 31 of each year, the Customs Service shall monitor and the Commissioner of Customs shall submit to Congress a report on the measures taken by each country in sub-Saharan Africa that imports textiles or apparel goods into the United States—

(A) to prevent transshipment; and

(B) to prevent circumvention of this section or of any agreement regulating trade in textiles and apparel between that country and the United States.

(e) DEFINITION.—In this section, the term ''Agreement on Textiles and Clothing'' means the Agreement on Textiles and Clothing referred to in section 101(d)(4) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(4)).

SEC. 112. GENERALIZED SYSTEM OF PREFERENCES.

(a) PREFERENTIAL TARIFF TREATMENT FOR CERTAIN ARTICLES.—Section 503(a)(1) of the Trade Act of 1974 (19 U.S.C. 2463(a)(1)) is amended—

(1) by redesignating subparagraph (C) as subparagraph (D); and

(2) by inserting after subparagraph (B) the following:

''(C) ELIGIBLE COUNTRIES IN SUB-SAHARAN AFRICA.—

''(i) IN GENERAL.—

''(I) DUTY-FREE TREATMENT.—Subject to clause (ii), the President may provide duty-free treatment for any article described in subclause (II) that is imported directly into the United States from a sub-Saharan African country.

''(II) ARTICLE DESCRIBED.—

''(aa) IN GENERAL.—An article described in this subclause is an article set forth in the most current Lome Treaty product list, that is the growth, product, or manufacture of a sub-Saharan African country that is a beneficiary developing country and that is in compliance with the requirements of subsections (b) and (d) of section 111 of the African Growth and Opportunity Act, with respect to such article, if, after receiving the advice of the International Trade Commission in accordance with subsection (e), the President determines that such article is not import-sensitive in the context of all articles imported from United States Trading partners. This subparagraph shall not affect the designation of eligible articles under subparagraph (B).

''(bb) OTHER REQUIREMENTS.—In addition to meeting the requirements of division (aa), in the case of an article that is the product or manufacture of the oil or mineral extraction industry, and the business enterprise that produces or manufactures the article is involved in a joint-venture arrangement with, or related to as a subsidiary, trust, or subcontractor, a business enterprise organized under the laws of the United States, the European Union, Japan, or any other developed country (or group of developed countries), or operating in such countries, the business enterprise complies with the environmental standards that would apply to a similar operation in the United States, the European Union, Japan, or any other developed country (or group of developed countries), as the case may be.

''(ii) RULE OF CONSTRUCTION.—For purposes of clause (i), in applying section 111(b)(1) (A) through (H) and section 111(d) of the African Growth and Opportunity Act, any reference to textile and apparel goods or products shall be deemed to refer to the article provided duty-free treatment under clause (i).''.

(b) TERMINATION.—Title V of the Trade Act of 1974 is amended by inserting after section 505 the following new section:

''SEC. 505A. TERMINATION OF BENEFITS FOR SUB-SAHARAN AFRICAN COUNTRIES.

''No duty-free treatment provided under this title shall remain in effect after September 30, 2006 in the case of a beneficiary developing country that is a sub-Saharan African country.''.

(d) DEFINITIONS.—Section 507 of the Trade Act of 1974 (19 U.S.C. 2467) is amended by adding at the end the following:

''(6) SUB-SAHARAN AFRICAN COUNTRY.—The terms 'sub-Saharan African country' and 'sub-Saharan African countries' mean a country or countries in sub-Saharan Africa, as defined in section 104 of the African Growth and Opportunity Act.

''(7) LOME TREATY PRODUCT LIST.—The term 'Lome Treaty product list' means the list of products that may be granted duty-free access into the European Union according to the provisions of the fourth iteration of the Lome Covention between the European Union and the African-Caribbean and Pacific States (commonly referred to as 'Lome IV') signed on November 4, 1995.''.

(e) CLERICAL AMENDMENT.—The table of contents for title V of the Trade Act of 1974 is amended by inserting after the item relating to section 505 the following new item:

''505A. Termination of benefits for sub-Saharan African countries.''.

(f) EFFECTIVE DATE.—The amendments made by this section take effect on the date that is 30 days after the date enactment of this Act.

SEC. 113. ADDITIONAL ENFORCEMENT.

A citizen of the United States shall have a cause of action in the United States district court in the district in which the citizen resides or in any other appropriate district to seek compliance with the standards set forth under subparagraphs (A) through (H) of section 111(b)(1), section 111(c), and section 111(d) of this Act with respect to any sub-Saharan African country, including a cause of action in an appropriate United States district court for other appropriate equitable relief. In addition to any other relief sought in such an action, a citizen may seek three times the value of any damages caused by the failure of a country or company to comply. The amount of damages described in the preceding sentence shall be paid by the business enterprise (or business enterprises) the operations or conduct of which is responsible for the failure to meet the standards set forth under subparagraphs (A) through (H) of section 111(b)(1), section 111(c), and section 111(d).

SEC. 114. UNITED STATES-SUB-SAHARAN AFRICAN TRADE AND ECONOMIC COOPERATION FORUM.

(a) DECLARATION OF POLICY.—The President shall convene annual meetings between senior officials of the United States Government and officials of the governments of sub-Saharan African countries in order to foster close economic ties between the United States and sub-Saharan Africa.

(b) ESTABLISHMENT.—Not later than 12 months after the date of enactment of this Act, the President, after consulting with the officials of interested sub-Saharan African governments, shall establish a United States-Sub-Saharan African Trade and Economic Cooperation Forum (in this section referred to as the ''Forum'').

(c) REQUIREMENTS.—In creating the Forum, the President shall meet the following requirements:

(1) FIRST MEETING.—The President shall direct the Secretary of Commerce, the Secretary of the Treasury, the Secretary of State, and the United States Trade Representative to invite their counterparts from interested sub-Saharan African governments and representatives of appropriate regional organizations to participate in the first annual meeting to discuss expanding trade and investment relations between the United States and sub-Saharan Africa.

(2) NONGOVERNMENTAL ORGANIZATIONS.—

(A) IN GENERAL.—The President, in consultation with Congress, shall invite United States nongovernmental organizations to host meetings with their counterparts from sub-Saharan Africa in conjunction with

meetings of the Forum for the purpose of discussing the issues described in paragraph (1).

(B) PRIVATE SECTOR.—The President, in consultation with Congress, shall invite United States representatives of the private sector to host meetings with their counterparts from sub-Saharan Africa in conjunction with meetings of the Forum for the purpose of discussing the issues described in paragraph (1).

(3) ANNUAL MEETINGS.—As soon as practicable after the date of enactment of this Act, the President shall meet with the heads of the governments of interested sub-Saharan African countries for the purpose of discussing the issues described in paragraph (1).

AMENDMENT NO. 2428

Strike sections 111 and 112, and insert:

SEC. 111. ELIGIBILITY FOR CERTAIN BENEFITS.

(a) IN GENERAL.—Title V of the Trade Act of 1974 is amended by inserting after section 506 the following new section:

"SEC. 506A. DESIGNATION OF SUB-SAHARAN AFRICAN COUNTRIES FOR CERTAIN BENEFITS.

''(a) AUTHORITY TO DESIGNATE.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, the President is authorized to designate a country listed in section 104 of the African Growth and Opportunity Act as a beneficiary sub-Saharan African country eligible for the benefits described in subsection (b), if the President determines that the country—

''(A) has established, or is making continual progress toward establishing—

''(i) a market-based economy, where private property rights are protected and the principles of an open, rules-based trading system are observed;

''(ii) a democratic society, where the rule of law, political freedom, participatory democracy, and the right to due process and a fair trial are observed;

''(iii) an open trading system through the elimination of barriers to United States trade and investment and the resolution of bilateral trade and investment disputes; and

''(iv) economic policies to reduce poverty, increase the availability of health care and educational opportunities, expand physical infrastructure, and promote the establishment of private enterprise;

''(B) does not engage in gross violations of internationally recognized human rights or provide support for acts of international terrorism and cooperates in international efforts to eliminate human rights violations and terrorist activities;

''(C) is taking adequate measures to prevent illegal transshipment of goods that is carried out by routing, false declaration concerning country of origin or place of origin, falsification of official documents, evasion of United States rules of origin for textile and apparel goods, or any other means, in accordance with the requirements of subsection (c) of section 112 of the African Growth and Opportunity Act;

''(D) is taking adequate measures to prevent being used as a transit point for the shipment of goods in violation of the Agreement on Textiles and Clothing or any other applicable textile agreement; and

''(E) subject to the authority granted to the President under section 502 (a), (d), and (e), otherwise satisfies the eligibility criteria set forth in section 502.

''(2) MONITORING AND REVIEW OF CERTAIN COUNTRIES.—The President shall monitor and review the progress of each country listed in section 104 of the African Growth and Opportunity Act in meeting the requirements described in paragraph (1) in order to determine the current or potential eligibility of each country to be designated as a beneficiary sub-Saharan African country for purposes of subsection (a). The President shall include the reasons for the President's determinations in the annual report required by section 115 of the African Growth and Opportunity Act.

''(3) CONTINUING COMPLIANCE.—If the President determines that a beneficiary sub-Saharan African country is not making continual progress in meeting the requirements described in paragraph (1), the President shall terminate the designation of that country as a beneficiary sub-Saharan African country for purposes of this section, effective on January 1 of the year following the year in which such determination is made.

''(b) PREFERENTIAL TARIFF TREATMENT FOR CERTAIN ARTICLES.—

''(1) IN GENERAL.—The President may provide duty-free treatment for any article described in section 503(b)(1) (B) through (G) (except for textile luggage) that is the growth, product, or manufacture of a beneficiary sub-Saharan African country described in subsection (a), if, after receiving the advice of the International Trade Commission in accordance with section 503(e), the President determines that such article is not import-sensitive in the context of imports from beneficiary sub-Saharan African countries.

''(2) RULES OF ORIGIN.—The duty-free treatment provided under paragraph (1) shall apply to any article described in that paragraph that meets the requirements of section 503(a)(2), except that—

''(A) if the cost or value of materials produced in the customs territory of the United States is included with respect to that article, an amount not to exceed 15 percent of the appraised value of the article at the time it is entered that is attributed to such United States cost or value may be applied toward determining the percentage referred to in subparagraph (A) of section 503(a)(2); and

''(B) the cost or value of the materials included with respect to that article that are produced in one or more beneficiary sub-Saharan African countries shall be applied in determining such percentage.

''(c) BENEFICIARY SUB-SAHARAN AFRICAN COUNTRIES, ETC.—For purposes of this title, the terms 'beneficiary sub-Saharan African country' and 'beneficiary sub-Saharan African countries' mean a country or countries listed in section 104 of the African Growth and Opportunity Act that the President has determined is eligible under subsection (a) of this section.''.

(b) WAIVER OF COMPETITIVE NEED LIMITATION.—Section 503(c)(2)(D) of the Trade Act of 1974 (19 U.S.C. 2463(c)(2)(D)) is amended to read as follows:

''(D) LEAST-DEVELOPED BENEFICIARY DEVELOPING COUNTRIES AND BENEFICIARY SUB-SAHARAN AFRICAN COUNTRIES.—Subparagraph (A) shall not apply to any least-developed beneficiary developing country or any beneficiary sub-Saharan African country.''.

(c) TERMINATION.—Title V of the Trade Act of 1974 is amended by inserting after section 506A, as added by subsection (a), the following new section:

"SEC. 506B. TERMINATION OF BENEFITS FOR SUB-SAHARAN AFRICAN COUNTRIES.

''In the case of a country listed in section 104 of the African Growth and Opportunity Act that is a beneficiary developing country, duty-free treatment provided under this title shall remain in effect through September 30, 2006.''.

(d) CLERICAL AMENDMENTS.—The table of contents for title V of the Trade Act of 1974 is amended by inserting after the item relating to section 505 the following new items:

''506A. Designation of sub-Saharan African countries for certain benefits.

''506B. Termination of benefits for sub-Saharan African countries.''.

(e) EFFECTIVE DATE.—The amendments made by this section take effect on October 1, 2000.

SEC. 112. TREATMENT OF CERTAIN TEXTILES AND APPAREL.

(a) PREFERENTIAL TREATMENT.—Notwithstanding any other provision of law, textile and apparel articles described in subsection (b) (including textile luggage) imported from a beneficiary sub-Saharan African country, described in section 506A(c) of the Trade Act of 1974, shall enter the United States free of duty and free of any quantitative limitations, if—

(1) the country is taking adequate measures to prevent illegal transshipment of goods that is carried out by rerouting, false declaration concerning country of origin or place of origin, falsification of official documents, evasion of United States rules of origin for textile and apparel goods, or any other means, in accordance with the requirements of subsection (c); and

''(2) the country is taking adequate measures to prevent being used as a transit point for the shipment of goods in violation of the Agreement on Textiles and Clothing or any other applicable textile agreement.

(b) PRODUCTS COVERED.—The preferential treatment described in subsection (a) shall apply only to the following textile and apparel products:

(1) APPAREL ARTICLES ASSEMBLED IN BENEFICIARY SUB-SAHARAN AFRICAN COUNTRIES.—Apparel articles assembled in one or more beneficiary sub-Saharan African countries from fabrics wholly formed and cut in the United States, from yarns wholly formed in the United States that are—

(A) entered under subheading 9802.00.80 of the Harmonized Tariff Schedule of the United States; or

(B) entered under chapter 61 or 62 of the Harmonized Tariff Schedule of the United States, if, after such assembly, the articles would have qualified for entry under subheading 9802.00.80 of the Harmonized Tariff Schedule of the United States but for the fact that the articles were subjected to stone-washing, enzyme-washing, acid washing, perma-pressing, oven-baking, bleaching, garment-dyeing, or other similar processes.

(2) APPAREL ARTICLES CUT AND ASSEMBLED IN BENEFICIARY SUB-SAHARAN AFRICAN COUNTRIES.—Apparel articles cut in one or more beneficiary sub-Saharan African countries from fabric wholly formed in the United States from yarns wholly formed in the United States, if such articles are assembled in one or more beneficiary sub-Saharan African countries with thread formed in the United States.

(3) HANDLOOMED, HANDMADE, AND FOLKLORE ARTICLES.—A handloomed, handmade, or folklore article of a beneficiary sub-Saharan African country or countries that is certified as such by the competent authority of such beneficiary country or countries. For purposes of this paragraph, the President, after consultation with the beneficiary sub-Saharan African country or countries concerned, shall determine which, if any, particular textile and apparel goods of the country (or countries) shall be treated as being handloomed, handmade, or folklore goods.

(c) CUSTOMS PROCEDURES AND ENFORCEMENT.—

(1) OBLIGATIONS OF IMPORTERS AND PARTIES ON WHOSE BEHALF APPAREL AND TEXTILES ARE IMPORTED.—

(A) IN GENERAL.—Notwithstanding any other provision of law, all imports to the United States of textile and apparel goods pursuant to this Act shall be accompanied by—

(i)(I) the name and address of the manufacturer or producer of the goods, and any other information with respect to the manufacturer or producer that the Customs Service may require; and

(II) if there is more than one manufacturer or producer, or if there is a contractor or subcontractor of the manufacturer or producer with respect to the manufacture or production of the goods, the information required under subclause (I) with respect to each such manufacturer, producer, contractor, or subcontractor, including a description of the process performed by each such entity;

(ii) a certification by the importer of record that the importer has exercised reasonable care to ascertain the true country of origin of the textile and apparel goods and the accuracy of all other information provided on the documentation accompanying the imported goods, as well as a certification of the specific action taken by the importer to ensure reasonable care for purposes of this paragraph; and

(iii) a certification by the importer that the goods being entered do not violate applicable trademark, copyright, and patent laws.

(B) LIABILITY.—The importer of record and the final retail seller of the merchandise shall be jointly liable for any material false statement, act, or omission made with the intention or effect of—

(i) circumventing any quota that applies to the merchandise; or

(ii) avoiding any duty that would otherwise be applicable to the merchandise.

(2) OBLIGATIONS OF COUNTRIES TO TAKE ACTION AGAINST TRANSSHIPMENT AND CIRCUMVENTION.—The President shall ensure that any country in sub-Saharan Africa that intends to import textile and apparel goods into the United States—

(A) has in place adequate measures to guard against unlawful transshipment of textile and apparel goods and the use of counterfeit documents; and

(B) will cooperate fully with the United States to address and take action necessary to prevent circumvention of any provision of this section or of any agreement regulating trade in apparel and textiles between that country and the United States.

(3) STANDARDS OF PROOF.—

(A) FOR IMPORTERS AND RETAILERS.—

(i) IN GENERAL.—The United States Customs Service (in this Act referred to as the ''Customs Service'') shall seek imposition of a penalty against an importer or retailer for a violation of any provision of this section if the Customs Service determines, after appropriate investigation, that there is a substantial likelihood that the violation occurred.

(ii) USE OF BEST AVAILABLE INFORMATION.—If an importer or retailer fails to cooperate with the Customs Service in an investigation to determine if there has been a violation of any provision of this section, the Customs Service shall base its determination on the best available information.

(B) FOR COUNTRIES.—

(i) IN GENERAL.—The President may determine that a country is not taking adequate measures to prevent illegal transshipment of goods or to prevent being used as a transit point for the shipment of goods in violation of this section if the Customs Service determines, after consultations with the country concerned, that there is a substantial likelihood that a violation of this section occurred.

(ii) USE OF BEST AVAILABLE INFORMATION.—

(I) IN GENERAL.—If a country fails to cooperate with the Customs Service in an investigation to determine if an illegal transshipment has occurred, the Customs Service shall base its determination on the best available information.

(II) EXAMPLES.—Actions indicating failure of a country to cooperate under subclause (I) include—

(aa) denying or unreasonably delaying entry of officials of the Customs Service to investigate violations of, or promote compliance with, this section or any textile agreement;

(bb) providing appropriate United States officials with inaccurate or incomplete information, including information required under the provisions of this section; and

(cc) denying appropriate United States officials access to information or documentation relating to production capacity of, and outward processing done by, manufacturers, producers, contractors, or subcontractors within the country.

(4) PENALTIES.—

(A) FOR IMPORTERS AND RETAILERS.—The penalty for a violation of any provision of this section by an importer or retailer of textile and apparel goods—

(i) for a first offense (except as provided in clause (iii)), shall be a civil penalty in an amount equal to 200 percent of the declared value of the merchandise, plus forfeiture of the merchandise;

(ii) for a second offense (except as provided in clause (iii)), shall be a civil penalty in an amount equal to 400 percent of the declared value of the merchandise, plus forfeiture of the merchandise, and, shall be punishable by a fine of not more than $100,000, imprisonment for not more than 1 year, or both; and

(iii) for a third or subsequent offense, or for a first or second offense if the violation of the provision of this section is committed knowingly and willingly, shall be punishable by a fine of not more than $1,000,000, imprisonment for not more than 5 years, or both, and, in addition, shall result in forfeiture of the merchandise.

(B) FOR COUNTRIES.—If a country fails to undertake the measures or fails to cooperate as required by this section, the President shall impose a quota on textile and apparel goods imported from the country, based on the volume of such goods imported during the first 12 of the preceding 24 months, or shall impose a duty on the apparel or textile goods of the country, at a level designed to secure future cooperation.

(5) APPLICABILITY OF UNITED STATES LAWS AND PROCEDURES.—All provisions of the laws, regulations, and procedures of the United States relating to the denial of entry of articles or penalties against individuals or entities for engaging in illegal transshipment, fraud, or other violations of the customs laws, shall apply to imports of textiles and apparel from sub-Saharan African countries, in addition to the specific provisions of this section.

(6) MONITORING AND REPORTS TO CONGRESS.—Not later than March 31 of each year, the Customs Service shall monitor and the Commissioner of Customs shall submit to Congress a report on the measures taken by each country in sub-Saharan Africa that imports textiles or apparel goods into the United States—

(A) to prevent transshipment; and

(B) to prevent circumvention of this section or of any agreement regulating trade in textiles and apparel between that country and the United States.

(d) ADDITIONAL ENFORCEMENT.—A citizen of the United States shall have a cause of action in the United States district court in the district in which the citizen resides or in any other appropriate district to seek compliance with the standards set forth under section 506A(a)(1) (C) and (D) of the Trade Act of 1974 and subsection (c) of this section, with respect to any sub-Saharan African country, including a cause of action in an appropriate United States district court for other appropriate equitable relief. In addition to any other relief sought in such an action, a citizen may seek three times the value of any damages caused by the failure of a country or company to comply. The amount of damages described in the preceding sentence shall be paid by the business enterprise (or business enterprises) the operations or conduct of which is responsible for the failure to meet the standards set forth under subparagraphs (A) through (E) of section 506A(a)(1) of the Trade Act of 1974 and subsection (c) of this section.

(e) DEFINITION.—In this section, the term ''Agreement on Textiles and Clothing'' means the Agreement on Textiles and Clothing referred to in section 101(d)(4) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(4)).

(f) EFFECTIVE DATE.—The amendments made by this section take effect on October 1, 2000 and shall remain in effect through September 30, 2006.

HOLLINGS AMENDMENT NO. 2429

(Ordered to lie on the table.)

Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill, H.R. 434, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. . ENVIRONMENTAL AGREEMENT REQUIRED.

The benefits provided by the amendments made by this Act shall not be available to any country until—

(1) the President has negotiated with that country a side agreement concerning a side agreement concerning the environment, similar to the North American Environment Cooperation Agreement; and

(2) submitted that agreement to the Congress.

LANDRIEU AMENDMENT NO. 2430

(Ordered to lie on the table.)

Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill, H.R. 434, supra; as follows:

At the appropriate place, insert the following new section:

SEC. . LIMITATIONS ON PREFERENTIAL TREATMENT.

Notwithstanding any other provision of law, the President may not exercise the authority to extend preferential tariff treatment to any country in sub-Saharan Africa provided for in this Act, unless the President determines that the per capita gross national product of the country (calculated on the basis of the best available information including that of the International Bank for Reconstruction and Development) is not more than 5 times the average per capita gross national product of all sub-Saharan African countries eligible for such preferential tariff treatment under the Act.

NOTICE OF HEARING

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that an executive session of the Senate Committee on Health, Education, Labor, and Pensions will be held on Wednesday, November 3, 1999, 9:30 a.m., in SD–430 of the Senate Dirksen Building. The following is the committee's agenda.

1. S. 1114, The Federal Mine Safety and Health Act of 1999;

2. S. 1809, The Developmental Disabilities Assistance and Bill of Rights Act of 1999; and

3. Presidential nominations.

ADDITIONAL STATEMENTS

EITELJORG FELLOWSHIP FOR NATIVE AMERICAN FINE ART

● Mr. BAYH. Mr. President, as November has been designated Native American History Month, I am honored to congratulate a museum in my own state for its efforts to recognize Native American artists and encourage the creation of new Native American fine art. The Eiteljorg Museum of American Indians and Western Art recently launched an unprecedented 10-year program to strengthen the recognition and study of Native American artists who are making a valuable contribution to our nation's fine arts. The long-term goal of the program is to create a national alliance of scholars, curators, artists, teachers, and collectors who would further the notice and study given to Native American fine artists.

Under the leadership of John Vanausdall, the museum's president and CEO, an international jury of scholars was appointed to select the first year's fellows and master artist from 106 qualified nominees. Jurors included: Gerald R. McMaster (Plains Cree), curator of contemporary Indian art at the Canadian Museum of Civilization; Bruce Bernstein, assistant director for cultural resources at the National Museum of the American Indian; and Kay WalkingStick (Cherokee), artist and professor of fine art at Cornell University.

On November 13, the first five recipients of the Eiteljorg Fellowship of Native American Fine Art will travel to the Eiteljorg Museum where they will receive national acclaim. They will each be presented with a fellowship award of $20,000 and participate in the opening events for an exhibition of their art. I am pleased to announce the inaugural winners: Lorenzo R. Clayton (Navajo), Truman Lowe (Ho Chunk), Marianne Nicolson (Kwakwaka'wakw), Rick Rivet (Métis/Dene), and Jaune Quick-to-See Smith (Flathead). In addition, George Morrison (Chippewa) was named a master artist. I urge Americans to visit the exhibition which will be on view at the Eiteljorg Museum, located in the beautiful White River State Park in Indianapolis from November 13, 1999 through January 23, 2000.

I commend the Eiteljorg Museum for conceiving this long-overdue honor to Native American artists. This wonderful program is due to the generosity of the Indianapolis-based Lilly Foundation, Inc. which has directed $490,000 to this worthy endeavor. Thanks to the efforts of the Eiteljorg Museum and Lilly, the future is bright for Native American artists, as this program will award $100,000 to five artists every two years. Our state is fortunate for their vision and I am honored to recognize their efforts in promoting Native American Art and preserving the culture of Native Americans.●

TRIBUTE TO MARC HULL

● Mr. JEFFORDS. Mr. President, it is with much pride, and a little sadness, that I rise today to pay tribute to one of Vermont's outstanding leaders in education. Marc Hull, who recently resigned his post as Commissioner of Education in my home state, deserves both praise and gratitude for all he has accomplished for the children and youth of Vermont.

At a time when education rightly tops the state and national agenda, we have been fortunate to have his services. Marc has effectively advanced the education agenda of Vermont through his dedication and perseverence in making sure that every child achieves his or her highest potential, by setting high standards and giving children and teachers the means to reach them. To do so, he developed the Vermont Framework of Standards which is serving as the guide for improving the performance of all Vermont schools, and most importantly the performance of Vermont's students.

I also want to take this opportunity to salute Marc for his prior service to Vermont as Director of Special Education. He has consistently spoken for those who at one time had no voice and helped individuals advocate for themselves and their children. For years he has labored tirelessly to provide appropriate education programs for children with disabilities.

But despite these important positions and titles, I think of Marc as first and foremost a teacher. He has certainly taught me, and I think he has probably touched and inspired everyone around him.

I am especially fond of the example that stemmed from his visit to Washington, D.C. this spring. Marc had led Vermont's efforts to implement the federal Ed Flex law, and was invited by the President to attend the signing ceremony in the Rose Garden. At the ceremony, the President graciously gave Marc one of the pens he used to sign the legislation. For most of us, the story would have stopped there, as the pen gathered dust on our bookshelf or in a drawer. Not so for Marc. He took the pen with him to classrooms throughout Vermont so that hundreds of students had the thrill of writing a word or two with the pen the President used to sign the Ed Flex legislation. As usual, their comments were priceless, ranging from ''This must be worth millions!'' to ''Can I use it to write my name in my baseball cap?''

Marc Hull has written his name into the fabric of our state. With compassion for all whom he served, unique leadership skills and unsurpassed creativity, Marc has worked to make Vermont schools the best they can be. I am pleased that while he has left his post as Commissioner, he will not leave the field of education. And wherever he works, I know he will continue to have an impact on helping children to reach higher.

His integrity, humility and humanity make Marc Hull a wonderful advisor, a good friend and an asset to the nation. He's not a bad politician either, in the best sense of the word. Throughout my term as chairman of the Senate's education committee I have relied on his good counsel. Though he will never get proper credit, his influence has been felt far beyond the Green Mountains. I thank him, I wish him well, and I plan to continue learning from him.●

ON THE RETIREMENT OF JAMES B. EDWARDS

● Mr. HOLLINGS. Mr. President, it gives me great pleasure today to recognize my friend Dr. Jim Edwards, who recently retired as president of the Medical University of South Carolina after a distinguished 17-year tenure. Thanks to his hard work and dedication, MUSC is now consistently ranked as one of the top 100 research universities in the country and has established itself as a leader in teaching and patient care.

Since Dr. Edwards took the helm at MUSC, the university has graduated more than 10,000 health care professionals who are serving throughout the state and nation. The university also experienced remarkable physical growth under his leadership with the construction of several valuable facilities including the Children's Hospital, the Hollings Cancer Center, the Gazes Institute for Cardiac Research and the Strom Thurmond Biomedical Research Center. The Charleston area is fortunate to have MUSC in its midst. The area's largest employer, MUSC has an impressive economic impact of $1.3 billion annually.

Dr. Edwards' vision and drive that helped place MUSC in the medical forefront are talents he developed during the previous two decades as a public servant. He became a politician for all the right reasons. He was the archetypal man fed up with America's ills, but with the uncommon belief that it was his duty to correct them.

A successful oral surgeon, Jim served for two years in the South Carolina Senate before resigning to run for governor in 1974. Although the underdog in the race, he emerged the victor, becoming the first Republican governor of South Carolina since Reconstruction. As governor, he passed the Education Finance Act, which helped modernize our state's education system. He also established a reserve fund, created a motor vehicle management office, streamlined the state budgeting process, developed welfare reform procedures, established the Energy Research Institute and launched state government reorganization efforts.

His nonpartisan approach to state government was commendable. ''I sincerely believe that during a campaign you ought to be partisan as you can be,'' he told The State newspaper recently, ''and talk about the differences of the two parties. There's plenty there to talk about. . . . But when elected, all this partisan stuff should stop. You ought to work together with whomever the people elected to work with you in government.'' Democrats far outnumbered Republicans in the South Carolina legislature when Jim was governor, yet representatives from both parties have compliments to bestow upon him to this day. He left the Governor's Mansion with an approval rating of nearly 80 percent.

A year after Dr. Edwards returned to his dental practice, President Reagan asked him to serve as the nation's energy secretary. True to his commitment to public service, Jim answered the call, moving to Washington to tackle an important national issue. During his tenure, the DOE decontrolled oil, stepped up the pace for filling the Strategic Petroleum Reserve, obtained federal aid for three synthetic fuel projects and shepherded a nuclear waste measure through Congress. In 1982, he moved back to South Carolina and assumed the presidency at MUSC.

Dr. Jim Edwards' retirement marks an end to the career of one of South Carolina's finest. His impact will be felt for many years to come. My wife, Peatsy, joins me in wishing Jim and his wonderful wife, Ann, a happy retirement.●

THE VERY BAD DEBT BOXSCORE

● Mr. HELMS. Mr. President, at the close of business Friday, October 29, 1999, the Federal debt stood at $5,679,726,662,904.06 (Five trillion, six hundred seventy-nine billion, seven hundred twenty-six million, six hundred sixty-two thousand, nine hundred four dollars and six cents).

One year ago, October 29, 1998, the Federal debt stood at $5,559,428,000,000 (Five trillion, five hundred fifty-nine billion, four hundred twenty-eight million).

Fifteen years ago, October 29, 1984, the Federal debt stood at $1,599,006,000,000 (One trillion, five hundred ninety-nine billion, six million).

Twenty-five years ago, October 29, 1974, the Federal debt stood at $480,331,000,000 (Four hundred eighty billion, three hundred thirty-one million) which reflects a debt increase of more than $5 trillion—$5,199,395,662,904.06 (Five trillion, one hundred ninety-nine billion, three hundred ninety-five million, six hundred sixty-two thousand, nine hundred four dollars and six cents) during the past 25 years.●

IN RECOGNITION OF UNITED AUTOMOBILE WORKERS LOCAL 599

● Mr. LEVIN. Mr. President, I rise today to recognize the 60th anniversary of the chartering of United Automobile Workers Local 599, which is located in Flint, Michigan.

UAW Local 599 received its charter on January 10, 1939. During the 60 years since its founding, Local 599 members have been powerful advocates for the rights of working men and women and their families. Local 599 has helped to improve the living standards of its members by successfully fighting for fair wages; sick, accident and life insurance; workers compensation; unemployment compensation; and education and training opportunities. In addition to the success Local 599 has achieved for its members and their families, the men and women of the Local have been deeply involved in the life of the Flint community by supporting countless civic and charitable activities.

UAW Local 599 has truly played an important role in the history of the labor movement. I know my colleagues join me in extending sincere congratulations to the past and present members of Local 599, as they celebrate the 60th anniversary of its founding.●

RECOGNITION OF MAJOR TIM COY

● Mr. ALLARD. Mr. President, today, I would like to recognize an individual that has been a tremendous asset to my office—Maj. Tim Coy. For the past year, Major Coy has been an Air Force Legislative Fellow in my office. He has proven to be a professional officer, who handles any task he is given with enthusiasm and tenacity.

A year ago I requested a sharp military officer be assigned to my staff because of my new position on the Senate Armed Services Committee. Once we interviewed Tim, we knew that his extensive space and missile expertise would benefit my committee assignments, and his knowledge of Colorado would also be invaluable.

From Tim's first day in the office, he blended in with my talented staff and went to work. He assisted in all areas of the office. He played a major role with our defense team on committee work, floor speeches, and became a point person for missile defense issues. Just as important, he became more than a one year staffer, but a friend to us all.

In closing, Tim is an exceptionally capable and professional military officer. He is the very first fellow I have hired, and one of the reasons I look forward to bringing in another fellow for next year. He has a bright future in the Air Force and I know I will be hearing great things about him in the future. Not only was I proud to have Maj. Tim Coy as a ''member'' of my staff, but he also did the Air Force proud.●

TRIBUTE TO LEO MARSHALL

● Mr. BIDEN. Mr. President, under the daily 24-hour assault of our highly competitive news media, constantly in search of the latest event and the most readily available personality, it would be easy to confuse leadership with celebrity. However, there are in every community, men and women whose names are rarely found in the headlines and whose faces rarely appear on the television screen, but who nevertheless contribute real leadership day in and day out.

In my state of Delaware, one of those invaluable if rarely recognized leaders is Wilmington City Clerk, and Democratic City Chairman, Leo Marshall. A Wilmington native and a lifelong Wilmington resident, Leo Marshall does not often make the morning headlines or the evening broadcast news, but he is easily familiar to many Wilmingtonians because he never joined the migration to the suburbs that drained the energies and economies of many of our older cities—he has lived and served among them for four eventful decades.

Leo Marshall is, in many ways, the ''Mr. Wilmington'' of an older and increasingly diverse city he has helped to guide through the social and economic challenges that have marked our urban landscape from the confrontations of the Sixties to, in Wilmington's case, the dawning rebirth of the Nineties. He would be the last to claim major credit for the city's successes; he will tell you that the city has survived and got to its feet again at the hands of a succession of progressive city administrations—but knowledgeable Wilmingtonians will tell you Leo Marshall has built and maintained the strong political structure that has made progress possible in the relatively small city that is nevertheless Delaware's largest and most thoroughly urban community.

Like another Democrat prominently in the news today, Leo Marshall first came to public notice with a basketball in his hands, but as a proud product of Wilmington's still highly coherent Polish-American community, he was not willing to stop there. He turned his attention to city government, and the same intelligence and fiercely competitive spirit that had been so evident on the basketball court soon marked him as a leader in the rough-and-tumble of city politics.

He was and is a frankly partisan Democrat, and he has made Wilmington a Democratic stronghold in most of our elections; but he has always reserved his most intense partisanship for his city itself. He never loses sight of the city's interests, and he will vigorously defend them against all comers, regardless of party. Those of us who encounter him as Democrats learn quickly, if we expect to enjoy the relationship, that Leo Marshall will almost invariably be found among the most progressive of Democrats when it comes to issues or candidates, local, state or national—but only when he is assured that the city's interests have been taken into constructive consideration. In those cases, he is capable of being a statesman who can help pull a party, a city or a state together; but if

he feels the city is being attacked or neglected, he takes off the frock coat and rolls up his sleeves—and his opponents rarely enjoy the contest that ensues.

If it sounds like I am characterizing Leo Marshall as an old-fashioned ''city boss,'' there is some truth to that notion; he came to party leadership out of the tradition of bare-knuckle ward politics that was the hallmark of most American cities of the day. But he has survived and successfully carried his leadership into a far different day because he has proved to be a boss with a difference—in a city significantly and persistently marked by rapid and challenging social and economic changes, he has been able to adapt his outlook, his leadership and his party to one major transition after another to the benefit of both his party and his community.

Such adaptable behind-the-scenes party leadership invites a consideration of the current state of our political parties. Much is said these days of how ''entrepreneurial politics'' has reduced our parties to mere shadows of their former selves, and those of us who must regularly place our records and our hopes for the future before the judgment of our constituents are well aware that that analysis comes uncomfortably close to the truth. Replacing party conventions with primary elections, struggling to meet the staggering costs of campaigning and coping with a swollen press corps that dogs our tracks at all seasons has inevitably thrown onto the shoulders of individual candidates much of the burden that historically was borne by the political parties.

But we should not let that fact blind us to the continuing contribution our political parties make to our national life. They remain the institutions that embody the political values we place before the voters when we campaign for office. They still provide the structure upon which our whole political system is based. They may not wield the overwhelming political influence they once possessed—and most of us would agree that they should not—but they are not without identity, they are not without purpose, and they are not without continuing value. They deserve our continuing attention, and leaders who maintain them to serve our nation's political life—leaders like Leo Marshall who have adapted those parties to the realities of our day—deserve our thanks and our admiration.

Mr. President, the great American humorist Will Rogers was as wise as he was amusing, and never more so than when he said, ''God will look you over, not for medals, diplomas or degrees—but for scars!'' Wilmington's Leo Marshall need fear no such examination; he bears the honorable scars of many a political battle, all of them acquired in the service of his city and his party, but also on behalf of his state and nation. He does not often make the headlines, but he has made his mark on the history of his community, and that is the truest legacy of leadership.●

COMMENDATION OF DR. SWEET

● Mr. DEWINE. Mr. President, I rise to commend the services of David Sweet, who is ending his term of the Northeast-Midwest Institute's Board of Directors. David is a distinguished Ohioan, who has helped to enhance the economic vitality and environmental quality of my State and the Northeast-Midwest region.

Dr. Sweet has been dean of the Levin College of Urban Affairs at Cleveland State University since 1978. He has expanded that institution and developed it into a well-respected research center that focuses on public service. Before joining Cleveland State, David served in several high-ranking positions within Ohio's State government. He was a member of the Public Utilities Commission, director of the Department of Economic and Community Development, chairman of the Ohio Energy Emergency Commission, and secretary of the Ohio Developmental Financing Commission.

David actually served four 3-year terms on the Northeast-Midwest Institute's Board of Directors, and he was elected chairman from 1995 to 1998. He has provided stable leadership, offered a wealth of ideas, and advanced the Institute's credibility. The Northeast-Midwest Institute provides policy research for the bipartisan Northeast-Midwest Senate Coalition and its Great Lakes Task Force, which I co-chair with Senator CARL LEVIN of Michigan.

Mr. President, I again want to commend David Sweet for his service on the board of the Northeast-Midwest Institute. He has provided valued counsel and helped increase that organization's reputation and effectiveness.●

TRIBUTE TO BRIGADIER GENERAL LINDA J. STIERLE

● Mr. INOUYE. Mr. President, I would like to take a moment to honor Brigadier General Linda J. Stierle as she retires after twenty-nine years of active duty service in the United States Air Force. General Stierle culminates her distinguished career as the Director of Medical Readiness and Nursing Services in the Office of the Air Force Surgeon General. She is the first Nurse Corps officer to be appointed as the Director of Medical Readiness for the Air Force Medical Service. Under her direction, the medical readiness doctrine has been reengineered to be faster, lighter, and more responsive to the needs of the fighting force. Thanks to her extraordinary leadership, the Air Force Medical Service is positioned to fully support the Air Force's new Expeditionary Air Force structure in meeting current and future contingencies.

General Stierle's distinguished career began in 1970 when she received a direct commission in the Air Force Nurse Corps as a second lieutenant. Highlights of her diverse and challenging career include serving as Director of the Department of Nursing at two of the Air Force's largest medical centers—David Grant USAF Medical Center, Travis Air Force Base, California, and Wilford Hall USAF Medical Center, Lackland Air Force Base, Texas. Prior to her current position, she served as the Command Nurse, Office of the Command Surgeon, Air Mobility Command, Scott Air Force Base, Illinois, where she provided leadership and oversight of nursing services for 12 medical treatment facilities and the worldwide Aeromedical Evacuation System.

Mr. President, more than fifty years ago, as I was recovering in a military hospital, I began a unique relationship with military nurses. General Stierle embodies what I know military nurses to be—strong, professional leaders who are committed to serve their fellow comrades in arms and their country. General Stierle's many meritorious awards and decorations demonstrate her contributions in a tangible way, but it is the legacy she leaves behind for the Air Force Nurse Corps for which we are most appreciative. It is with pride that I congratulate General Stierle on her outstanding career of exemplary service.●

AUTHORIZING OF SENATE REPRESENTATION

Mr. FITZGERALD. Mr. President, I ask consent the Senate now proceed to the immediate consideration of S. Res. 213, submitted earlier by Senators LOTT and DASCHLE.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 213) to authorize testimony, document production, and representation of employees in the Senate in Bonnie Mendelson v. Delaware River and Bay Authority.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, this resolution concerns a request for testimony in a civil action pending in the U.S. District Court for the District of Delaware. The plaintiff in this case is a former sign-language interpreter for the Congressional Special Services Office. The case concerns injuries sustained by the plaintiff while a private passenger aboard a ferryboat.

This resolution would permit former coworkers of the plaintiff's on the Congressional Special Services staff to testify about the effect of the plaintiff's injuries on her ability to perform her work at the Senate.

Mr. FITZGERALD. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 213) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 213

Whereas, in the case of *Bonnie Mendelson* v. *Delaware River and Bay Authority*, Civil Action No. 98–90–GSL, pending in the U.S. District Court for the District of Delaware, testimony has been requested from David P. Hauck and Julie B. Cardillo, employees of the Congressional Special Services Office, and Bonnie Powell, a former employee of the Congressional Special Services Office;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the administrative or judicial process, be taken from such control of possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved, That David P. Hauck, Julie B. Cardillo, Bonnie Powell, and any other current or former employee of the Senate from whom testimony or document production may be required, are authorized to testify and produce documents in the case of *Bonnie Mendelson* v. *Delaware River and Bay Authority*, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent David P. Hauck, Julie B. Cardillo, Bonnie Powell, and any other current or former employee of the Senate in connection with the testimony and document production authorized in section one.

ORDER OF PROCEDURE

Mr. FITZGERALD. Mr. President, I ask unanimous consent that with respect to the time controlled by the Democratic leader on the D.C./Labor appropriations conference report, the 15 minutes be allocated as follows: 5 minutes each for Senators DURBIN, HARKIN, and LAUTENBERG.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TUESDAY, NOVEMBER 2, 1999

Mr. FITZGERALD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 a.m. on Tuesday, November 2. I further ask consent that on Tuesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of the conference report to accompany the D.C./Labor-HHS appropriations bill under the previous time agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FITZGERALD. Further, I ask consent the Senate stand in recess from the hours of 12:30 p.m. to 2:15 p.m. for the weekly policy conferences to meet.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FITZGERALD. I further ask consent that with respect to the African trade/CBI bill, Senators have until 10 a.m. to file second-degree amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FITZGERALD. For the information of all Senators, at 9:30 a.m. on Tuesday, the Senate will immediately begin 30 minutes of debate on the conference report to accompany the D.C./Labor-HHS appropriations bill. Following the debate, the Senate will proceed to a vote on the conference report which will be followed by possibly two cloture votes in relation to the African trade bill. Therefore, Senators can anticipate up to three stacked votes at approximately 10 a.m. It is expected cloture will be invoked and the Senate will begin the 30-hours of postcloture debate on the CBI/African trade bill.

The leader has indicated he hopes to complete action on the trade bill this week.

ADJOURNMENT UNTIL 9:30 TOMORROW

Mr. FITZGERALD. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 5:33 p.m., adjourned until Tuesday, November 2, 1999, at 9:30 a.m.

EXTENSIONS OF REMARKS

DOMESTIC VIOLENCE AWARENESS MONTH

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1999

Mr. POMEROY. Mr. Speaker, as many of my colleagues may be aware, October is Domestic Violence Awareness Month. In my home State of North Dakota, as well as across the Nation, citizens have already participated in numerous activities, such as candlelight vigils, ''Take Back the Night'' rallies, and other forms of demonstration aimed at raising public awareness of this national tragedy.

Domestic violence is one of our Nation's most prevalent, yet misunderstood, tragedies. Recently, North Dakota's Attorney General released a report on domestic violence for 1997, and the statistics should cause us all to take notice. To cite just a few of the facts: in 1,450 incidents reported through the North Dakota Uniform Crime Reporting Program, there were 1,638 victims involved; 39 percent of all reported physical violence cases across the State were incidents of domestic violence; and among reported victims of domestic violence, 74 percent were women and 19 percent were juveniles.

These figures are even more sobering when you consider that domestic violence is one of the most severely underreported crimes. We may not be able to estimate the number of victims who, living in fear or denial, do not come forward; however, the National Crime Victimization survey, administered by the Department of Justice, reports that victims of all types of violence, including domestic, report only about half of their victimizations to the police.

Unfortunately, attitudes are slow to change, especially on such an intimate issue as domestic violence. No longer can we sit idly by, as the cycle of violence not only goes on, but oftentimes worsens. No longer can we claim that what goes on in another person's private life is none of my or your business. No longer can we blame the victims saying that they ''asked for it.'' No longer can we make excuses.

During this month of awareness, therefore, I am proud to also mark the fifth anniversary of one of the most important stands Congress has ever taken against domestic violence: the Violence Against Women Act (VAWA). Through programs that bolster prosecution of sexual assault and domestic violence, increase victim services, and step up education and prevention activities, VAWA has gone far to protect individuals from sexual offenses and domestic abuse. I am proud to support reauthorization of all these programs as a cosponsor of H.R. 357, the Violence Against Women Act of 1999.

Congress, however, cannot act alone. The House of Representatives cannot pass a law to ban domestic violence. The Senate cannot force attitudes to change. It is up to all of us to take action—through greater participation and awareness—to end this national tragedy, Advocates should not have to fight alone, and victims should not have to suffer alone. This is one issue on which the old adage holds true: If we're not part of the solution, we're part of the problem.

TRIBUTE TO MICHAEL ZIEGLER AND PRIDE INDUSTRIES

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1999

Mr. MATSUI. Mr. Speaker, I rise in tribute to Michael Ziegler and PRIDE Industries. On November 5, 1999, the United Cerebral Palsy Association of Sacramento is presenting their most prestigious Humanitarian Award to Mr. Ziegler. As friends and associates of Mr. Ziegler and the United Cerebral Palsy Association gather to celebrate, I ask all my colleagues to join me in saluting this special occasion.

The United Cerebral Palsy Association's Humanitarian Award is given annually to ''individuals or organizations who have displayed a passion for life and a sincere desire to work toward enhancing the lives of others.'' Those who receive this award have fulfilled their passion and desire through extensive community involvement.

As president and chief executive officer of PRIDE Industries, Michael Ziegler has exemplified that passion and desire. He has been the guiding force behind PRIDE Industries' mission to offer employment to an ever-expanding number of individuals with disabilities. While maintaining a successful business, Mr. Ziegler has been able to significantly increase the employment rate of handicapped people in the Sacramento area.

Under the leadership of Michael Ziegler, PRIDE Industries has strived to meet four core values: mission, people, customers, and culture. Through their mission of creating good jobs for people with disabilities, they are working toward creating a challenging and rewarding environment. Energized by the fact that their efforts make a positive difference in the community, Mr. Ziegler is committed to establishing PRIDE Industries as a competitive and thriving company.

The road to success for PRIDE Industries has spanned several areas. Over the years, it has gone from a non-profit organization to a government-funded agency and finally to a privately-funded corporation. Mr. Ziegler has enabled PRIDE Industries to become one of the fastest-growing private companies in Greater Sacramento with mostly disabled employees.

As a result of increased demand for its manufacturing and service contracts, PRIDE Industries expects to add nearly 200 employees over the next 12 months. The company has service contracts in such areas as custodial work, groundskeeping, recycling, building maintenance, and various other service contracts for Air Force bases.

In addition to service contracts, PRIDE Industries has thrived in electronic contract manufacturing. It makes printed circuit boards, assembles and repairs electronics products, and even manufactures its own brand of snowshoes.

Mr. Ziegler has built PRIDE Industries into a thriving business recognized around the world for its success and direction. He has brought self respect and hope to many people with disabilities while maintaining and operating a successful business.

Mr. Speaker, as the United Cerebral Palsy Association convenes to present Michael Ziegler with their Humanitarian Award, I am honored to pay tribute to one of Sacramento's most outstanding citizens. His contributions to disabled people and the community of Sacramento are commendable. I ask all of my colleagues to join with me in wishing Mr. Ziegler and PRIDE Industries continued success in all their future endeavors.

TRIBUTE TO LENORE PAQUIN

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1999

Mr. McGOVERN. Mr. Speaker, on November 12, 1999, Ms. Lenore Paquin will retire after twenty-seven years of service to the Town of North Attleboro as the Public Health Nurse.

In addition to her role as Public Health Nurse, Ms. Paquin was especially well known for her many community and charitable works. She has been on the Board of Directors of the Visiting Nurses Association, Versa Care, New Hope, Attleboro Area Community Council and Hillside Adult Care, where she was also a founder. She has been honored by individuals and organizations too numerous to mention.

It has been said that whenever there was a need, Lenore stepped in and offered her assistance. She organized a kitchen where she distributed food to the families who were going without and arranged Thanksgiving and Christmas campaigns to alleviate the problems that families encounter during the holiday season.

When you mention the name Lenore in the Town of North Attleboro and the surrounding area, it is not necessary to mention her last name because everyone knows her and her work. A number of years ago when the Attleboro Area Business and Professional Women honored her, she spoke about the difference in taking care of patients in a hospital setting and in her role as a Public Health Nurse. She stated—''In a hospital setting you never know what happens to them when they leave. Here you walk along with them. I kind of like that . . .''

The people in the Town of North Attleboro and the surrounding area are indeed fortunate to have a person like Lenore in their midst.

TRIBUTE TO CLENTE FLEMMING

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1999

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to Clente Flemming for nearly 30 years of service in the banking industry. Through dedication and hard work, Mr. Flemming rose through the ranks to become Senior Vice President overseeing Personnel for Bank of America in North and South Carolina. At the end of this year, he retires from that impressive career to launch a new consulting venture in which I am sure he will enjoy similar success.

Clente Flemming began his career in 1970 as a third shift clerk at what was then Bankers' Trust. From there he quickly became a shift supervisor and then moved into the auditing department in 1974. But Mr. Flemming realized that to further his career he must pursue academic achievements beyond his work at Palmer Junior College. He enrolled in the University of South Carolina and earned a B.S. in Business Administration in 1979.

After that, his career with the bank took off. He joined the personnel department and became Vice President of Employee Relations. With that move, Mr. Flemming became the bank's first African American Vice President. In 1990, he was elevated to Senior Vice President Carolinas Personnel Executive, a position he will hold until the year's end.

Mr. Flemming has utilized his position to hire and train other talented African Americans. When he joined the banking industry, it was not very diverse. However, he has been in a position to serve as a mentor and expand the ranks of minorities at all levels.

Once officially retired from Bank of America, Mr. Flemming plans to use his expertise in personnel matters to help small businesses with their personnel policies and benefits. As a consultant he plans to help others achieve success. In addition to those efforts, Mr. Flemming has plans to open an employment agency focused on finding jobs for the underemployed.

Clente is married to the former Ojeta Irving and they have a daughter, Joy, and a son, Eric.

Mr. Speaker, I ask you to join with me and my fellow South Carolinians as we pay tribute to Clente Flemming for 30 years of blazing a trail for African Americans through the banking community. He is an excellent role model and we all wish him continued success in his new ventures.

COLUMBIA COLLEGE CHICAGO

HON. JESSE L. JACKSON, JR.

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1999

Mr. JACKSON of Illinois. Mr. Speaker, I am pleased to recognize the fifth-largest private institution of higher education in Illinois, Columbia College Chicago, as it starts the 1999–2000 school year. Columbia College Chicago is an undergraduate and graduate college in downtown Chicago whose principal commitment is to provide comprehensive education in the arts and communication within the context of enlightened liberal education.

Founded in 1890, Columbia continues its dedication to communication arts as well as to media arts, applied and fine arts, theatrical and performing arts, and management and marketing arts. More than one-third of Columbia's 8,500 students are minorities—the largest enrollment of any arts and communications institution in the country.

Dr. John Duff, President of Columbia College continues to develop the foundations of a Columbia education which includes small class sizes that ensure close interaction with a faculty of working professionals who bring the working world into the classroom. The College provides a sound liberal arts background for the developing artist or communicator and supports students' employment goals through a full range of career services.

Outside the classroom, students participate in activities that include the College's student newspaper, radio station, electronic newsletter, two student magazines, cable television, three theaters, dance center, photography and art museums, and film and video festival.

Columbia is an integral part of its community, sponsoring and working with over two dozen diverse organizations, ranging from the African Film Festival to the Chicago Jazz Ensemble. Dozens of other independent organizations are involved regularly with one or another program or department of Columbia. This nurturing of diversity is Columbia's hallmark.

Today, Columbia remains secure in its mission and traditional commitments to opportunity, diversity and career-cognizant arts and media education in a liberal arts context. Mr. Speaker, please join me in recognizing Columbia College Chicago, a unique Chicago institution, which draws both its strength and identity from the city and its students.

IN HONOR OF JIM CRAVENS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1999

Mr. KUCINICH. Mr. Speaker, I rise today to honor Jim W. Cravens as he is honored as Veteran of the Year by the Lincoln Post No. 13 Polish Legion of American Veterans for his outstanding service and dedication.

Jim Cravens began his career of service in the Air Force in February of 1959 as a draftsman and served until 1961. During his retirement he joined the Local Junior Chamber of Commerce and pursued his lifelong hobby of derby racing by working with the local youth in building racers. His youthful enthusiasm has truly been inspiring to everyone he has encountered.

In 1963, Jim Cravens began his work with the Cleveland Board of Education in the Architectural Department. Later, because of his community and political involvement, he was elected president of his neighborhood group and the Local War Democratic Club. In 1979 he was elected to the Cleveland City Council and in 1982 Jim Cravens started his work with the Cuyahoga County Board of Elections.

Jim Craven's participation with the Polish Legion of American Veterans began in 1992 when he was a social member, then was later asked to take the position of 2nd and 1st Commander and now he holds the position of commander. As commander, Jim Cravens has worked hard to pay off old death benefits, improve the post both inside and out, and put it back on sound financial ground while taking care of other duties. In addition to his service to the Polish-American veterans, Jim was a member of the Polish Americans Inc, the Polish American Congress, the Amateur Athletic Union USA, and is still serving as ward leader of Cleveland Ward 12 as well as vice president of the Merchant Guild of the Slavic Village.

My fellow distinguished colleagues, please join me in honoring Jim W. Cravens as he is honored by the Polish Legion of American Veterans as Veteran of the Year.

TRIBUTE TO EDUARDO CASTELL

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1999

Mr. TOWNS. Mr. Speaker, I want to recognize the achievements of Eduardo Castell, a resident of the Park Slope neighborhood in Brooklyn, New York.

''Eddie'', as he is known amongst his colleagues and friends, has committed himself to a life of public service. Even as an honor student at Connecticut College, he served on that College's Board of Trustees as a Student Representative. He later joined the staff of our colleague, the late Congressman Ted Weiss, where he was instrumental in the passage of legislation that required credit reporting agencies to list delinquent child support payments on individuals' credit reports. This law, strongly supported by women and children's advocacy groups, has been instrumental in identifying and correcting the abusive practices of ''dead beat dads''.

He joined the staff of Congresswoman NYDIA VELÁZQUEZ where he rose from the position of Legislative Director to Chief of Staff. During his tenure with Congresswoman VELÁZQUEZ, Eddie drafted legislative proposals on education, housing, banking, and insurance including a ''hate crimes'' initiative which funds organizations education and prevention in schools. He was also instrumental in bringing nearly $20 million in Federal monies for economic development to Brooklyn.

Currently, Eddie is Special Assistant to William C. Thompson, Jr., President of the New York City Board of Education, a position he has held since 1997. In this capacity, he advises President Thompson on education policy and administrative oversight of the nation's largest school system. Eddie has led efforts to expand minority procurement and contracting and to explore alternatives for building new schools. He was also involved in the passage of a citywide school uniform policy.

Never one to limit his community activism, Eddie serves on the Board of Directors of Neighbors Helping Neighbors, a Brooklyn-based not-for-profit housing and business development organization. He is a former Advisory Board member of the Brooklyn Legal Services Corporation. He and his wife, Jennifer, have one son, Carlos.

I salute Eddie Castell for his commitment to a career of public service.

HONORING VISIONONE

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1999

Mr. RADANOVICH. Mr. Speaker, I rise today to honor VisionOne, Inc. for being an economic force that attracts high-tech skills and companies to the Fresno area, as well as delivering the most affordable e-business solutions and Internet technologies to the region. I had the privilege of attending VisionOne's ribbon cutting ceremony on July 8, 1999 as they officially opened their new Fresno location.

VisionOne is a privately held international corporation that was founded in 1998, with United States headquarters in Fresno, and additional offices in Switzerland, Mexico, Germany, Chile, and Brazil. The specialty of VisionOne lies in their ability to provide user-maintainable e-business solutions and Internet technologies. Their mission is to help clients in various industries conduct cost-effective and successful online business. With a focus on e-business solutions and Internet technologies, VisionOne is strategically positioned as a force that will attract high-tech skills to the Central Valley.

VisionOne is a creative company with a high-tech gut. Their philosophy is to never lose sight of the fact they are developing technology for users, not users for technology. The solutions VisionOne offers derive value to the extent they simplify lives and overcome business challenges.

Mr. Speaker, it is my pleasure to honor VisionOne for its commitment to the financial prosperity of Fresno and the Central Valley. I urge my colleagues to join me in wishing VisionOne many more years of continued success.

TRIBUTE TO MR. GEORGE B. SALTER

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1999

Mr. RUSH. Mr. Speaker, I rise today to pay tribute to one of Chicago's unsung heroes, the late George B. Salter. His untimely death on October 24, 1999, will truly leave a deep void in our community.

Mr. George B. Salter was born in Hickory, MS on October 13, 1916 to the union of Sallie Johnson Salter and Frank Salter. Mr. George B. Salter later married his high school sweetheart Louise Lucille Salter. To this union two daughters were born, Brenda Yvonne Salter and Henrietta Louise Salter.

A Navy veteran, Mr. George B. Salter committed a part of his life to protect the freedom of Americans and to further the fight for the freedom of others around the world. While in the Navy Mr. George B. Salter was a member of the prestigious Navy band playing the Trumpet while stationed in Earl, NJ.

Mr. George B. Salter was employed by the Chicago Burlington and Quincy Railroad (presently Burlington Northern Santa Fe Railroad) where he rose in the ranks and became the first African-American to be appointed to the position of crew supervisor. Mr. George B. Salter was a steadfast believer that with the proper amount of work anything was possible.

Mr. George B. Salter took an active part in his community. This was seen in his utmost commitment to his vocation as God's faithful servant. As a senior usher in charge of the balcony at Liberty Baptist Church, George B. Salter enjoyed helping Liberty's official greeters bring their children to the steps. Mr. Salter brought hope and optimism to ordinary folks whose lives he touched so deeply never holding anyone at arm's length.

Mr. George B. Salter was a relentless community builder, a loving father, and a doting grandfather, completely unselfish in all of his endeavors. Mr. Salter leaves behind this devoted wife of 58 years Louise, his daughter Brenda Salter Jones married to James Jones Jr., Henrietta Salter Leak married to Spencer Leak Sr., and four beautiful grandsons James Jones, Spencer Leak Jr., Stephen L. Leak and Stacey R. Leak. The man they called ''Papa'' will surely be missed.

My fellow colleagues please join me in honoring the memory of Mr. George B. Salter, a true beacon of the Chicago community.

CONDEMNING THE ASSASSINATION OF ARMENIAN LEADERS IN ATTACK ON PARLIAMENT

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1999

Mr. WAXMAN. Mr. Speaker, it is with great sadness and shock that I rise to mourn the loss of Armenian Prime Minister Vazgen Sargsian, Speaker of the Parliament Karen Demirchian, and the Members of Parliament who were killed in the legislature on Wednesday, October 27, 1999. Their exemplary leadership contributed immensely to the bold political and economic reforms that are transforming Armenia into a vibrant democracy. Their dedication helped Armenia evolve toward transparency, peace and stability. It is painful that the attack takes place at such a hopeful time in the Nagorno-Karabakh peace talks, and only one month after the Prime Minister's successful trip to the United States.

As a member of the Congressional Caucus on Armenia, I condemn these acts of terror. It would be an injustice to the memory of these courageous leaders to let an assassin's bullets disrupt their important work. I join the President, the Vice President and my colleagues in extending my deepest condolences to the families of the victims, President Kocharian, the Armenian people, and their friends in America. Our thoughts and prayers are with them doing this difficult time in their history.

URGING AN END OF THE WAR BETWEEN ERITREA AND ETHIOPIA

SPEECH OF

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 26, 1999

Mr. GILMAN. Mr. Speaker, Ethiopia and Eritrea have been at war since May 1998. Despite repeated and ongoing efforts of the Organization of African Unity, the United Nations, the United States, and other countries, the prospects for peace remain dubious.

Although a border dispute is cited as the proximate cause of the conflict, I have come to learn that tensions between these countries were building for some time, and some grievances between them precede their existence as national governments.

Both countries are governed by ex-liberation movement parties with a Marxist ideological background. The populations of both countries are highly mobilized, with more than half a million men and women currently under arms, in trenches and bunkers, across a 1000-mile border. Each country has waged a scathing propaganda campaign against the other. Many of the Members of this Congress have been subjected to that propaganda for the past 17 months.

President Clinton once held up the leaders of Eritrea and Ethiopia as shining examples of Africa's ''New Generation of Leaders.'' He correctly pointed to their governments' lack of corruption and their genuine desire to advance the development of the rural poor. Regrettably, these ''new'' leaders appear to have a few stubborn flaws of their own.

Ethiopia, for example, has been stalling the OAU mediators and Special Envoy Tony Lake to avoid moving forward on the same peace agreement that they once vigorously embraced. They have become paranoid about the power and intentions of their neighbor to the north. It now appears likely that Ethiopia is going to renew the military conflict even if it means international condemnation and a new generation of Ethiopian widows. Their sovereignty, they claim, must not be compromised.

Eritrea's government also deserves scrutiny. It continues to act at times as if it were still a leadership cell within a liberation movement. The press in Eritrea is tightly controlled, local NGO's who gain too much foreign support come under suspicion and are frequently shut down by the government, and the sole political party raises revenues through national and international front companies. Eritrea's leadership has cut deals with Libyan leader Muammar Qaddafi and made highly personal attacks on senior United States officials. When asked why they agreed to the peace agreement only after Ethiopia militarily pushed them back well into Eritrea from one area they'd occupied, they say that it was a matter of ''national sovereignty.''

This resolution is, in my opinion, an extremely mild expression of the deep frustration and disappointment that many of us feel. We are dismayed that two countries with extraordinary human capital, a firm commitment to nation-building, and a rich international base of support have chosen to reenact World War I's Battle of the Somme with modern weaponry.

What a terrible waste.

I support this measure and urge my colleagues to do likewise.

TRIBUTE TO MRS. JOHN SPARKMAN OF HUNTSVILLE, ALABAMA

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1999

Mr. CRAMER. Mr. Speaker, I rise today to pay tribute to a long-standing citizen of my district, Mrs. Ivo Sparkman, widow of U.S. Senator John Sparkman. Mrs. Sparkman passed away last week, 2 weeks after celebrating her 100th birthday.

During their 62 year marriage, Senator and Mrs. Sparkman made their way from Albertville, Alabama all the way to Washington, D.C. and then settled in downtown Huntsville.

In later years, Mrs. Sparkman discovered a real artistic talent, painting, and she produced several colorful paintings for family and friends. She also possessed a true love for nature enjoying gardening and bird-watching.

As the wife of a longtime U.S. Senator, Mrs. Sparkman exhibited a keen interest in politics and hosted many dignitaries at her home through the years. The Sparkman's time in Washington proved very beneficial to my district as Huntsville's space program began to thrive under their leadership.

Alabama and the nation displayed their affection for Mrs. Sparkman at her October 6th birthday party. Former U.S. Senator Howell Heflin attended the party, held on ''Ivo Sparkman Day'' as proclaimed by Mayor Loretta Spencer and Governor Don Siegelman. Letters poured in from all over including special notes from Lady Bird Johnson and Annie and John Glenn.

I believe this is a fitting tribute for one who has dedicated many years to serving the nation and Alabama. I send my condolences to the Sparkman family. On behalf of the people of Alabama's 5th Congressional District, I join them in celebrating the extraordinary life and honoring the memory of a wonderful lady, Mrs. Ivo Sparkman.

OPPOSITION TO THE CONFERENCE REPORT ON FISCAL YEAR 2000 COMMERCE-JUSTICE-STATE APPROPRIATIONS, H.R. 2670

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1999

Ms. PELOSI. Mr. Speaker, my statement in opposition to the Commerce, State, Justice Appropriations Conference Report on the Fiscal Year 2000 Commerce-Justice-State appropriations bill was inadvertently left out of the RECORD. The following is the statement I had prepared.

I have the greatest respect for the Chairman and Ranking Members of this Subcommittee and am, therefore, disappointed in the need to oppose the Conference Report, however it is deficient in several critical ways, particularly in not paying our UN debt, in not including the Hate Crimes Prevention Act, and in under funding the Community Oriented Policing Service (COPS) program.

First, this Conference Report does not provide the needed funds to address one of our greatest and most immediate current foreign policy needs. The Conference Report does not provide the funding to pay our United Nations dues.

Great nations pay their bills. It is a travesty and a very poor reflection on this institution that the United States has fallen more than $1 billion behind in our payments to the U.N.

Today, we could and should be solving this problem. However, the Republican leadership has chosen, instead, to allow this important international obligation to be held hostage to the domestic politics of the far-right by continuing the connection between U.N. dues and the unrelated issue of restrictions on international family planning.

There are many consequences to the U.S. not paying its UN bills. Most immediately, if we do not pay a significant portion of our arrears this year, we will automatically lose our vote in the General Assembly. I cannot believe that this Congress could even consider allowing such a step to occur—but, unfortunately, it has done so repeatedly in the past few years and there is a real possibility that it will again this year. In light of the majority's recent rejection of the Comprehensive Test Ban Treaty in the Senate, not paying our UN dues marches this Congress further down the path of neo-isolationism.

We used to be told by our colleagues who oppose the UN that their objections to UN funding were based on concerns about inefficiencies and bureaucracy at the UN. Those issues have been and continue to be addressed. The UN is reforming. We use our leverage to continue those reforms when we continue as a deadbeat in our dues.

Now, of course, our U.N. dues have not been paid because they are being held hostage to a totally unrelated matter—the Mexico City gag rule and the politics of the religious right on the other side of the aisle. It is long past time for this to stop and for the United States to live up to its international obligations.

The people of San Francisco, who I am honored to represent here in Congress, understand the importance of the United Nations. Our great City is the birthplace of the UN—the UN's Founding Charter was signed in San Francisco over 50 years ago. San Francisco's interest in the UN goes well beyond our historical connections to the institution. San Franciscans take seriously the principles and the ideals behind the UN, including the belief that a multinational institution can play a valuable role in conflict resolution and the promotion of peace.

I believe that the U.S. has a national interest in a reformed United Nations that functions effectively and efficiently. We must provide it with the needed resources.

The second major problem with this Conference Report is the removal by the Conference Committee of the Hate Crimes Prevention Act.

One year ago, many of us spoke on this floor about the tragic and brutal murder of Matthew Shepard, a gay college student. Matthew was courageously willing to be open about who he was. He suffered because of who he was. This is simply wrong.

Unfortunately, Matthew is not alone. According to the National Coalition of Anti-Violence programs, in 1998, 33 Americans were murdered because they were gay or lesbian. In the United States last year, there were at least 2,552 reports of anti-gay or lesbian incidents. The number of serious assaults in which victims sustained major injuries grew by 12%.

Hate crimes take many forms and affect many different kinds of victims. We all remember the horrible murder last year of James Byrd, Jr., an African-American man in Texas. We all remember earlier this year, when a gunmen opened fire at a Jewish Community Center and then singled out an Asian American and shot him. How many more deaths, how many assaults on the personal integrity of people, need to happen before this Congress will see the need for hate crimes legislation?

The Hate Crimes Prevention Act would provide law enforcement officials with needed tools to fight these crimes, and would serve as a lasting tribute to the lives of Matthew Shepard, James Byrd, Jr., and the others who have been victimized by hate crimes. The Hate Crimes Prevention Act would not end all violence against people because they are gay, or African-American, or Jewish, or come from another country. Nonetheless, this legislation would allow the federal government to investigate and punish crimes motivated by hate. If this law prevents one hate-driven death, it will be justified.

The murder of Matthew Shepard is the manifestation of the enduring bigotry that still prevails in our society. The Hate Crimes Prevention Act should be included in the Commerce, Justice, State Appropriations bill.

I also believe that this Conference Report is deficient because it provides only $325 million for the Community Oriented Policing Service (COPS) program. This funding level is a cut of $1.1 billion below last year's funding and $950 million below the President's request. This cut is wrong. The COPS program has been successful in adding officers to local law enforcement agencies and has had a real impact on preventing crime and promoting neighborhood and community safety.

Because the CJS Conference Report does not pay our UN debt, because it does not contain the Hate Crimes Prevention Act, because it inadequately funds the COPS programs, and for other short-comings in important programs, I urge my colleagues to oppose the Conference agreement.

TRIBUTE TO REVEREND EDWARD R. SHERRIFF

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1999

Mr. MATSUI. Mr. Speaker, I rise in tribute to Reverend Edward R. Sherriff. On October 20, 1999, Reverend Sherriff was stabbed to death in his home in Sacramento. A memorial service will be held on November 7 at River City Metropolitan Community Church's Cathedral of Promise in Sacramento. As the community mourns his loss, I ask all my colleagues to join with me in saluting the career and efforts of this exceptional person.

Reverend Sherriff was born in Serdro-Wooley, Washington and raised in Northern California on the Hupa Reservation. He began preaching locally at age seventeen. This childhood interest grew into a career. He was the pastor of several congregations and coordinated churches in the Northwest U.S. and in Canada. In 1965, he was dismissed as a result of his sexual orientation, and he did not enter another church for 19 years.

His life in ruin, Reverend Sherriff borrowed money to buy a restaurant. This venture eventually expanded to five extremely successful eateries. During this time, he also financed a homosexual hotline in Spokane, Washington, taught nursing for the state of Washington, and volunteered his time to help the needy and hungry.

In 1983, Reverend Sherriff attended a service at Emmanuel Metropolitan Community Church in Spokane, Washington. Because of this open and caring environment, he was convinced to rejoin the ministry.

Reverend Sherriff briefly served as a pastor of the MCC church in Boise, Idaho, and he served as District Coordinator of the Northwest District, Universal Fellowship of Metropolitan Community Churches from 1987–1992. From 1990 to 1992, Reverend Sherriff served as Executive Director of the Hope House, a low-rent residence facility operated by Loaves and Fishes.

Edward Sherriff began his tenure as Associate Pastor of River City Metropolitan Community Church in Sacramento in 1987. His office was located in the church building in Oak Park, a multicultural community in a depressed area of Sacramento. He made a practice of inviting cold and hungry people off the street to come in for a cup of hot coffee. As the news spread, more and more people began to flock to the Reverend's door.

Due to his nursing background and interest in feeding the needy, nutritional concerns were of utmost importance in formulating his outreach to the community. In 1990, he began cooking a pot of soup for the 10 or 20 hungry people who had nowhere else to go for a warm meal.

In the early 1990's Reverend Sherriff and MCC began the Samaritan Center to provide held for the needy regardless of religious affiliation, race, creed, sex, or sexual orientation. The Samaritan Center used volunteers and the church's kitchen to prepare the meals and used the church's social hall to serve the meals. The number of hungry people continued to grow, and in 1992, Reverend Sherriff resigned his District Coordinator position and dedicated his time to the Samaritan Center.

In 1994, MCC's Activities Building, which housed the Samaritan Center, burned to the ground. At the time, the Samaritan Center was providing about 400 hot meals per day. As a result, the center was promptly moved to a new location and continued the services to the community. In September of 1999, the Samaritan's Food Bank program, together with Reverend Sherriff's coffee shop, had helped feed over 4,200 people.

Mr. Speaker, as the community of Sacramento gathers to mourn the loss of one of its finest citizens, I am honored to pay tribute to Reverend Edward R. Sherriff. His tireless service to the community and people of Sacramento will be dearly missed. I ask all of my colleagues to join me in mourning his loss and celebrating his achievements.

HONORING WWI VETERAN, JOHN STRONG

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1999

Mr. RADANOVICH. Mr. Speaker, I rise today to honor World War I veteran, John Strong, Mess Attendant 3rd Class, U.S. Navy. The Government of France has approved Mr. Strong for the award of The National Order of the Legion of Honor.

The National Order of the Legion of Honor is the highest honor France bestows on its citizens and foreign nationals. It is presented in gratitude for the American valor in France during World War I and in recognition of the 80th anniversary of the signing of the Armistance on November 11, 1918.

John Strong is 101 years old, and a long time resident of Fresno and the San Joaquin Valley. He served as a Mess Attendant 3rd Class with the U.S. Navy in World War I. He left for Brest, France on the U.S.S. *Passtora* and served aboard a submarine in France. John Strong vividly remembers surviving a torpedo missile attack by the Germans. The torpedo landed three or four feet away from the submarine that he was on and many sailors were killed as a result of the attack. Mess Attendant 3rd Class Strong was one of the few fortunate sailors to survive and he has never forgotten this incident. He was honorably discharged from the U.S. Navy on September 25,1919.

John Strong has since been a minister of the Gospel of the Jesus Christ Church. He entered into the ministry in 1929 and over the years has pastored in five churches. He was an active minister until 1998.

Mr. Speaker, I want to honor the Reverend Strong for his dedication to the U.S. Navy. I urge my colleagues to join me in wishing John Strong many more years of continued success in life.

TRIBUTE TO WINSOME McLEAN-DAVIS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1999

Mr. TOWNS. Mr. Speaker, I want to bring to my colleagues' attention the achievements of Ms. Winsome McLean-Davis.

Ms. McLean-Davis is currently the administrator for the Bishop Henry B. Hucles Episcopal Nursing Home which is a 240-bed skilled nursing facility in the Bedford-Stuyvesant section of Brooklyn. Through her leadership and pioneering spirit, the facility opened an adult day care program in April of this year. The Episcopal Nursing Home has also received a deficiency-free assessment from the Department of Health.

Winsome's contributions to our community go beyond her accomplishments in the successful operation of this nursing facility. As Vice President of her local block association, Winsome has focused on improving her community. In an attempt to develop community support groups, Winsome organized a summer program for children and youth. Currently, Winsome also serves as the Vice President of the Black Long Term Care Administrators' Association (BLTCA).

Our community has greatly benefited from Winsome's strong moral commitments. She credits her father, Curlin Thomas McLean, a trade union leader in Jamaica with instilling in her the principle that ''investing in another's life is the real sign of true service.'' Her mother, Ruby, by example, continues to enforce these values. Winsome completed her undergraduate and graduate studies at the University of the West Indies and Howard University. She completed post-graduate studies in gerontology at the Brookdale Center on Aging of the City University of New York.

Winsome is married to Kenneth Davis and they have a five-year-old son, Andrew. Ms. McLean-Davis is truly an inspiration to her fellow administrators and a pillar in her community. I commend her to my colleagues as an outstanding example of a community leader.

TRIBUTE TO CLAUDE C. STEWART, JR.

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1999

Mr. CLYBURN. Mr. Speaker, I rise to pay tribute to Claude C. Stewart, Jr. Although he is no longer with us, his life stands as a testament to the value of hard work and a strong commitment to family. However, ''June,'' as he is fondly known, liked to believe that he led an ordinary life.

He was born on September 7, 1923 in Union County, South Carolina. He was the 18th child of Claude C. Stewart, Sr. and Janie Means Stewart. Other than a 22 month stint serving in the U.S. Army during World War II, June spent most of his childhood and adult life in Columbia.

For more than 40 years, he worked for Johnson's Funeral Home and Palmer Memorial Chapel. However, ''June'' is best remembered for his service to the Columbia, South Carolina, Fire Department. In 1953, he was selected one of the first eight African Americans to work at the department. Hard work and dedication enabled June to rise through the ranks and become the first black Engineer, Captain, Battalion Chief and Assistant Chief. In June 1989, he retired as Assistant Chief after 36 years of service.

Outside work, ''June'' was a dedicated member of Second Calvary Baptist Church were he served on the Deacon Board. He was also a member of Masonic Lodge #47 and the Veterans of Foreign Wars.

Until his death, June was married to Bertha Williams Stewart for 46 years. They had two children. Their son, Claude David, predeceased his father. Their daughter, Claudette, married Leonard Hampton and has one son, Terrance Claude Hampton, whom ''June'' affectionately called his ''Man.''

Mr. Speaker, I ask you to join with me and my fellow South Carolinians from the Columbia area as we pay tribute to Claude C. Stewart, Jr. ''June'' showed us how to turn the glory in an ordinary life into the extraordinary. He will be sorely missed.

TRIBUTE TO ANN MELLON

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1999

Mr. McGOVERN. Mr. Speaker, today I rise to honor the life of a great American, Ann Mellon, from my hometown, Worcester, Massachusetts. Ann was an amazing woman. She

was known throughout the community as mother to all those in need, loving all children no matter whose they were.

Working with Catholic Charities she served as a foster mother to over 116 children whom she loved with all her heart and being. It is my opinion that the whole world is a better place because of her work.

A loving wife and mother, Ann was a nurse and caregiver to all those who needed care. She gave enduringly of herself, always with compassion and most of all love. She was a happy person, always laughing with the children she loved so dearly. Her door was always opened to the hungry. She was always able to provide them with a meal, a laugh, and a good dose of the best medicine of all, the medicine of the heart. Mr. Speaker, today I join her family and friends, as well as the entire Worcester community, in mourning her passing.

CONSUMER ACCESS TO A RESPONSIBLE ACCOUNTING OF TRADE ACT

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1999

Mr. HALL of Ohio. Mr. Speaker, I rise today to introduce the Consumer Access to a Responsible Accounting of Trade Act of 2000.

This bill aims to give Americans the same information about diamonds that they have about other products they buy. I believe it is information that may be of increasing interest to them, as attention focuses on some regions' reliance on diamonds to fuel wars there. This link between dirty diamonds and war is at the root of much evil in Africa today.

Mr. Speaker, I want to make it clear that war—and not diamonds—is the root of these evils. Botswana went from the poorest country in the world to become one of Africa's greatest success stories—a success built on the careful investment of diamond revenues in the nation's people. In Namibia and South Africa, too, diamonds have been the fuel for tremendous progress.

Sadly, and especially so for those of us who have hoped and worked for a brighter future for all Africans, fighting is again overshadowing prospects for progress in several other African nations. In two—Liberia and Sierra Leone—peace agreements have stopped most of the fighting; in the Democratic Republic of Congo, a fragile cease-fire is holding so far; and in Angola, war threatens to drag on for some time. In all four countries, revenues from diamond mining have fueled these wars and made their continuation possible.

Sierra Leone is a dramatic example: Rebels there went from a rag-tag bunch of 400 soldiers, to a formidable force numbering more than 20,000. The revenues from the diamond mines they seized ensured they never wanted for the best in weapons or gear, and they enabled these butchers to cut off the hands and arms of civilians in punishment for casting ballots. In all, $200 million a year in diamond exports funded the bloodshed that killed 50,000 people in Sierra Leone this decade.

Angola's seemingly endless war is another example. Rebels again are waging the war that has cost a million people their lives, has driven more than a million from their homes in the past year, and now threatens two million with famine. Their weapons, including land mines that make Angola the deadliest place in the world, are purchased with diamond revenues totaling nearly $4 billion this decade.

Through their greed and craven brutality, rebels and dealers in dirty diamonds risk tarnishing the appeal of diamonds to consumers, and their promise to impoverished African nations. I believe the CARAT Act will help protect these democracies from the shame that these outlaws are bringing to the diamond trade.

The information my bill provides to consumers can be given without hesitation by those trading in diamonds mined in Botswana, South Africa, Namibia, Canada, Australia, and Russia. It will reassure Americans that the symbols of love and commitment they cherish were never darkened by the shadows of machetes or land mines, and that their investment was not used to buy guns or bombs.

Mr. Speaker, I commend the efforts of Global Witness, a coalition of human rights organizations working to draw worldwide attention to the link between the illicit trade in diamonds and wars in Africa. The ''Fatal Transactions'' campaign they have launched is a responsible effort, one that aims to shield those engaged in legitimate trade from public outrage. That is very important, because activists will play a crucial role in shaping public opinion about the diamond trade. If diamonds go the way of fur—if they become a pariah product in the eyes of many consumers—democracy in Southern Africa could be shaken, and regional stability put at risk. I am heartened that Global Witness' member organizations are exercising greater caution to ensure this does not happen. I hope that, by giving consumers information they can use to understand this issue, my bill will provide another safeguard.

I also hope this legislation will support work on this issue by policymakers, and I commend to our colleagues' attention the efforts of our State Department, of Secretary Albright, of Britain's Robin Cook, of Canada's Robert Fowler, and of the many experts in government, non-government, and business organizations working to sever the link between war and gems.

The supply-side approach they are taking offers the promise of a global solution, and I hope they succeed. In the meantime, however, the United States can play a bigger role in this noble effort. In fact, the way to have the most constructive impact might be by exercising our purchasing power wisely.

Mr. Speaker, Americans buy 65 percent of the gem-quality diamonds sold worldwide, making us a force the market must reckon with. Insisting that our consumers are informed of the original source of diamonds sold to them will send a wake-up call to the diamond industry. It will encourage countries and businesses in Africa to use their influence to end the wars that wreak so much havoc on that continent before those wars give diamonds a bad name. And it will help protect the democratic nations that are using their diamond revenues for the good of their people.

Mr. Speaker, in the past decade our Nation has spent nearly $2 billion in humanitarian aid to people who live in the nations where ''conflict diamonds'' are fueling wars. Over the same period, at least three times that much was siphoned away from those same nations' diamond mines; too much of it was spent on weapons that cost millions of Africans their lives and limbs, and reversed years of economic progress their countries had made.

Where would these nations be without those wars? The contrast between Botswana, which invested its diamonds in its people, and Sierra Leone, which invested them in war, is striking.

Africans in Botswana live to age 52, on average; in Sierra Leone, they die at age 35.

In Botswana, 7 in 10 people can read; in Sierra Leone, 7 in 10 cannot.

In Botswana, annual per capita income is nearly $6,000; in Sierra Leone, it is just over $600.

Mr. Speaker, as Members of Congress we have a civic responsibility to invest our taxpayers' money wisely. We also have a moral duty to help those who Scriptures call ''the least of these.'' Neither allows us to ignore the root cause of the terrible suffering that this legislation seeks to address. We should not rush into enacting any ill-advised sanctions; but neither should we continue to look away from a problem we could do so much to eliminate.

In this decade, we have had no opportunity to get to the root of this evil like the one we have today. The hideous war in Sierra Leone has ended; Liberia is rebuilding its economy and society; and United Nations sanctions block the sale of diamonds by UNITA rebels in Angola. Only in the Democratic Republic of Congo do illicit sales of diamonds threaten peace. Now is the time to take preventive action to sever one of the key lifelines of war in Africa.

In preparing this bill, I have learned that diamonds are judged by what experts call ''the four C's''—cut, color, clarity, and carat weight. I believe the day is coming when diamonds also are judged by a fifth C—their country of origin. the CARAT Act will ensure consumers know all five C's, and help them—if they choose to do so—use their purchasing power to support those who are using diamond revenues to wage war against their people.

My bill is a simple one, Mr. Speaker. It simply requires gem-quality diamonds imported into the U.S. market to be accompanied by a certificate listing where they were mined. But it will also remind those who depend on our business that Americans are powerful and responsible consumers. It will protect the democratic nations in Africa that depend on diamond revenues. And it enables American consumers to choose not to support the oppressors of African people who have paid too dearly, and for too long, the price of war.

TRIBUTE TO THE TORRANCE UNIFIED SCHOOL DISTRICT

HON. STEVEN T. KUYKENDALL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1999

Mr. KUYKENDALL. Mr. Speaker, I rise today to recognize the Torrance Unified School District. This school district has taken the initiative in addressing youth violence by implementing a systemwide program for conflict resolution.

Highlighting themes of compassion, respect, and character, this program works with the

students and adults to help them to better understand and manage the conflicts they encounter in their own lives, as well as the challenges that they encounter in society. It also works to eliminate prejudices and further the practices of the nonviolent resolution of conflict.

It is programs like this one that are proactive in preventing the violence at our schools that we have become all too familiar with. It is clear that something must be done to prevent our youth from resorting to violence. Torrance Unified is committed to its students and creating a safer, more peaceful learning environment, as well as a safer community as a whole.

Torrance Unified was recently recognized by the Los Angeles Board of Supervisors, and it has also been featured at the World Congress on Violence and Human Coexistence in Ireland. This school district will continue to be a model for addressing the tough issues of conflict and youth violence. We need more programs like this one.

I commend the Torrance Unified School District's commitment to conflict resolution and their efforts in creating a safer community for the people of the South Bay. I wish them continued success with this significant program.

CONGRATULATIONS TO JAMES ECKMANN

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1999

Mr. CUNNINGHAM. Mr. Speaker, I rise today to congratulate my constituent, Mr. James Eckmann. Mr. Eckmann just returned from a volunteer mission with the International Executive Service Corps in El Salvador. During his time Mr. Eckmann provided managerial and technical assistance to improve the lives of the people there.

Specifically, Mr. Eckmann volunteered with Dr. Francisco Jose Barrienjos and provided advice and assistance to Dr. Barrienjos' small law firm on various aspects of working with American law firms and representing American companies. Mr. Eckmann also gave suggestions on client communications, marketing, employee relations, accounting and administrative procedures.

Mr. Eckmann conducted this activity under the auspices of the International Executive Service Corps (IESC), an international management and business development organization. IESC has provided assistance to more than 21,000 projects during the last thirty-four years to business, government and nonprofit groups around the world.

James Eckmann deserves our congratulations for a job well done. I know that he is proud of his accomplishments, and I am proud to have him as my constituent.

ANTHONY SAPP—NFL TEACHER OF THE MONTH

HON. CHARLES H. TAYLOR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1999

Mr. TAYLOR of North Carolina. Mr. Speaker, Anthony Wayne Sapp, a mathematics teacher at Charles D. Owen High School in Black Mountain, North Carolina was named the NFL Teacher of the Month for the Month of September. The National Football League will grant a cash award of $2,500 to Mr. Sapp and $5,000 to Owen High School as part of this program.

Mr. Sapp has taught at Owen High School for 22 years, specializing in mathematics. In addition to his regular load of classes, Mr. Sapp also is the coach of the high school math team, which consistently represents the school well at competition and has produced many exemplary performances by its members. It was one of Mr. Sapp's former students, and an exemplary performer himself, who nominated Mr. Sapp for this honor: Quarterback Brad Johnson of the Washington Redskins.

Brad Johnson, a native of Western North Carolina, has been very active in community service with organizations such as Children's Miracle Network and the United Way of America. Of course, many would more likely know the work he has done to propel the Redskins back into the ranks of the elite in the National Football League. I am very proud of these two native sons of Western North Carolina who have proven time and again to be among the elite in their respective fields. And once again, I commend Anthony Wayne Sapp for his achievements.

CONFERENCE REPORT ON H.R. 2064, DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2000

SPEECH OF

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 28, 1999

Mrs. MINK of Hawaii. Mr. Speaker, today we are considering the conference report on the so-called Labor-HHS FY2000 appropriation measure, even though this measure has not even been voted on by the House. Instead, this Republican leadership decided to pre-conference the Senate measure and attach it to the conference report of the DC Appropriations legislation.

This Labor-HHS appropriations measure is one of the largest and most important measures we take up in each year. It is a massive piece of legislation. The committee report itself numbers hundreds of pages. It covers some of the most important programs that this Government funds—our public education system, the National Institutes of Health, the Food and Drug Administration, and the Occupational Safety and Health Administration. Yet, the Republican leaders decided this measure is too contentious for proper floor debate. So, they opted to pre-conference this measure with the Senate passed bill.

This process is deplorable. It flies in the face of the Constitution. Article I, Section 7 states that "all bills for raising revenue shall originate in the House of Representatives."

Mr. Speaker, the Constitution is not a rough draft. We cannot decide to ignore it because the bill will be too controversial for the floor and we are running out of precious time.

The bill must originate in the House of Representatives. We must be given the opportunity to debate and amend this measure. Only then can the Senate offer its amendments to this legislation.

All too often in recent years, we have faced similar situations where Congress has failed to enact its 13 separate annual appropriation bills in a timely manner. However, this does not mean we can fly in the face of the Constitution.

Today, we voted on a continuing resolution to keep the government running. Although adopting these bills through a series of continuing resolutions is very costly to the taxpayers, it provides us with time to debate and amend these measures properly and constitutionally.

We have now had three continuing resolutions in relation to the fiscal year 2000 appropriation bills. Three continuing resolutions! Yet, the Republican leaders have prevented this measure from being taken up by this House.

The Republican leadership has provided us with no opportunity to amend this measure. We are being denied the opportunity to offer an amendment on behalf of our constituencies.

I don't fault the Appropriations Committee. They have worked hard and reported the appropriations bills. We could long ago have acted upon these bills. The Appropriations Committee didn't hold up the bills. The Republican leadership held up this bill because they knew the cuts reported out of the House Appropriations Committee would not help their public image. So, they decided to bypass the House of Representatives!

Only now, are we getting to debate this measure. But what exactly are we debating? This conference report was only filed last night. We have not had an opportunity to review it and see what is really in this report.

What I know is bad enough. It includes an across-the-board cut of 0.97%, and it undermines the Administration's class-size reduction initiative by giving districts the option to use the money on any other use that improves academic achievement. I can only imagine what has been sneaked in behind closed doors.

But the worst part about this charade is the way that we have flaunted the Constitution.

"THE IMPORTANCE OF CBI LEGISLATION"

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1999

Mr. RANGEL. Mr. Speaker, as we approach consideration by the U.S. Senate of legislation to build a stronger trading and commercial relationship between the United States and the nations of the Caribbean Basin and Africa, it is good to be reminded by the leadership of the affected nations how critical this legislation is to their economic growth and development, while simultaneously aiding the United States by strengthening our export markets and creating new jobs.

The new President of El Salvador, Francisco Flores, wrote a persuasive opinion editorial which was published in the Journal of Commerce on Tuesday, October 19, 1999. He rightfully concludes, after analyzing the beneficial impact of the Caribbean Basin Initiative upon the Caribbean Basin since its enactment

16 years ago, that the trade and commercial relationship between the region and the United States is critical, even essential, to economic development and growth in the nations of the region and is a prerequisite to political and social stability in the region. President Flores says ''The enactment of CBI is the single most important thing that the United States can do to assist in the long-term development of Central America and the Caribbean region.''

I am pleased to submit President Flores' editorial for the RECORD.

THE CASE FOR CARIBBEAN TRADE ENHANCEMENT

(by Francisco Flores)

As early as this week, it is anticipated that the Senate will vote on passage of trade enhancement for the Caribbean Basin. This legislation has been pending before the U.S. Congress for five years.

Last month, the presidents of Central American countries, along with the president of the Dominican Republic and the prime minister of Trinidad and Tobago, visited Washington to advocate the passage of Caribbean Basin Initiative enhancement legislation.

We decided to visit Washington to meet with the U.S. government because enhanced trade with the United States has become critical to the region's ability to promote economic growth and maintain social and political stability.

As a region, we are urging Congress to approve legislation that enhances trade benefits to the CBI nations, so that regional exports that are currently excluded under CBI are able to enjoy quota-free and duty-free access to the U.S. market.

In simple terms, we are requesting that the trade playing field be leveled so that we can help ourselves. We regard CBI enhancement legislation as a stepping stone to the negotiation of a free-trade agreement between Central America and the United States.

Enhanced trade will create an expansion of economic opportunities that are urgently needed to preserve our region's stability by creating employment and encouraging international and domestic investment.

Conversely, a lack of trade benefits will postpone the prosperity of our region, and our democratic institutions could be threatened if governments fail to meet the expectations of the people.

An expansion of economic opportunities between the United States and Central America would provide an incentive to prevent Central Americans from emigrating outside the region to seek better jobs and living conditions. Hence, free trade will also constitute the best prevention policy against uncontrolled migration from the region that the United States can implement.

Enhanced trade between the United States and the region will also strengthen the positive trend that we have seen in trade between our two areas during the past decade.

U.S. exports to the CBI countries—among which exports to Central America are predominent—have more than doubled since 1989, going from $9 billion to $22.1 billion, creating almost 125,000 jobs in the United States.

CBI enhancement legislation will increase the region's purchasing power for all types of goods and services produced in the United States.

For each dollar exported to the rest of the world by the CBI countries, approximately 75 cents is imported in products from the United States. In marginal terms for each additional dollar in the CBI region's gross domestic product, 44 cents are imported from the United States.

Finally, enhanced trade opportunities for the region will bring a win-win situation for U.S. and Central American businesses.

Enhanced trade will benefit industries such as textiles and maquilas that have contributed to our economic dynamism. In addition, it will provide flexibility to U.S. industries, permitting them to remain competitive in an increasingly competitive marketplace.

In the area of textiles and apparel, extending CBI benefits to vertically integrated apparel production provides the region the best vehicle for attracting investment and creating jobs. We will not be able to compete with Asia and Mexico if we are relegated to a ''cut and sew'' operation.

In our view, therefore, meaningful CBI enhancement legislation should include:

Tariff treatment equivalent to the North American Free Trade Agreement to products currently excluded from CBI. In the case of sugar, CBI enhancement legislation should include provisions to monitor the effect of NAFTA on CBI countries' sugar access to the US preferential market, and if adverse, to take actions to ameliorate such effects.

Quota-free and duty-free treatment for originating textile and apparel products that comply with the ''yarn-forward'' rule of origin, including 807–A and 809 programs and those made with regional fabrics formed with regional yarns.

The enactment of CBI is the single most important thing the United States can do to assist on the long-term development of Central America and the Caribbean region.

It is our hope that the Senate will move swiftly to pass CBI enhancement legislation, and that the House and Senate conferees will work to provide the most comprehensive and meaningful trade package for the region.

RECOGNITION OF THE CROATIAN GOVERNMENT'S EFFORTS TO HOLD WAR CRIMINAL DINKO SAKIC ACCOUNTABLE FOR HIS CRIMES

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1999

Mr. LANTOS. Mr. Speaker, I would like to invite my colleagues to join me in commending the Croatian Government's vigorous prosecution of Dinko Sakic, the commander of the notorious Jasenovac concentration camp during World War II and one of the worst war criminals alive today. On October 4, Sakic was found guilty in a Zagreb court of crimes against humanity and sentenced to twenty years in prison—the maximum allowable penalty under Croatian law. I welcome and applaud this verdict.

Tens of thousands of Jews, Gypsies, Serbs, and anti-fascist Croats were murdered at Jasenovac, called the ''Auschwitz of the Balkans.'' Mass executions, random killings, torture, and starvation took place there and at other concentration camps run by the pro-Nazi Ustashe regime during World War II. According to evidence presented during his trial, Sakic not only supervised these atrocities, but also took part in many of them himself.

At the end of World War II Sakic fled to Argentina, where he lived for over half a century under his real name. When he was finally deported to stand trial in Croatia last year, Sakic responded to his critics by defending the genocidal policies of the Ustashe dictatorship. ''I am proud of all I did,'' he said. ''I regret that we hadn't done all that is imputed to us, for had we done that then, today Croatia wouldn't have had problems, there wouldn't have been people to write lies!''

In addressing his personal responsibility for the atrocities that occurred under his watch at Jasenovac, Sakic asserted the defense made famous by Goering, von Ribbentrop, and other Nazi leaders at Nuremberg: He was simply following orders. ''I wasn't making decisions,'' Sakic declared, despite overwhelming information to the contrary, ''but I obeyed the orders consciously because they were in accordance with my convictions of national interests and the efforts to preserve the biological survival of the Croatian people.'' During the trial, Sakic laughed at camp survivors who testified against him and claimed that he has ''no guilty conscience whatsoever.'' Based on the appalling account of his unspeakable crimes, he certainly should have a guilty conscience.

Mr. Speaker, the Croatian Government's timely and public efforts to hold Dinko Sakic accountable for his crimes merit the appreciation of all who care about international justice and human rights. It is imperative that Croatia's leaders continue to confront the country's World War II past as they have done so effectively with the prosecution of Dinko Sakic and that the Croatian government aggressively oppose World War II and Holocaust revisionism. It is my hope that other newly democratic nations in Central and Eastern Europe will follow the example of the Sakic trial, and that they will work to honor the memory of the millions who lost their lives during the Holocaust.

CELEBRATING THE SUCCESSES OF THE INDUSTRIAL AREAS FOUNDATION AND THE METROPOLITAN ORGANIZATION

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1999

Mr. GREEN of Texas. Mr. Speaker, I rise today to offer my congratulations to the Industrial Areas Foundation Southwest Network and especially to one of their member organizations from Houston, The Metropolitan Organization, for their twenty-five years of service to the disadvantaged and underprivileged communities in the Southwestern United States. During their November meeting in San Antonio, the Industrial Areas Foundation will begin planning a ''Domestic Policy Summit'' to be scheduled in the Spring of 2000. We wish them success and look forward to their continued involvement in the issues important to our cities.

For 25 years, grassroots organizations in communities across seven states have been working with the IAF Southwest Network to make a difference in the lives of hundreds of thousands of people. The list of accomplishments is a lengthy one, and touches on many aspects of everyday life. In my home state of Texas, IAF Southwest Network has been involved in convincing municipalities to raise the minimum wage to a living wage; in improving the conditions in the communities along the Texas-Mexican border, the so-called ''colonias,'' many of which were without power,

water or sewer services; fighting to bring health care coverage to the working poor; convincing the Texas Legislature to match federal dollars the Children's Health Insurance Program, ensuring that children in families up to 200% of the poverty line would have access to health care; securing millions of dollars in funding for after-school enrichment programs that keep children learning in safety instead of roaming the streets; providing job training for workers that lead to good jobs at good wages; and assisting eligible immigrants in acquiring English skills as well as assistance in preparing their application to become citizens.

The Metropolitan Organization in Houston has been at the forefront of these efforts. They have participated in voter registration drives that helped register record numbers of new voters. They have also worked tirelessly to obtain funds for street improvements, parks and recreational centers, and libraries in low-income neighborhoods. Moreover, they have provided aid for those seeking to become homeowners, encouraging people to put down roots and contribute to the revitalization of their communities.

Mr. Speaker, it is organizations like The Metropolitan Organization and the Industrial Areas Foundation Southwest Network that make our nation great. I commend them for their twenty-five years of hard work, and wish them success in their continuing effort to make democracy work for all citizens of our Nation.

RECOGNITION OF THE NEW LEADERS

HON. HAROLD E. FORD, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1999

Mr. FORD. Mr. Speaker, I rise today in recognition of an organization that is vitally important to our society as a whole. The New Leaders is an organization committed to empowering the African American community. Many challenges lie ahead in addressing the concerns of people of color. This organization brings young professionals together to tackle the social, economic, and political problems facing people of color. For five years, this organization used the collective resources of these young professionals to shape public policy.

Using fresh and innovative perspectives that we as policy makers desperately need, this organization has become a part of several youth education and training partnerships. The New Leaders has worked continually to increase African American leadership opportunities and to foster an environment of youth empowerment. As a member of their generation, I realize the importance of looking at our young people as assets and resources.

The New Leaders have made significant strides in this area by designing a leadership development program for middle school students, providing scholarship money to students, and sponsoring the highly successful and effective Take a Youth To Work Day.

Not only are The New Leaders ahead of the curve in advocating youth empowerment they also support a fair and accurate census. Historically, minorities have been under-counted and The New Leaders are committed to Census 2000 in order to ensure equal representation and ample funding to combat some of the growing concerns in the African American community.

Mr. Speaker, I ask you and our House colleagues to join me in recognizing the efforts and the achievements of The New Leaders. I also submit a position paper presented to The White House by The New Leaders for the RECORD.

THE NEW LEADERS

1999 POSITION PAPER ON YOUTH, LEADERSHIP AND THE CENSUS IN THE AFRICAN AMERICAN COMMUNITY

PRESENTED TO THE WHITE HOUSE, SEPTEMBER 18, 1999

The New Leaders (TNL) is a non-profit, non-partisan organization committed to empowering the African American community. For the last five years, TNL has been comprised primarily of Black professionals dedicated to addressing the social, economic and political issues facing people of color. We believe by leveraging our combined resources with a fresh, innovative perspective, our goal of shaping public policy will result in the organization attaining a value-added level of influence in this country.

Building upon the success the Clinton Administration has had in fostering mentoring, expanding investments in youth education and training, and creating the GEAR-UP initiative, TNL recognizes that several partnership opportunities lie ahead. Therefore, TNL recommends that the Administration put forth initiatives that further promote our young people to become actively involved in leadership and government. Additionally, these initiatives will help remedy the misrepresentation of Blacks that resulted from previous under-counts of minorities in past national census counts.

OBJECTIVE FOR INCREASING AFRICAN AMERICAN LEADERSHIP REPRESENTATION

TNL encourages the Clinton Administration to expand existing initiatives and/or create a new initiative design to invest in the development of governmental leadership within African American communities across this nation. To formulate a model that could be duplicated, TNL proposes the development of a demonstration project that creates a leadership institute to train and prepare African Americans to take an active role in government.

CURRENT CIRCUMSTANCES OF BLACKS IN THE POLITICAL PROCESS

Extreme apathy exists among a massive pool of untapped voters across this country. This apathy is prevalent in the Black community, especially among our youth. While reasons vary as to why eligible young voters are so far removed from the political process, we must find a way to reengage these individuals. Our failure to successfully address this issue will result in continued inadequate resources for undeserved minority communities.

TNL'S COMMITMENT TO YOUTH EMPOWERMENT

Over the past few years, TNL has touched the lives of thousands by addressing the social, political and economic state of the African American community. One of TNL's primary interests has been and continues to be our youth—equipping and instructing them to assume responsibility for their own lives and the future of their communities.

TNL has made significant strides in this area by designing a leadership development program for middle school students, providing $88,000 in scholarship moneys through Texas Southern University (TSU), and most importantly, sponsoring our annual Take a Youth to Work Day. Every year this milestone event pairs African American males between the ages of 13 and 18 with professional Black men for a day of mentoring. By partnering with the current administration, TNL seeks to expand our outreach efforts. We will achieve this through continued advancements in technology, creation of charter organizations, and drawing upon the expertise of African American leaders both past and present.

THE HISTORICAL UNDER-COUNT IN THE PAST CENSUS & THE IMPACT ON AFRICAN AMERICANS

Since the inception of the census count, Blacks have been consistently under-counted. As a result, the Black community has been grossly misrepresented and ample funding has not been secured. One area of vital importance is health care. In this area, a new generation of African Americans continue to lead in the disparity of diseases such as: infant mortality, diabetes, cancer screening and management, heart disease, AIDS and immunizations (diseases identified by the Administration's initiative to end racial and ethnic health disparities). As we move towards a new millennium, an under-count in Census 2000 will have an enormous impact on the reapportionment efforts in this country. These efforts in turn could jeopardize minority political representation on the local, state and federal levels.

REMEDYING PAST UNDER-REPRESENTATION OF AFRICAN AMERICANS

It is the contention of TNL that one glaring example of the apathy and distrust of government deals with the under-count of Blacks in the census. While it is understood that federal moneys have been set aside to actively outreach underserved communities, TNL believes that additional steps are needed to address this long standing problem.

TNL recommends that the White House introduce an initiative similar to the one introduced by the Kennedy Administration that encouraged Americans to join the Peace Corps. This initiative would focus on training and empowering young people to become active in government. TNL believes that such an initiative will not only address the issues of inadequate reapportionment, but also concerns regarding reparations as well as the equitable treatment of Black Americans caught up in this nation's burgeoning criminal justice system.

CONCLUSION

In their purest form, true leaders empower the constituency they represent, they take control of adverse circumstances, and they assume the responsibility for a better way of life. The best way to instill this ideology is to train and equip individuals that have been consistently and systematically denied the liberties this country has afforded other citizens.

Therefore, TNL believes that the most effective way to tackle these issues begin with empowering every African-American to become motivated and actively engage in the principals of democracy. If we can accomplish this, we will balance the scales of justice, ensuring fairness and equitable treatment for all, irrespective of race, creed, or color.

A new era. A new America. The possibilities are endless.

FORMER SENATOR PAUL SIMON COMMENTS ON MEDICAL RESEARCH FUNDING

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1999

Ms. DELAURO. Mr. Speaker, I submit the following article for the RECORD.

[From Parade Magazine, Sept. 12, 1999]

''I HAD NO SYMPTOMS OF HEART ATTACK . . .''

(By Paul Simon)

As I look back on my 22 years in the House and Senate, I realize I would like to change a few of the votes I cast. Most people—and politicians probably more than most—hate to admit they are wrong. I was wrong though, and that was brought home to me recently in a most dramatic way.

It started when I happened to read a magazine article on a new device for measuring blockage of the heart arteries. The device takes a type of picture of the heart and coronary arteries (called a ''heart scan,'' something like an X-ray) that can pick up hidden problems. I had no symptoms of heart trouble, such as chest pain or shortness of breath, but the article noted that about 20 percent of those over 60 (I am 70) who have a heart attack or stroke have no advance warnings.

I set up an appointment for a heart scan at Rush-Presbyterian-St. Luke's Medical Center in Chicago on Nov. 10 last year. The scan took 10 minutes, but the results were startling: I was headed for a heart attack or stroke. As a result, last Jan. 5 I had a six-way heart bypass operation.

Today, I'm doing fine. It turns out that the heart scan—developed as a result of research done by Douglas Boyd at the University of California at San Francisco—probably saved my life. Sadly, I had to admit to myself that supporting funds for medical research was not something I devoted much time or effort to when I served in the Congress. I felt other issues were more important. Now I know how wrong I was. All around me are others—former colleagues and friends—who have benefited from medical research:

The TV talk-show host Larry King, who has had serious heart problems and undergone bypass surgery, often says, ''Because of research, I'm alive today.''

Sen. Ted Stevens (R., Alaska) and former Sen. Bob Dole (R., Kan.) had successful surgery for prostate cancer thanks to the benefits of medical discoveries.

U.S. Rep. Rosa DeLauro (D., Conn.) has been successfully treated for ovarian cancer.

But I also think of those who lost their battles or still struggle because not enough research has been done:

Jay Monahan, husband of the Today host Katie Couric, died at age 42 from colon cancer, because we don't yet have enough weapons against that disease.

Rep. Morris Udall (D., Ariz.) died of Parkinson's disease, another illness for which we're still seeking a cure. I watched Udall—a brilliant legislator with a great sense of humor—gradually decline in health. What a waste of talent that could have been prevented with more research!

My first memories of Christopher Reeve are of a dynamic, vibrant actor interested in public affairs. He is still vibrant and dynamic but more focused in his public-affairs interest as he presses with an understandable zealotry for research in spinal-cord injuries.

Rachel Mann, a marvelous young woman and family friend, had cystic fibrosis, the largest genetic killer of children. Because of her, I did push for additional funds for research into this disease when I was in Congress, but she ultimately lost her battle at age 25.

WE CAN DO BETTER

A century ago, the average U.S. citizen lived to be 48. Now we live to an average of 76—thanks in large part to medical research. Pharmaceutical companies do an excellent job in research, and they increased their research spending from $2 billion in 1980 to $20 billion in 1998. But we can't rely on them for basic research efforts. That's why funding for the National Institutes of Health, which does basic research that can benefit us all, is so important. Its funding has doubled in the last 15 years—to $15 billion. But while $15 billion is a sizable sum, it is inadequate when compared to what we spend on legalized gambling ($638 billion in 1997), alcohol ($95 billion) and cigarettes ($50 billion). Two-thirds of Americans agree that funding for medical research should be doubled, according to a poll taken last year by the nonprofit advocacy group Research! America. Yet, for the fiscal year beginning Oct. 1, President Clinton has asked for just a 2.1 percent increase—barely above the inflation rate.

That's not nearly enough. We must do more. Greater focus on research would be a marvelous gift to future generations of my family and of yours. I know. It already has been a marvelous gift to me.

MATTYDALE, N.Y. SCHOOL CELEBRATES ''VETERANS AWARENESS WEEK''

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1999

Mr. WALSH. Mr. Speaker, I want to bring to the attention of the House of Representatives today the patriotic and noble intentions of students at St. Margaret's School in Mattydale, New York, in my home district. These young people, by way of Ms. Kimberly Arnold's Social Studies class, have taken it upon themselves this year to institute a new celebration honoring veterans of U.S. military service.

On November 8, 1999 the students will celebrate the first Veterans Awareness Week. The program will include patriotic songs by the school choir, essay contest readings, distribution of ribbons and special recognition by children to veterans in their immediate families.

This is a remarkable and worthy celebration of the sacrifices made by veterans in the United States. Worthy, because of the great service veterans have given our nation and the free world. Remarkable, because these young people have taken the initiative to recognize veterans in a time of peace. That their young lives include sensitivity to the fact that freedom is not free is wonderful tribute to our armed forces, past and present, and to the Founders of the United States of America.

THE SAINT GEORGE SOCIETY: A POSITIVE INFLUENCE ON BAY COUNTY

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1999

Mr. BARCIA. Mr. Speaker, I rise to pay tribute to the Saint George Society who has served the citizens of Bay City, Michigan, since 1887. One does not often find, in our relatively young country, an organization with a continuous history of serving their fellow citizens for 112 years. The Saint George Society, however, has consistently carried out their mission to serve their community without hesitation and with much devotion.

Members of the Saint George Society have always vigorously upheld their pledge to aid the sick and needy among them. Although jobs were scarce and times were difficult in the early years of the society, they successfully raised money in order to help those in need. As their membership grew, the society was able to both rent space for their meetings at Pulaski Hall and continue to help the community in many significant ways.

In the early 1920's, the Society gave 25 dollars to returning war veterans who had been members of the organization before leaving for the War. Also, as a result of the Society's exclusively Polish membership, they made substantial efforts to buy Polish War Bonds in order to aid Poland. By 1959, the Society had weathered the great depression, two wars and a changing world. In spite of this, by the end of the year they were able to expand their services to care for mentally disabled children. On August 23, 1981, they opened the doors of a new facility which allowed them even greater opportunity to serve and be a part of the community.

On July 11, 1999, the Saint George Society celebrated many years of accomplishment by burning the mortgage on their property. As you can imagine, this was a very meaningful event for this organization which has given so much to Bay City. For them, burning this mortgage was more than just destroying a piece of paper, but was an event that represents many years of accomplishment, dedication, sacrifice and commitment.

Mr. Speaker, the Saint George Society has been a source of strength and pride for many years in the Bay City area. I know that they will continue to be a vital part of Michigan's Fifth District. For that reason, I urge you and my colleagues to join me in wishing the Saint George Society many blessings for the future.

TRIBUTE TO THOMAS A. BUTTS, ASSOCIATE VICE PRESIDENT FOR GOVERNMENT RELATIONS AND EXECUTIVE DIRECTOR OF THE UNIVERSITY OF MICHIGAN'S WASHINGTON, D.C. OFFICE

HON. LYNN N. RIVERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1999

Ms. RIVERS. Mr. Speaker, I rise today to pay tribute to Thomas A. Butts, Associate Vice President for Government Relations and Executive Director of the University of Michigan's Washington, D.C. Office, who is retiring from the University after 35 years of distinguished public service.

Mr. Butts has served as the University's liaison to Congress and federal agencies for almost two decades. In addition to opening the University's Washington Office in 1990, he has logged thousands of miles commuting between Ann Arbor and Washington as together we've labored to strengthen higher education in the United States.

Mr. Butts' success as an advocate for higher education emanates from his great personal warmth, his many contacts in government and academe, and his professional expertise, particularly in the area of student financial aid. Over the years, Mr. Butts has contributed enormously to the deliberations resulting in reauthorization of the Higher Education Act. He

also championed the William D. Ford Federal Direct Loan Program.

Prior to becoming a government relations officer, Mr. Butts served the University as an admissions counselor and assistant director of admissions in 1964–67, assistant director of the Educational Resources Information Center I Counseling and Personnel Services in 1969–71, director of Student Orientation in 1967–77, and director of Student Financial Aid in 1971–77.

He also worked as Deputy Assistant Secretary for Student Assistance with the U.S. Department of Education in the late 1970s. More recently, he has served as a member of both the National Commission on Responsibilities for Financing Postsecondary Education and of the Advisory Committee on Student Financial Assistance.

Mr. Butts earned a Bachelor of Science degree in English, economics, and secondary education from Eastern Michigan University in 1959, and a Master of Science degree in education in 1964 and Ph.D. doctoral candidate certification in 1974, both from the University of Michigan. He was a first lieutenant in the U.S. Army in 1960–63.

I applaud Mr. Butts' accomplishments and express my deep gratitude for his commitment to the well-being of students and to colleges and universities in Michigan and nationally. I congratulate Mr. Butts, a trusted adviser and friend, on this special occasion, and wish him a healthy and rewarding retirement.

THE COMMUNITY BANK TILT TO FINANCIAL MODERNIZATION LEGISLATION

HON. JAMES A. LEACH

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1999

Mr. LEACH. Mr. Speaker, during every stage in its development, financial modernization legislation has had controversial elements for all of the parties concerned. Differences will always remain between and within the banking, insurance, and securities industries. But it should be clear that in the final analysis the Gramm-Leach-Bliley Act which will be considered this week, relatively speaking, tilts in favor of the nation's community banks and the customers they serve.

Seven areas deserve particular mention:

1. Unitary Thrifts. While the financial modernization legislation provides for increased competition in the delivery of financial products, it repudiates the Japanese industrial model and forestalls trends toward mixing commerce and banking. The unitary thrift loophole which allows commercial firms to control smaller S&L charters has been closed. Not only will no new unitaries be chartered, but those in existence cannot be sold to commercial firms. This means that the signal breach of banking and commerce that exists in current law is plugged, which has the effect of both stopping the potential ''keiretzuing'' of the American economy and protecting the viability, and therefore the value, of community bank charters. As close observers of the process understand, at many stages in consideration of bank modernization legislative, powerful interest groups attempted to introduce legislative language which would have allowed large banks to merge with large industrial concerns—i.e., to provide that Chase could merge with General Motors or Bank of America with Amoco. Instead, this bill precludes this prospect and, indeed, blocks America's largest retail company from owning a federally insured institution, for which an application is pending. Federal Home Loan Bank System reforms.

2. The FHLB charter is broadened to allow community banks to borrow for small business and family farm lending. The implications of this FHLB mission expansion are extraordinary. In rural areas it allows, for the first time, community banks to have access to long-term capital comparable to the Farm Credit System, which like the Federal Home Loan Bank System is empowered as a Government Sponsored Enterprise to tap national credit markets at near Treasury rates. The bill thus creates greater competitive equity between community banks and the Farm Credit System and greater credit cost savings for farmers. With regard to the small business provision, the same principle applies. If larger financial institutions choose to emphasize relationships with larger corporate and individual customers, the ability of community banks to pledge small business loans as collateral for FHLB System advances will allow them to serve comprehensively a small business and middle class family market niche. Most importantly, if the present trend continues of American savers putting less money in banks and more in non-insured deposit accounts, such as money-market mutual funds, this FHLB reform assures community banks the liquidity—at competitive costs—they will need for generations to come.

3. Additional Powers. In recent years, sophisticated money-center banks have developed powers, under Federal Reserve and OCC rulings, that have allowed them to offer products which community banks in many states are frequently precluded from offering. This bill allows community banks all the powers as a matter of right that larger institutions have accumulated on an ad hoc basis. In addition, community banks for the first time are authorized the right to underwrite municipal revenue bonds.

4. Regulatory relief. The legislation provides modest regulatory relief for banks with assets under $250 million. Those with an ''outstanding'' Community Reinvestment Act rating will be examined for compliance only every 5 years, while those with a ''satisfactory rating will be reviewed every 4 years.

5. Special provisions. For a bill of the magnitude for this one, there are surprisingly few special interest provisions. The Congress held the line to assure that breaches of imprudent regulation were not provided to specific institutions, therefore protecting the deposit insurance fund, to which community banks disproportionately provide resources, and the public, which is the last contingency backup.

6. Prohibition on deposit production offices. The legislation expands the prohibition on deposit production offices contained in the Reigle-Neal Interstate bill to include all branches of an out-of-state bank holding company. This prohibition ensures that large multistate bank holding companies do not take deposits from communities without making loans within them.

7. Competition. The power under the act will provide community banks a credible basis to compete with financial institutions of any size or any speciality and in addition to offer, in similar ways, services that new entrants into financial markets, such as Internet or computer software companies, may originate.

In a competitive world in which consolidation has been the hallmark of the past decade, the framework of this bill assures that community banks have the tools to remain competitive. If larger institutional arrangements ever become consumer-unfriendly or geographically-concentrated in their product offerings, the powers reserved for community banks will ensure competitive viability and, where needed, incentivize the establishment of new community-based institutions.

What the new flexibility provided community banks means in that small businesses in the most rural parts of America will be provided access to the most up-to-date, sophisticated financial products in the world, delivered by people they know and trust. Without financial modernization legislation, the trend towards commerce and banking, as well as more faceless interstate banking, will be unstoppable. Community based institutions need to be able to compete with larger institutions on equal terms or growth and economic stability in rural America will be jeopardized.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, November 2, 1999 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

NOVEMBER 3

9:30 a.m.
Armed Services
To hold hearings on lessons learned from the military operations conducted as part of Operation Allied Force, and associated relief operations, with respect to Kosovo.
SH–216

Health, Education, Labor, and Pensions
Business meeting to consider pending calendar business.
SD–430

Energy and Natural Resources
Business meeting to consider pending calendar business.
SD–366

10 a.m.
Governmental Affairs
Business meeting to consider pending calendar business.
SD–628

Environment and Public Works
Fisheries, Wildlife, and Drinking Water Subcommittee
To hold hearings to examine solutions to the policy concerns with respect to Habitat Conservation Plans.
SD–406

Aging
To hold hearings to examine the qulity of care in the nation's nursing homes.
SD–562

Commission on Security and Cooperation in Europe
To hold hearings on the Chechen crisis and its implications for Russian Democracy.
2226, Rayburn Building

10:30 a.m.
Foreign Relations
Business meeting to consider pending calendar business.
S–116, Capitol

2:30 p.m.
Foreign Relations
To hold hearings to examine issues in promoting United States interests.
SD–419

NOVEMBER 4

9:30 a.m.
Indian Affairs
To hold joint hearings with the House Committee on Resources on S. 1586, to reduce the fractionated ownership of Indian Lands; and S. 1315, to permit the leasing of oil and gas rights on certain lands held in trust for the Navajo Nation or allotted to a member of the Navajo Nation, in any case in which there is consent from a specified percentage interest in the parcel of land under consideration for lease.
Room to be announced

Armed Services
To hold hearings on the nomination of Alphonso Maldon, Jr., of Virginia, to be an Assistant Secretary of Defense; and the nomination of John K. Veroneau, of Virginia, to be an Assistant Secretary of Defense.
SR–222

Commerce, Science, and Transportation
To hold hearings on local phone competition, examining how to increase consumer choice in local telephone markets.
SR–253

10 a.m.
Aging
To hold hearings on certain initiatives to improve nursing home quality of care.
SD–562

Judiciary
Business meeting to consider pending calendar business.
SD–226

10:15 a.m.
Foreign Relations
To hold hearings to examine issues relating to Chechnya.
SD–419

11 a.m.
Judiciary
To hold hearings on issues relating to the MCI Worldcom/Sprint merger.
SD–266

2:30 p.m.
Foreign Relations
To hold hearings to examine the future United States policy with Nigeria.
SD–419

NOVEMBER 5

11 a.m.
Foreign Relations
International Economic Policy, Export and Trade Promotion Subcommittee
To hold hearings to examine issues relating to the International Monetary Fund, focusing on lessons learned from the Asian financial crisis.
SD–419

NOVEMBER 9

9:30 a.m.
Governmental Affairs
Investigations Subcommittee
To hold hearings to examine the vulnerabilities of United States private banks to money laundering.
SD–628

NOVEMBER 10

1 p.m.
Governmental Affairs
Investigations Subcommittee
To hold hearings to examine the vulnerabilities of United States private banks to money laundering.
SD–628

Daily Digest

HIGHLIGHTS

See Résumé of Congressional Activity.

Senate

Chamber Action

Routine Proceedings, pages S13586–S13617

Measures Introduced: Four bills and two resolutions were introduced, as follows: S. 1836–1839, and S. Res. 212–213. **Page S13605**

Measures Reported: Reports were made as follows:

S. 623, to amend Public Law 89–108 to increase authorization levels for State and Indian tribal, municipal, rural, and industrial water supplies, to meet current and future water quantity and quality needs of the Red River Valley, to deauthorize certain project features and irrigation service areas, to enhance natural resources and fish and wildlife habitat, with amendments. (S. Rept. No. 106–203)

S. 1052, to implement further the Act (Public Law 94–241) approving the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, with an amendment in the nature of a substitute. (S. Rept. No. 106–204) **Page S13605**

Measures Passed:

Senate Employees Representation: Senate agreed to S. Res. 213, to authorize testimony, document production, and representation of employees in the Senate in Bonnie Mendelson v. Delaware River and Bay Authority. **Pages S13616–17**

African Growth and Opportunity Act: Senate resumed consideration of H.R. 434, to authorize a new trade and investment policy for sub-Sahara Africa, taking action on the following amendments proposed thereto: **Pages S13592–97**

Pending:

Lott (for Roth/Moynihan) Amendment No. 2325, in the nature of a substitute. **Page S13592**

Lott Amendment No. 2332 (to Amendment No. 2325), of a perfecting nature. **Page S13592**

Lott Amendment No. 2333 (to Amendment No. 2332), of a perfecting nature. **Page S13592**

Lott motion to commit with instructions (to Amendment No. 2333), of a perfecting nature. **Page S13592**

Lott Amendment No. 2334 (to the instructions of the motion to commit), of a perfecting nature. **Page S13592**

Withdrawn:

Lott (for Ashcroft) Amendment No. 2340 (to Amendment No. 2334), to establish a Chief Agricultural Negotiator in the Office of the United States Trade Representative. **Page S13592**

District of Columbia/Labor/HHS/Education Appropriations Conference Report—Agreement: A unanimous-consent agreement was reached providing for further consideration of the conference report 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, on Tuesday, November 2, 1999. **Page S13617**

A further unanimous-consent agreement was reached providing for the allocation of time with respect to the time controlled by the Democratic Leader on the conference report. **Page S13617**

Messages From the House: **Page S13604**

Measures Placed on Calendar: **Page S13604**

Communications: **Page S13604**

Petitions: **Pages S13604–05**

Statements on Introduced Bills: **Pages S13605–07**

Additional Cosponsors: **Pages S13607–08**

Amendments Submitted: **Pages S13609–13**

Notices of Hearings: **Pages S13613–14**

Additional Statements: **Pages S13614–16**

Adjournment: Senate convened at 12 noon, and adjourned at 5:33 p.m., until 9:30 a.m., on Tuesday, November 2, 1999. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S13617.)

Committee Meetings

No committee meetings were held.

House of Representatives

Chamber Action

Bills Introduced: 8 public bills, H.R. 3185–3192; and 2 resolutions, H. Con. Res. 217 and H. Res. 349, were introduced. **Pages H11195–96**

Reports Filed: Reports were filed today as follows:

H.R. 359, to clarify the intent of Congress in Public Law 93–632 to require the Secretary of Agriculture to continue to provide for the maintenance and operation of 18 concrete dams and weirs that were located in the Emigrant Wilderness at the time the wilderness area was designated in that Public Law (H. Rept. 106–425);

H.R. 1235, to authorize the Secretary of the Interior to enter into contracts with the Solano County Water Agency, California, to use Solano Project facilities for impounding, storage, and carriage of non-project water for domestic, municipal, industrial, and other beneficial purposes (H. Rept. 106–426);

H.R. 2737, to authorize the Secretary of the Interior to convey to the State of Illinois certain Federal land associated with the Lewis and Clark National Historic Trail to be used as an historic and interpretive site along the trail, amended (H. Rept. 106–427);

H. Con. Res. 189, expressing the sense of the Congress regarding the wasteful and unsportsmanlike practice known as shark finning, amended (H. Rept. 106–428);

H.R. 2418, to amend the Public Health Service Act to revise and extend programs relating to organ procurement and transplantation, amended (H. Rept. 106–429);

H. Res. 348, agreeing to the conference requested by the Senate on the Senate amendment to the bill (H.R. 2990) to amend the Internal Revenue Code of 1986 to allow individuals greater access to health insurance through a health care tax deduction, a long-term care deduction, and other health-related tax incentives, to amend the Employee Retirement Income Security Act of 1974 to provide access to and choice in health care through association health plans, to amend the Public Health Service Act to create new pooling opportunities for small employers to obtain greater access to health coverage through HealthMarts; to amend title I of the Employee Retirement Income Security Act of 1974, title XXVII of the Public Health Service Act, and the Internal Revenue Code of 1986 to protect consumers in managed care plans and other health coverage (H. Rept. 106–430);

H.R. 170, to require certain notices in any mailing using a game of chance for the promotion of a product or service, amended (H. Rept. 106–431); and

H.R. 3137, to amend the Presidential Transition Act of 1963 to provide for training of individuals a President-elect intends to nominate as department heads or appoint to key positions in the Executive Office of the President (H. Rept. 106–432). **Page H11195**

Speaker pro Tempore: Read a letter from the Speaker wherein he designated Representative Thornberry to act as Speaker pro tempore for today. **Page H11147**

Recess: The House recessed at 12:45 p.m. and reconvened at 2:00 p.m. **Page H11149**

Presidential Message—Re Sudan: Read a message from the President wherein he transmitted his notice stating the national emergency with Sudan is to continue in effect beyond Nov. 3, 1999—referred to the Committee on International Relations and ordered to be printed (H. Doc. 106–151). **Page H11149**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Dugger Mountain Alabama Wilderness: H.R. 2632, to designate certain Federal lands in the Talladega National Forest in the State of Alabama as the Dugger Mountain Wilderness; **Pages H11152–53**

Acquisition of Water Rights for Central Utah Project: H.R. 2889, to amend the Central Utah Project Completion Act to provide for acquisition of water and water rights for Central Utah Project purposes, completion of Central Utah project facilities, and implementation of water conservation measures; **Pages H11153–54**

Advocating the Elimination of Shark Finning: H. Con. Res. 189, amended, expressing the sense of the Congress regarding the wasteful and unsportsmanlike practice known as shark finning; **Pages H11154–59**

Clear Creek, California Distribution System Conveyance: H.R. 862, amended, to authorize the Secretary of the Interior to implement the provisions of the Agreement conveying title to a Distribution System from the United States to the Clear Creek Community Services District. Agreed to amend the title; **Pages H11159–60**

Sly Park, California Conveyance: H.R. 992, amended, to convey the Sly Park Dam and Reservoir to the El Dorado Irrigation District; **Pages H11160–61**

Dual Use of Solano Project, California Facilities: H.R. 1235, to authorize the Secretary of the Interior to enter into contracts with the Solano County Water Agency, California, to use Solano Project facilities for impounding, storage, and carriage of non-project water for domestic, municipal, industrial, and other beneficial purposes; **Pages H11161–62**

District of Columbia College Access: Agreed to the Senate amendment to H.R. 974, to establish a program to afford high school graduates from the District of Columbia the benefits of in-State tuition at State colleges and universities outside the District of Columbia—clearing the measure for the President. **Pages H11170–76**

Monument to Honor Service in Civil Defense and Emergency Management Programs: H.R. 348, to authorize the construction of a monument to honor those who have served the Nation's civil defense and emergency management programs (passed by yea and nay vote of 349 yeas to 4 nays, Roll No. 550); and **Pages H11150–51, H11176–77**

Lewis and Clark Trail, Illinois Land Conveyance: H.R. 2737, amended, to authorize the Secretary of the Interior to convey to the State of Illinois certain Federal land associated with the Lewis and Clark National Historic Trail to be used as an historic and interpretive site along the trail (passed by yea and nay vote of 355 yeas with none voting ''nay'', Roll No. 551). **Pages H11151–52, H11177–78**

Suspension Failed—Use of Electronic Records and Signatures: The House failed to pass H.R. 1714, amended, to facilitate the use of electronic records and signatures in interstate or foreign commerce (failed to pass, with 2/3 required to pass, by yea and nay vote of 234 yeas to 122 nays, Roll No. 552). **Pages H11162–70, H11178**

Recess: The House recessed at 4:30 p.m. and reconvened at 6:00 p.m. **Page H11176**

Senate Messages: Message received from the Senate appears on page H11147.

Quorum Calls—Votes: Three yea and nay votes developed during the proceedings of the House today and appear on pages H11176–77, H11177, and H11178. There were no quorum calls.

Adjournment: The House met at 12:30 p.m. and adjourned at 8:36 p.m.

Committee Meetings

QUALITY CARE FOR THE UNINSURED ACT—MOTION TO GO TO CONFERENCE

Committee on Rules; Granted, by voice vote, a rule providing that the House disagrees to the Senate amendment to H.R. 2990, Quality Care for the Uninsured Act of 1999. The rule provides that the House agrees to the conference requested by the Senate thereon.

COMMITTEE MEETINGS FOR TUESDAY, NOVEMBER 2, 1999

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Banking, Housing, and Urban Affairs: to hold hearings on the World Trade Organization, its Seattle Ministerial, and the Millennium Round, 10 a.m., SD–538.

Committee on Energy and Natural Resources: Subcommittee on Forests and Public Land Management, to hold oversight hearings on the recent announcement by President Clinton to review approximately 40 million acres of national forest lands for increased protection, 9:30 a.m., SD–366.

Committee on Foreign Relations: to hold hearings on the nomination of Avis Thayer Bohlen, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Assistant Secretary of State for Arms Control; Robert J. Einhorn, of the District of Columbia, to be Assistant Secretary of State for Nonproliferation; J. Stapleton Roy, of Pennsylvania, a Career Member of the Senior Foreign Service with the Personal Rank of Career Ambassador, to be Assistant Secretary of State for Intelligence and Research; Craig Gordon Dunkerley, of Massachusetts, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, for the Rank of Ambassador during his tenure of Service as Special Envoy for Conventional Forces in Europe; and Norman A. Wulf, of Virginia, a Career Member of the Senior Executive Service, to be a Special Representative of the President, with the rank of Ambassador, 10 a.m., SD–419.

Full Committee, to hold hearings on the nomination of Charles Taylor Manatt, of the District of Columbia, to be Ambassador to the Dominican Republic; and the nomination of Anthony Stephen Harrington, of Maryland, to be Ambassador to the Federative Republic of Brazil, 2 p.m., SD–419.

Subcommittee on Near Eastern and South Asian Affairs, to hold hearings to examine extremist movements and their threat to the United States, 3 p.m., SD–419.

Committee on the Judiciary: business meeting to consider pending calendar business, Time to be announced, Room to be announced.

Full Committee, to hold hearings to examine public interest's concerning government lawsuits, 10:30 a.m., SD–226.

Subcommittee on Administrative Oversight and the Courts, to hold joint oversight hearings with the House Committee on the Judiciary's Subcommittee on Commercial and Administrative Law on bankruptcy judgeship needs, 2 p.m., 2141, Rayburn Building.

House

Committee on Commerce, Subcommittee on Finance and Hazardous Materials, to mark up the following bills: H.R. 1954, Rental Fairness Act of 1999; H.R. 887, to amend the Securities and Exchange Act of 1934 to require improved disclosure of corporate charitable contributions; and H.R. 1089, Mutual Fund Tax Awareness Act of 1999, 10 a.m., 2123 Rayburn.

Committee on Government Reform, Subcommittee on Government Management, Information, and Technology, to mark up H.R. 2376, to require agencies to establish expedited review procedures for granting a waiver to a State under a grant program administered by the agency if another State has already been granted a similar waiver by the agency under such program, time to be announced, 2154 Rayburn.

Committee on the Judiciary, to continue mark up of H.R. 2366, Small Business Liability Reform Act of 1999, and to mark up H.R. 1869, Stalking Prevention and Victim Protection Act of 1999, 9:30 a.m., 2141 Rayburn.

Committee on Resources, Subcommittee on Forests and Forest Health, to mark up the following bills: H.R. 1680, to provide for the conveyance of Forest Service property in Kern County, California, in exchange for county lands suitable for inclusion in Sequoia National Forest; H.R. 1749, to designate Wilson Creek in Avery and Caldwell Counties, North Carolina, as a component of the National Wild and Scenic Rivers System; H.R. 1969, Arizona National Forest Improvement Act of 1990; and H.R. 3089, to provide for a comprehensive scientific review of the current conservation status of the northern spotted owl as a result of implementation of the President's Northwest Forest Plan, which is a national strategy for the recovery of the species on public forest lands, 2 p.m., 1334 Longworth.

Committee on Rules, to consider the following: conference report to accompany S. 900, Financial Services Modernization Act of 1999; and H.R. 2389, County Schools Funding Revitalization Act of 1999, 1 p.m., H–313 Capitol.

Committee on Small Business, Subcommittee on Empowerment, hearing on H.R. 2373, Start-Up Success Accounts Act of 1999, 10 a.m., 2360 Rayburn.

Joint Meetings

Joint Meetings: Senate Committee on the Judiciary, Subcommittee on Administrative Oversight and the Courts, to hold joint oversight hearings with the House Committee on the Judiciary's Subcommittee on Commercial and Administrative Law on bankruptcy judgeship needs, 2 p.m., 2141 Rayburn Building.

Résumé of Congressional Activity

FIRST SESSION OF THE ONE HUNDRED SIXTH CONGRESS

The first table gives a comprehensive résumé of all legislative business transacted by the Senate and House. The second table accounts for all nominations submitted to the Senate by the President for Senate confirmation.

DATA ON LEGISLATIVE ACTIVITY

January 6 through October 31, 1999

	Senate	*House*	*Total*
Days in session	149	122	..
Time in session	1,076 hrs., 59′	1,016 hrs., 36′	..
Congressional Record:			
Pages of proceedings	13,583	11,145	..
Extensions of Remarks	..	2,213	..
Public bills enacted into law	28	57	85
Private bills enacted into law	2	..	2
Bills in conference	26	10	..
Measures passed, total	359	529	888
Senate bills	103	36	..
House bills	77	243	..
Senate joint resolutions	2	..	..
House joint resolutions	8	12	..
Senate concurrent resolutions	17	6	..
House concurrent resolutions	24	53	..
Simple resolutions	128	179	..
Measures reported, total	*291	*393	684
Senate bills	212	9	..
House bills	27	246	..
Senate joint resolutions	4	..	..
House joint resolutions	1	9	..
Senate concurrent resolutions	4	..	..
House concurrent resolutions	1	12	..
Simple resolutions	42	117	..
Special reports	18	11	..
Conference reports	..	20	..
Measures pending on calendar	181	60	..
Measures introduced, total	2,138	3,820	5,958
Bills	1,833	3,184	..
Joint resolutions	36	73	..
Concurrent resolutions	64	216	..
Simple resolutions	205	347	..
Quorum calls	7	2	..
Yea-and-nay votes	342	277	..
Recorded votes	..	270	..
Bills vetoed	..	4	..
Vetoes overridden	..	..	..

DISPOSITION OF EXECUTIVE NOMINATIONS

January 6 through October 31, 1999

Civilian nominations totaling 394, disposed of as follows:

Confirmed	155
Unconfirmed	222
Withdrawn	8
Returned to White House	9

Other civilian nominations, totaling 1920, disposed of as follows:

Confirmed	1499
Unconfirmed	420
Returned to White House	1

Air Force nominations, totaling 6,222, disposed of as follows:

Confirmed	5,708
Unconfirmed	514

Army nominations, totaling 5,226, disposed of as follows:

Confirmed	5,194
Unconfirmed	32

Navy nominations, totaling 6,576, disposed of as follows:

Confirmed	6,558
Unconfirmed	18

Marine Corps nominations, totaling 2,126, disposed of as follows:

Confirmed	2,126

Summary

Total Nominations received this Session	22,464
Total Confirmed	21,240
Total Unconfirmed	1,206
Total Withdrawn	8
Total Returned to White House	10

Next Meeting of the SENATE

9:30 a.m., Tuesday, November 2

Senate Chamber

Program for Tuesday: Senate will resume consideration of the conference report on H.R. 3064, District of Columbia/Labor/HHS/Education Appropriations, with a vote on adoption of the conference report to occur at 10 a.m. Also, Senate will vote on the motion to close further debate on Amendment No. 2325 to H.R. 434, African Growth and Opportunity Act, and vote on the motion to close further debate on the bill.

(Senate will recess from 12:30 p.m. until 2:15 p.m. for their respective party conferences.)

Next Meeting of the HOUSE OF REPRESENTATIVES

9 a.m., Tuesday, November 2

House Chamber

Program for Tuesday: Consideration of 13 Suspensions:

(1) H. Con. Res. 213, Promotion of Financial Literacy Training;

(2) H. Res. 59, Endorsing United States continued commitment to the NATO;

(3) H.R. 2105, Drug Kingpins Bankruptcy Act;

(4) H.R. 2513, Acquisition of a Building in Terre Haute, Indiana;

(5) H.R. 3137, Providing training for a President-elect's nominees to key positions;

(6) H. Res. 324, Support of National Civility Week;

(7) H.R. 170, Honesty in Sweepstakes Act of 1999

(8) S. 468, Federal Financial Assistance Management Improvement Act

(9) H. Con. Res. 193, Support for Activities to Increase Participation in the Decennial Census;

(10) H.J. Res. 46, Conferring Honorary Veteran Status on Zachary Fisher;

(11) H.R. 1801, Antitrust Technical Corrections Act ;

(12) H.R. 441, Nursing Relief for Disadvantaged Areas Act ; and

(13) H. Con. Res. 199, Support for Prayers and Invocations at Public School Sporting Events; and

(14) H. Res. 349, Sense of Congress Concerning the Hurricane Floyd Disaster.

Go to conference on H.R. 2990, Quality Care for the Uninsured Act (rule providing that the House disagrees to the Senate amendment and agrees to a conference)

Extension of Remarks, as inserted in this issue

HOUSE

Barcia, James A., Mich., E2236
Clyburn, James E., S.C., E2228, E2231
Cramer, Robert E. (Bud), Jr., Ala., E2230
Cunningham, Randy ''Duke'', Calif., E2233
DeLauro, Rosa L., Conn., E2235
Ford, Harold E., Jr., Tenn., E2235
Gilman, Benjamin A., N.Y., E2229
Green, Gene, Tex., E2234
Hall, Tony P., Ohio, E2232
Jackson, Jesse L., Jr., Ill., E2228
Kucinich, Dennis J., Ohio, E2228
Kuykendall, Steven T., Calif., E2232
Lantos, Tom, Calif., E2234
Leach, James A., Iowa, E2237
McGovern, James P., Mass., E2227, E2231
Matsui, Robert T., Calif., E2227, E2230
Mink, Patsy T., Hawaii, E2233
Pelosi, Nancy, Calif., E2230
Pomeroy, Earl, N.D., E2227
Radanovich, George, Calif., E2229, E2231
Rangel, Charles B., N.Y., E2233
Rivers, Lynn N., Mich., E2236
Rush, Bobby L., Ill., E2229
Taylor, Charles H., N.C., E2233
Towns, Edolphus, N.Y., E2228, E2231
Walsh, James T., N.Y., E2236
Waxman, Henry A., Calif., E2229

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