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House of Representatives

The House met at 9:30 a.m. and was called to order by the Speaker pro tempore (Mr. COOKSEY).

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DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
February 1, 2000.

I hereby appoint the Honorable JOHN COOKSEY to act as Speaker pro tempore on this day.

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

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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.

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UNFAIRNESS IN TAX CODE: MARRIAGE TAX PENALTY

Mr. WELLER. Mr. Speaker, it is a great day here and today we are, of course, responding to an important question that we have asked in this well of the House over the last several years and that is a pretty basic fundamental question. That is: Is it right, is it fair that under our Tax Code married working couples pay more in taxes than an identical couple in an identical situation living together outside of marriage? It is just wrong that under our Tax Code 28 million married working couples pay, on average, $1,400 more in higher taxes just because they are married.

Mr. Speaker, is it right that under our Tax Code that couples are punished, that they are penalized when they choose to participate in society's most basic institution?

That is the fact today. I represent a diverse district on the south side of Chicago. In the south suburbs in Cook and Will Counties, in Joliet and the bedroom and farm communities they all ask the same question. They wonder why for 30 years now Washington has punished marriage and no one has gone back to fix it.

I am pleased that under the leadership of the Speaker of the House, the gentleman from Illinois (Mr. HASTERT), this House has made it a top priority to eliminate and wipe out the marriage tax penalty suffered by 28 million married working couples. The Speaker has said that the elimination of the marriage tax penalty will be fast out of the box and on a fast track through the Senate and to the President, wiping out the marriage tax penalty and stopping the Tax Code from punishing marriage.

The marriage tax penalty really results from our very complicated Tax Code. And, unfortunately, because we have a progressive Tax Code, if couples get married, they get punished. That is just wrong.

Mr. Speaker, here is how the marriage tax penalty works. Here is how it ends up. Say there is a machinist and a school teacher in Joliet, Illinois. A machinist who works at Caterpillar at the local plant. The machinist makes that heavy equipment, the big bulldozers and cranes and earth-moving equipment. He makes $31,500 a year. If he is single, he pays taxes in the 15 percent tax bracket.

Now, Mr. Speaker, if he meets a tenured public school teacher in the Joliet Public School System with an identical income, as long as she is single she pays in the 15 percent tax bracket. But if this school teacher and machinist choose to get married, when they are married they file jointly and add together their income. What happens then is their combined income is $63,000 and that pushes them into the 28 percent tax bracket, and they are punished with an almost $1,400 marriage tax penalty. If they chose to stay single and live together outside of marriage, they would avoid that marriage tax penalty.

In this case, because this machinist and school teacher chose to live in holy matrimony, society's most basic institution, they are punished under our Tax Code. I find most Americans, whether they live in the city or the suburbs or the country, think it is just wrong and they want Congress and the President to do something about it.

That is why I am so pleased, because I have a another couple from Joliet, Illinois, two public school teachers, Shad and Michelle Hallihan. They came and told me they suffered a marriage tax penalty of $1,000. They just had a baby. Michelle told me, ''Congressman, tell your colleagues in the Congress that $1,000 average in marriage tax penalty is 3,000 diapers.'' Of course, they point out that $1,400, the average marriage tax penalty, is one year's tuition in the local community college.

Well, House Republicans are going to do something about this. We are going to work to eliminate the marriage tax penalty and the Speaker has put it on a fast track. This Wednesday, tomorrow, the House Committee on Ways and Means will have committee action on legislation that will essentially wipe out the marriage tax penalty for a majority of those who suffer it. We double the standard deduction for joint filers to twice that of singles, which will not only help 3 million couples who will no longer have to itemize

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their taxes, but will essentially wipe out their marriage tax penalty for those who do not itemize.

Of course, many homeowners itemize. In order to help homeowners and those who itemize from suffering the marriage tax penalty, we widen the 15 percent bracket so that joint filers can earn twice as much as single filers and still pay in the 15 percent bracket. And for low-income families who benefit from the Earned Income Tax Credit, we also provide marriage tax relief for poor families and low-income families who suffer from the marriage tax penalty.

Mr. Speaker, it is good, commonsense legislation and deserves overwhelming bipartisan support. There is no excuse to vote against legislation wiping out the marriage tax penalty. The Speaker of the House has also indicated that by Valentine's Day that we are going to pass this through to help couples like Shad and Michelle Hallihan who suffer the marriage tax penalty. And what better Valentine's Day gift to give 28 million married working couples than legislation which will eliminate the marriage tax penalty.

Think in these terms: $1,400 is a drop in the bucket here in Washington. It is chump change for the Washington bureaucrats and the big spenders here in Washington. But back home in Illinois, a $1,400 marriage tax penalty is one year's tuition at a local community college; 3 months of day care for Shad and Michelle for their child; it is several months' worth of car payments; it is most of the contribution to an IRA for Michelle. It is real money for real people.

House Republicans are making it a priority. We invite the Democrats to join with us. Let us make it a bipartisan effort to eliminate the marriage tax penalty. What better Valentine's Day gift to give 28 million married working couples. I urge my colleagues to pass the legislation with bipartisan support and send it to the Senate and send it on the President.

Mr. Speaker, I rise today to highlight what is arguably the most unfair provision in the U.S. Tax Code: the marriage tax penalty. I want to thank you for your long term interest in bringing parity to the tax burden imposed on working married couples compared to a couple living together outside of marriage.

This month President Clinton gave his State of the Union Address outlining many of the things he will spend the budget surplus on. House Republicans want to preserve 100% of the Social Security surplus for Social Security and Medicare and use the non-Social Security surplus for paying down the debt and to bring fairness to the tax code.

A surplus provided by the bipartisan budget agreement which: cut waste, put America's fiscal house in order, and held Washington's feet to the fire to balance the budget.

While President Clinton parades a long list of new spending totaling $72 billion in new programs—we believe that a top priority after saving Social Security and paying down the national debt should be returning the budget surplus to America's families as additional middle-class tax relief.

This Congress has given more tax relief to the middle class and working poor than any Congress of the last half century.

I think the issue of the marriage penalty can best be framed by asking these questions: Do Americans feel its fair that our tax code imposes a higher tax penalty on marriage? Do Americans feel its fair that the average married working couple pays almost $1,400 more in taxes than a couple with almost idential income living together outside of marriage? Is it right that our tax code provides an incentive to get divorced?

In fact, today the only form one can file to avoid the marriage tax penalty is paperwork for divorce. And that is just wrong!

Since 1969, our tax laws have punished married couples when both spouses work. For no other reason than the decision to be joined in holy matrimony, more than 21 million couples a year are penalized. They pay more in taxes than they would if they were single. Not only is the marriage penalty unfair, it's wrong that our tax code punishes society's most basic institution. The marriage tax penalty exacts a disproportionate toll on working women and lower income couples with children. In many cases it is a working women's issue.

Let me give you an example of how the marriage tax penalty unfairly affects middle class married working couples.

For example, a machinist, at a Caterpillar manufacturing plant in my home district of Joliet, makes $31,500 a year in salary. His wife is a tenured elementary school teacher, also bringing home $31,500 a year in salary. If they would both file their taxes as singles, as individuals, they would pay 15%.

MARRIAGE PENALTY EXAMPLE

	Machinist	School teacher	Couple	H.R. 6
Adjusted gross income	$31,500	$31,500	$63,000	$63,000
Less personal exemption and standard deduction	$6,950	$6,950	$12,500	$13,00 (singles × 2)
Taxable income	$24,550 (× .15)	$24,550 (× .15)	$50,500 (Partial × .28)	$49,100 (× .15)
Tax liability	$3682.5	$3682.5	$8635	$7,365

Marriage penalty, $1,270. Relief, $1,270.

But if they chose to live their lives in holy matrimony, and now file jointly, their combined income of $63,000 pushes them into a higher tax bracket of 28 percent, producing a tax penalty of $1,400 in higher taxes.

On average, America's married working couples pay $1,400 more a year in taxes than individuals with the same incomes. That's serious money. Millions of married couples are still stinging from April 15th's tax bite and more married couples are realizing that they are suffering the marriage tax penalty.

Particularly if you think of it in terms of: A down payment on a house or a car, one years tuition at a local community college, or several months worth of quality child care at a local day care center.

To that end, U.S. Representative DAVID MCINTOSH and U.S. Representative PAT DANNER and I have authored H.R. 6, The Marriage Tax Elimination Act.

H.R. 6, The Marriage Tax Elimination Act will increase the tax brackets (currently at 15% for the first $24,650 for singles, whereas married couples filing jointly pay 15% on the first $41,200 of their taxable income) to twice that enjoyed by singles; H.R. 6 would extend a married couple's 15% tax bracket to $49,300. Thus, married couples would enjoy an additional $8,100 in taxable income subject to the low 15% tax rate as opposed to the current 28% tax rate and would result in up to $1,215 in tax relief.

Additionally the bill will increase the standard deduction for married couples (currently $6,900) to twice that of singles (currently at $4,150). Under H.R. 6 the standard deduction for married couples filing jointly would be increased to $8,300.

H.R. 6 enjoys the bipartisan support of 223 co-sponsors along with family groups, including: American Association of Christian Schools, American Family Association, Christian Coalition, Concerned Women for America, Ethics and Religious Liberty Commission of the Southern Baptist Convention, Family Research Council, Home School Legal Defense Association, the National Association of Evangelicals and the Traditional Values Coalition.

It isn't enough for President Clinton to suggest tax breaks for child care. The President's child care proposal would help a working couple afford, on average, three weeks of day care. Elimination of the marriage tax penalty would give the same couple the choice of paying for three months of child care—or addressing other family priorities. After all, parents know better than Washington what their family needs.

We fondly remember that 1996 State of the Union address when the President declared emphatically that, quote ''the era of big government is over.''

We must stick to our guns, and stay the course.

There never was an American appetite for big government.

But their certainly is for reforming the existing way government does business.

And what better way to show the American people that our government will continue along the path to reform and prosperity than by eliminating the marriage tax penalty.

Ladies and gentlemen, we are on the verge of running a surplus. It's basic math.

It means Americans are already paying more than is needed for government to do the job we expect of it.

What better way to give back than to begin with mom and dad and the American family—the backbone of our society.

We ask that President Clinton join with Congress and make elimination of the marriage tax penalty . . . a bipartisan priority.

Speaker HASTERT and House Republicans have made eliminating the marriage tax penalty a top priority. In fact, we plan to move legislation in the next few weeks.

Last year, President Clinton and Vice President GORE vetoed our efforts to eliminate the marriage tax penalty for almost 28 million married working people. The Republican effort would have provided about $120 billion in marriage tax relief. Unfortunately, President Clinton and Vice President GORE said they would rather spend the money on new government programs than eliminate the marriage tax penalty.

This year we ask President Clinton and Vice President GORE to join with us and sign into law a stand alone bill to eliminate the marriage tax penalty.

Of all the challenges married couples face in providing home and hearth to America's children, the U.S. tax code should not be one of them.

The greatest accomplishment of the Republican Congress this past year was our success in protecting the Social Security Trust Fund and adopting a balanced budget that did not spend one dime of Social Security—the first balanced budget in over 30 years that did not raid Social Security.

Let's eliminate the marriage tax penalty and do it now!

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ELIAN GONZALEZ AND WHAT AWAITS HIM IN CUBA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized during morning hour debates for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, the case of Elian Gonzalez cannot be viewed through a prism of normalcy or merely by our views regarding the primacy of family and the rights of parents, because Castro's Cuba is not the United States. The totalitarian communist dictatorship in power since 1959 is not a Democratic government. The regime treats children, by law, as political raw material to be manipulated and exploited by the State.

Children are forced from infancy to prepare for the defense of the country and its regime. Parents who follow their conscience and try to shape their children's values and education are considered enemies of the State and are arrested or persecuted.

Those parents whose love for their children supersedes any individual concern for their safety are punished by the Castro regime, punished for violating Castro's laws. Laws such as the Code of the Child and Youth established by Law Number 16 published on June 30, 1978.

This law reiterates the requirement that the young generations must participate in the ''construction of socialism,'' and that ''the communist ideological formation of children and youth'' must take place ''through a coherent system . . . in which the Cuban Communist Party assumes the pivotal role of vanguard and protector of Marxist-Leninism.'' Those are the exact words.

The upbringing of Cuba's children, in other words, is the responsibility of the Cuban Communist Party. Based on this premise, the Code of the Child and Youth dictates in its first Article that the people, organizations, and institutions which take part in their education are obligated to ''promote the formation of the communist personality in the young generations.'' That is their quote.

Mr. Speaker, if any doubt exists as to the true nature of this Code, Article 3 states that the communist ideological formation of the young generation is a primary goal of the State and, as such, the State works to instill in them, quote, ''loyalty to the cause of socialism and communism and loyalty . . . to the vanguard of Marxist-Leninism, the Cuban Communist Party.''

By the same token, the State must develop in the children ''a sense of honor and loyalty to the principles of proletariat internationalism.'' Again, these are their words. ''And the fraternal relations and cooperation with the Soviet Union and other socialist communist countries.''

Absolute adherence to Marxism is the crux of the educational system in Cuba. Article 8, for example, underscores that, ''Society and the State work for the efficient protection of youth against all influences contrary to their communism formation.''

The regime equates Karl Marx with Cuban independence hero Jose Marti to mask the content of Article 14 of the Code, albeit unsuccessfully. Article 14 condones and advocates child labor as it dictates: ''The combination of study and work . . . is one of the fundamentals on which revolutionary education is based. The principle is to be applied from infancy.''

In this manner, Cuba's youth ''acquire proper labor habits and other aspects of the communist personality are developed.'' The supremacy of Marxism is irrefutable as evident in Article 33: ''The State bestows particular attention to the teachings of Marxism-Leninism for its importance in the ideological formation and political culture of young students.''

Is this the totalitarian society, where the communist party and the State dictates the education, the upbringing of every child, is this what our Justice Department, our INS and the National Council of Churches seek to send young Elian Gonzalez back to? What a travesty.

Mr. Speaker, I commend to our colleagues an article published this week in the Wall Street Journal by James Taranto called ''Havana's Hostages'' which talks about a case of a congressional constituent in my district, Jose Cohen, who has three of his children, Yamila, Isaac and Yanelis, along with his wife back in Cuba, even though they have U.S. exit visas and have been approved for many, many years and Castro will not allow them to come to the United States. This story, Mr. Taranto points out, shows how little the Cuban dictator cares about family unity and how much his communist code that is in force in Cuba cares about communist ideology and loyalty to the socialist Marxist-Leninist cause and not loyalty to true family unity.

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CANADIAN HEALTH CARE IS A COLOSSAL FAILURE

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

Mr. STEARNS. Mr. Speaker, back in the 1970s when Canada unveiled its national health care program, it promised its citizens universal and free health care. In fact, in 1984 the Canadian Government promised that it would make available to all its citizens health that would be, ''universal, portable, comprehensive and accessible.''

Now, we can learn a lesson from Canada because the promises that were made have not been kept. Far from it. Before I elaborate on why I believe it is a mistake for this country to go down the same road, I wish to point out that we have several candidates who are running for president on a national health care program much like Canada's. Of course, they talk about it differently, but basically they want to have the same health care plan that Canada has, even though the Canadians are swarming across the border because the waiting lines are so long in their country.

National health care often results in the rationing of health care itself. In his State of the Union address, the President outlined several new health care spending initiatives that would cost the taxpayers at least $150 billion. What troubles me about this is that the President's health care plan looks a lot like the plan they proposed several years ago. That plan would have put the Federal Government in charge of our entire health care delivery system.

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And, as we remember, this was soundly defeated by the electorate.

By rejecting the Clinton administration's Health Security Act, the American people sent us a message. That message was that they did not want government-run health care. Countries such as Great Britain and Sweden are now moving toward privatizing their health care system because it has resulted in rationing of health care benefits.

Let us review the promises that were made and the reality of Canada's health care system. The Canadian government promised they would provide universal coverage. However, two provinces, British Columbia and Alberta, require that premiums are paid. And, if they are not, then the individual is not covered. In other provinces residents must register to be eligible for coverage. Studies show that in 1997

through 1998 approximately 170,000 people in British Columbia alone, that represents 4.2 percent of the population, were not covered.

In touting its national health care plan, the Canadian government also promised portability. If I might interject here, we enacted legislation to address the portability issue in 1996 here in Congress. Now, suppose a resident of Quebec became ill in another province. They must pay out of pocket for their health care services. Quebec will reimburse for those services, but will only reimburse them for what that service will cost in Quebec. Does that sound like something we have heard before or something that we would like to have?

The next promise was that it would be a comprehensive program. Let us take a closer look. Each province defines the services that are medically necessary and then only pays for those services. An interesting twist on this is that pharmaceutical and many surgical procedures are, for the most part, not covered for individuals under the age of 65, and only provide partial coverage for those above 65. Still not convinced?

The last promise made was that national health care would be accessible. Since the government has had difficulty in funding this program, it has resulted in rationing of services. I would like to share with my colleagues some excerpts from an article that appeared in The New York Times on January 16 of this year. It was aptly titled ''Full Hospitals Make Canadians Wait and Look South.'' The article led by reciting an incident involving a Ms. Boucher at a hospital in Montreal. She ate breakfast on a stretcher in a hall under a note on the wall that marked her patient spot. Sixty-six other patients without rooms also waited in that corridor.

Mr. Speaker, I do not think this is what the American people want. Another very telling example is in Ontario, Canada, Canada's wealthiest province. The waiting list for a magnetic resonance imaging test is so long that one man recently reserved a test for himself at a private animal hospital that had this type of machine. He registered under the name of Fido. This is not a joke, and it certainly is not meant to be funny. It just illustrates how bad the Canadian health care system is now that it is being run by the government.

There are countless examples given in this feature story, and I ask my colleagues to review it. Mr. Speaker, I will ask the article to be made part of the RECORD.

[From the New York Times, Jan. 16, 2000]

FULL HOSPITALS MAKE CANADIANS WAIT AND LOOK SOUTH

(By James Brooke)

MONTREAL, JAN, 15.—Dressed in her orchid pink bathrobe and blue velour slippers, Edouardine Boucher perched on her bed at Notre Dame Hospital here on Friday and recounted the story of her night: electric doors constantly opening and closing by her feet, cold drafts blowing across her head each time an ambulance arrived in the subzero weather, and a drug addict who started shouting at 2:30 a.m., ''Untie me, untie me.''

But as nurses hurried by on Friday morning, no one though it remarkable that Ms. Boucher, a 58-year-old grandmother awaiting open heart surgery, had spent a rough night on a gurney in an emergency room hallway. After all, other hallways of this 3-year-old hospital were lined with 66 other patients lying quietly on temporary beds.

To explain overflowing hospitals here and across the nation, Canadian health officials are blaming the annual winter flu epidemic.

But, at the mention of flu, Daniel Brochu, the veteran head nurse here, gave a smirk and ran his pen down the patient list today: ''Heart problem, infection problem, hypertension, dialysis, brain tumor, two cerebral hemorrhages.'' On Thursday, he said, crowding was so bad that he was able to admit one patient only after the ambulance crew agreed to leave its stretcher.

When Canada's state-run health system was in its first bloom, in the 1970's, Americans regularly trooped up here on inspection tours, attracted by Canada's promise of universal ''free'' health care. Today, however, few Canadians would recommend their system as a model for export.

Improving health care should be the federal government's top priority, said 93 percent of 3,000 Canadians interviewed last month by Ekos Research Associates. In another poll last month, conducted by Pollara, 74 percent of respondents supported the idea of user fees, which have been outlawed since 1984.

''There is not a day when the newspapers do not talk of the health crisis,'' said Pierre Gauthier, president of the Federation of Specialist Doctors of Quebec. ''It has become the No. 1 problem for Quebecois and for Canadians.''

In Toronto, Canada's largest city, overcrowding prompted emergency rooms in 23 of the city's 25 hospitals to turn away ambulances one day last week. Two weeks ago, in what one newspaper later called an ''ominous foreshadowing,'' police officers shot to death a distraught father who had taken a doctor hostage in a Toronto emergency room in an attempt to speed treatment for his sick baby.

Further west, in Winnipeg, ''hallway medicine'' has become so routine that hallway stretcher locations have permanent numbers. Patients recuperate more slowly in the drafty, noisy hallways, doctors report.

On the Pacific Coast, ambulances filled with ill patients have repeatedly stacked up this winter in the parking lot of Vancouver General Hospital. Maureen Whyte, a hospital vice president, estimates that 20 percent of heart attack patients who should have treatment within 15 minutes now wait an hour or more.

The shortage is a case of supply not keeping up with demand. During the 1990's, after government deficits ballooned, partly because of rising health costs, the government in Ottawa cut revenue-sharing payments to provinces—by half, by some accounts. Today, the federal budget is balanced, but 7 hospitals in Montreal have been closed, and 44 hospitals in Ontario have been closed or merged.

Ottawa also largely closed the door to the immigration of foreign doctors and cut the number of spaces in Canadian medical schools by 20 percent. Today, Canada has one medical school slot for every 20,000 people, compared with one for 13,000 in the United States and Britain.

With a buyout program, Quebec induced 3,600 nurses and 1,200 doctors to take early retirement. And across the nation, 6,000 nurses and at least 1,000 doctors have moved to the United States in recent years.

At the same time, demands on Canada's health system grow every year. Within 30 years, the population over 65 is expected to double, to 25 percent.

Unable to meet the demand, hospitals now have operation waiting lists stretching for months or longer—five years in the case of Ms. Boucher.

As a result, Canada has moved informally to a two-tier, public-private system. Although private practice is limited to dentists and veterinarians, 90 percent of Canadians live within 100 miles of the United States, and many people are crossing the border for private care.

Last summer, as waiting lists for chemotherapy treatments for breast and prostate cancer stretched to four months, Montreal doctors started to send patients 45 minutes down the highway to Champlain Valley Physicians' Hospital in Plattsburgh, NY. There, scores have undergone radiation treatment, some being treated by bilingual doctors who left Montreal.

Business has been so good that the Plattsburgh hospital, which was on the verge of closing its cancer unit, has invested half a million dollars in new equipment. And on the Quebec side, the program has allowed health authorities to boast that they have cut the list of cancer patients who have to wait two months or more, to 368 today from 516 last summer.

In Toronto, waiting lists have become so long at the Princess Margaret Hospital, the nation's largest and most prestigious cancer hospital, that hospital lawyers drew up a waiver last week for patients to sign, showing that they fully understood the danger of delaying radiation treatment.

With the chemotherapy waiting list in British Columbia at 670 people, hospitals in Washington have started marketing their services to Canadians in Vancouver, a 45-minute drive.

A two-tier system is also being used for other kinds of operations.

''I would like to buy mother a plastic hip for Christmas, so she doesn't have to limp through the year 2000 in excruciating pain,'' Margaret Wente, a newspaper columnist for The Globe and Mail in Toronto, wrote last month. ''I could just drive her to Cleveland, which is fast becoming the de facto hip-replacement capital of Southern Ontario.''

Allan Rock, Canada's health minister, disapproves of such attitudes. In an essay in the same newspaper, he wrote sarcastically: ''Forget about equal access. Let people buy their way to the front of the line.''

In defense of Canada's state health system, he wrote, ''Its social equity reflects our Canadian values.'' Mr. Rock, who hopes to become prime minister one day, said that health delivery could be improved through better, computerized planning. He attacked a proposal in Alberta to allow private hospitals, warning readers, ''The precedent may be set for American for-profit health-care providers looking to set up shop in Canada.''

But the idea that there may be room in Canada's future for private medicine is gaining ground.

''We have no significant crises in care for our teeth or our animals, largely because dentists and veterinarians operate in the private sector,'' Michael Bliss, a medical historian, wrote on Wednesday in The National Post, a conservative newspaper. ''So we have the absurdity in Canada that you can get faster care for your gum disease than your cancer, and probably more attentive care for your dog than your grandmother.''

In Ontario, Canada's wealthiest province, the waiting list for magnetic resonance imaging tests is so long that one man recently reserved a session for himself at a private animal hospital that had a machine. He registered under the name Fido.

To Ms. Boucher, who jealously guarded her 15 square feet of corridor space today, such cocktail circuit anecdotes were not amusing. Glumly eating her cold breakfast toast, she said, ''It scares us to get sick.''

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PAYING DOWN THE DEBT

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

Mr. SMITH of Michigan. Mr. Speaker, I rise today to suggest that today is an important day up in the New England States. We are looking at the presidential candidates speaking before many listening groups, trying to express what the best course for our future is going to be. I hope the American people understand, Mr. Speaker, the consequences of fiscal irresponsibility in the United States Government.

I bring this chart to demonstrate that we are approaching a fiscal challenge trying to make the decision whether we will start paying down the federal debt or simply continue to spend more. The national debt of the United States, which is the debt subject to the debt limit continues to increase. Right now Congress has passed a budget for this year demanding we not borrow more money from Social Security and spend it on other programs. That's good! However, we still won't have a real balanced budget because we are spending $70 billion borrowed from the other 112 trust funds. Right now our public debt as defined in law is $5.72 trillion. If we stick to the budget caps that we set in 1997, by 2002 we could have a real balanced budget that does not use the surplus from any of the trust funds. We would start paying down the total public debt.

Wait a minute, you say, I heard on T.V. that we already have a balanced budget and that Washington is paying off the public debt, and we can do that in 12 or 13 or 15 years. That is not correct. It is dangerous ground because there is a certain degree of dishonesty that is going on, trying to tell the American people that we are paying down the public debt when we are not. There is a certain amount of hoodwinking in suggesting that we really have a balanced budget when we do not. It seems reasonable that we could define a balanced budget as a budget when the total public debt does not continue to increase.

Let me suggest that during the good times it is reasonable to start having a rainy day fund. But a rainy day fund for a government that now owes $5.72 trillion is starting to pay down that debt. I am a farmer from Michigan. We have always felt that one of our goals would be to try to pay off the mortgage or at least pay down the mortgage so there is a smaller debt load when we pass that farm on to our kids. But here at the Federal Government level we are doing just the opposite. We continue to increase that debt load that future generations are going to have to pay off one way or the other.

Allow me to review the last several years of the federal budget. When Republicans took the majority in 1995, there was a deficit, or overspending, every year between $200 billion to $300 billion.

Well, the good news is we have come a long ways. This year, for the first time, we are at least going to have a balanced budget without using the Social Security surplus. That is the good news. We have turned the corner. We have started slowing down the growth of government.

Here is the bad news. The total public debt is continuing to increase. There are 112 trust funds that the government has. In most of those trust funds we overtax or have higher fees so that there is more money coming into those trust funds than is needed to pay out the particular benefits or expenses in any one particular year right now. So what do we do with that extra money? What government has done and continues to do with that extra money is to spend it for other government programs and write out an IOU to those trust funds. The biggest trust fund is Social Security. We are looking at a surplus, or what is really overtaxation of the payroll tax, to bring in approximately $153 billion more than what is needed to pay Social Security benefits this year.

The other big trust fund, of course, is the Medicare, civil service pension, military retirement and other trust funds. These 112 other trust funds will bring in an extra $60 billion. So we are using all that extra money and spending it for other programs and writing an IOU.

So what does government do when those trust funds start needing more money than is coming in from those taxes? We do one of three things: first, we cut out other spending. That is pretty unlikely. We have never been able to do that. We have continued to expand the size of government. Second, we increase taxes. And we have done that all the time. Or we increase borrowing and of course Washington has been doing a lot of that.

I say let us be honest with the American people. Let us hold the line on spending and let us really start paying down this debt. Thank you.

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RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 11 a.m.

Accordingly (at 9 o'clock and 55 minutes a.m.), the House stood in recess until 11 a.m.

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AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LAHOOD) at 11 a.m.

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PRAYER

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

Of all the good gifts that come our way and with all the good spirit that flows from above, we cherish the blessings of thanksgiving and praise. O gracious God, from whom all blessings flow, teach us to remember that spirit that truly marks us as human, the spirit of thankfulness, of appreciation and of celebration. And in that spirit of exaltation, we express our thanks to You, O God, for all the gifts we have received, the gifts of faith and hope and love, and may we take those gifts and express them in our daily life with deeds of justice to all members of the human family.

This is our earnest prayer. Amen.

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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.

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PLEDGE OF ALLEGIANCE

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

Mr. INSLEE 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.

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PRIVATE CALENDAR

The SPEAKER pro tempore. This is Private Calendar day. The Clerk will call the first individual bill on the Private Calendar.

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BELINDA MCGREGOR

The Clerk called the Senate Bill (S. 452) for the relief of Belinda McGregor.

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that the Senate bill be passed over without prejudice.

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

There was no objection.

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RICHARD W. SCHAFFERT

The Clerk called the bill (H.R. 1023) for the relief of Richard W. Schaffert.

There being no objection, the Clerk read the bill as follows:

H.R. 1023

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

SECTION 1. WAIVER OF TIME LIMITATIONS.

(a) IN GENERAL.—The limitations set forth in sections 6511 and 6514(a) of the Internal Revenue Code of 1986 (relating to period of limitation on filing claim and on allowance of credits or refunds for tax overpayment) shall not apply to a claim filed by Richard W. Schaffert of Lincoln, Nebraska, for credit or refund of an overpayment of the individual Federal income tax Richard W. Schaffert paid for the taxable year 1983.

(b) DEADLINE.—Subsection (a) shall apply only if Richard W. Schaffert submits a claim pursuant to such subsection within the 1-year period beginning on the date of the enactment of this Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER pro tempore. This concludes the call of the Private Calendar.

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PLAYING WITH BLOCKS

(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, ensuring that our children have the best possible education should be a priority for all of us. However, we need to ensure that our education dollars fund programs that are actually and truly educating our children.

Awhile back I read an article detailing programs endorsed by the U.S. Department of Education which encouraged teaching middle school students to play with blocks and use calculators, rather than teach them basic math skills. These useless programs have prompted over 200 scholars recently to take out a full page ad in the Washington Post denouncing the programs and calling for Secretary Riley to stop endorsing them. But yet programs like these still exist and are still funded with the tax dollars of hard-working Americans.

Our children deserve more. They deserve educational programs that will actually prepare them for the 21st century. This year, let us make a commitment to our children. Let us raise test scores, but let us do it by supporting real education, not by lowering our standards.

Mr. Speaker, I yield back all the dumbed-down education programs that have failed to teach our children.

□

THE TIME TO ACT IS NOW

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

Mr. MENENDEZ. Mr. Speaker, the Republican leadership likes to complain about bureaucracy, but when it comes time to do something about it, something their special-interest friends oppose, they are remarkably silent, because on this very day, as we speak, families across our country are being forced to wade through a seemingly endless bureaucracy, a mountain of paperwork, simply to get the care, the health care, they or their children need and deserve.

It does not need to be that complicated. If your child has fallen and hit his head, you should not have to call an insurance bureaucrat to see if you can go to an emergency room and you should not have to get authorization before taking your child in. You should be free to have only one thing on your mind, and that is your child's safety.

That is what the Patients' Protection Act ensures. It puts health care first and bureaucracy last. That is what we Democrats and some conscientious Republicans are fighting for. That is the reform the supposedly pro-family anti-bureaucracy Republican leadership has been stalling for years.

Mr. Speaker, the time for Republican stalling is over. The time to act is now. Let us vote for the motion to instruct conferees later today and move the Patients' Bill of Rights to the President's desk.

□

REPEAL THE MARRIAGE TAX PENALTY

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

Mr. PITTS. Mr. Speaker, the family is the fundamental building block of society. Our Tax Code for too long has punished Americans for getting married. This year, 28 million American couples will be penalized an average of $1,400, simply for committing their lives to each other.

It is past time to repeal the marriage tax penalty. In America, our tax policy should encourage family formation, not discourage it.

Mr. Speaker, we need to eliminate the marriage tax penalty for all married couples, not just some. If the marriage tax penalty is bad policy, it is bad policy for everyone. I urge this body to completely repeal the marriage tax penalty and honor all American marriages, not just some.

□

SAFE PIPELINES ACT OF 2000

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

Mr. INSLEE. Mr. Speaker, on June 10th, last summer, a gasoline pipeline in Bellingham, Washington, ruptured, spilled hundreds of thousands of gallons of gasoline and ignited, and a huge fireball took the lives of two young boys and one young man. We now have huge holes in our safety system of pipelines in this country, and we need to act to plug those holes.

Accordingly, yesterday the gentleman from Washington (Mr. METCALF), the gentleman from Washington (Mr. SMITH), the gentlewoman from Washington (Ms. DUNN), and myself introduced the Safe Pipelines Act of 2000. This act will include a couple of common sense measures. It is common sense to require periodic regular inspection of these lines, it is common sense to require reporting of spills, and it is common sense to allow States to move forward to have more rigorous safety standards in our neighborhoods.

I would urge my colleagues to join me in supporting this bill. It is only asking these companies to act as a good neighbor when these pipelines run next to our back doors, to make sure they are safe. Let us require them to be good neighbors and pass this bill.

PASS MEANINGFUL MARRIAGE TAX RELIEF

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

Mr. BALLENGER. Mr. Speaker, it is good to hear that the President is joining our tax relief debate. Just last year the President vetoed our marriage tax relief plan. This year he thinks our idea is so great he has come up with his own proposal.

Unfortunately, his plan misses the mark. The President's plan would only affect a fraction of the 28 million couples helped by the Republican plan and would only save couples a meager $210 a year. Come on, Mr. President. The American people deserve better. On the other hand, the Republican plan would have provided married couples up to $1,400 in tax relief.

Mr. Speaker, in the next few weeks the House will consider a marriage tax fix even better than our proposal last year. I urge the President to join us this year to pass meaningful marriage tax relief. American couples deserve it, and it is the fair thing to do.

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WAL-MART WIPING THEIR ASSETS WITH OLD GLORY

(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, so much for Wal-Mart's big buy-American promotion. Since 1985, Wal-Mart bought 4 tons of Chinese shoes. Meanwhile, 240 American shoe factories shut down and 30,000 American workers lost their jobs. If that is not enough to bust your bunions, Wal-Mart imports 18,000 tons of goods and products from China each year.

Think about it. While American soldiers literally died shouting ''better dead than red,'' Wal-Mart has allowed China to wipe their assets with Old Glory.

I yield back the fact that Wal-Mart now owns, owns and sells 14 brands of shoes, and they are all made in China.

Beam me up.

□

ENDING ACRIMONY AND BITTERNESS ON THE HOUSE FLOOR

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

Mr. FOLEY. Mr. Speaker, let me ask my colleagues on both sides of the aisle, if they will, to be a little patient. We are already hearing some ''foot dragging'' commentary on health care. We are hearing a lot of innuendos that somehow the Republicans are not getting to work. We just started.

But I will tell you some of the things we did do last year. Paid down the debt, over $151 billion; paid do you know what we owe the taxpayers of the

United States of America. Now we are going do have a chance for marriage penalty elimination. Talk about sensible tax relief for all taxpayers.

So let us not start the rhetoric of this new year and this new millennium with accusations of foot dragging and partisanship. I implore the other side of the aisle to be calm, to be rational, and to be deliberate as we debate the very important issues confronting the American people. But if we are going to start with these types of one minutes of accusation, innuendo and character assassination, then I think the year will start off just as it ended last year, with acrimony and bitterness.

Let us start for the American people a better way on this floor by proving we can legislate and not sit here and constantly belittle the other side of the aisle.

□

GETTING SERIOUS ABOUT REAL HMO REFORM

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

Mr. GREEN of Texas. Mr. Speaker, I follow my colleague from Florida in saying that I agree that we should work together. In fact, last year this House passed and worked very hard on a bipartisan Norwood-Dingell bill, on managed care reform, but we have not seen any action in months.

We should stop the delay in managed care reform. We do not need gimmicks or watered down proposals that wind up doing nothing for patients.

In my home State of Texas, we passed these protections in 1997 included in the Norwood-Dingell bill, and there have been no massive premium increases or mass filing of lawsuits that are used against the bill. What Texas residents do have is elimination of gag clauses, open access to specialists, timely appeals processes, coverage for emergency care and holding the medical decision maker accountable.

We do not need any more delays. We need to act this year on a bipartisan basis and pass this bill. Hopefully, the conference committee will at last meet after all these months and pass real HMO reform, and today we will have that opportunity with the motion to instruct the conference committee. We need HMO reform now.

□

CONTINUING THE RECORD U.S. ECONOMIC EXPANSION

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

Mr. DREIER. Mr. Speaker, it is generally known that success has 1,000 fathers and defeat is an orphan. I would like to stand here and go one step further and compliment the President, for in his State of the Union he used the plural ''we'' in describing the fact that as we mark this February 1, 2000, it is the anniversary of the longest economic expansion in our Nation's history. I am glad that he used the plural ''we'' in describing the fact that we have encouraged policies which have allowed the American people to bring about this economic expansion.

The real challenge is are we going to continue to do everything that we can to pursue those shared goals of maintaining a balanced budget, reducing the tax burden on working Americans, encouraging global trade, which is very, very key, making sure that we continue to reform welfare, and encourage work and productivity. I think we have a chance to do that.

HMO reform, I would say to my friend from Texas, is among those priorities. Congress adjourned before Thanksgiving. It is true that in the last couple of months we have not been working on it, but we are committed to moving ahead with that legislation just as quickly as we possibly can. I am glad that we are working together.

□

ENSURING STRONGEST POSSIBLE PATIENT PROTECTIONS IN HMO REFORM

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

Mr. WYNN. Mr. Speaker, this year Congress can begin to address one of America's most pressing problems, reforming managed care. But HMO reform will be meaningless if we do not have a real Patients' Bill of Rights with teeth.

Last year we got the process started. We passed the bipartisan Dingell-Norwood bill, which has real teeth in it. What do we need to do now? First, we need to get started. There has been too much delay. Let us convene the conference committee. Second, we need to insist on the part of the House that we include the tough standards that give patients the right to sue, that require utilization review, that require independent appeals processes and that enable constituents to have an explanation in writing of why they were denied care.

When people are denied care by HMOs, they are harmed. When HMOs harm citizens, they have to be held accountable. The way to hold them accountable is to insist that our legislation includes the tough standards that the House passed last year. We can do it together. I certainly believe this ought to be one of our first orders of business as we begin the new year. I think if we do that we can make real progress for the American people.

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□ 1115

PATIENTS' BILL OF RIGHTS

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

Ms. DELAURO. Mr. Speaker, 4 months ago we passed a bipartisan Patients' Bill of Rights. This is a monumental piece of legislation to reform HMOs. It provides basic rights of care for all Americans. It ensures that we are able to choose our own doctors; that we have access to the nearest emergency room; that we have a specialist when we need one, if we need one for our health; and, yes, indeed, to hold HMOs accountable for the medical decisions that they are making every single day.

Unfortunately, the GOP leadership continues to stall this legislation. I call upon the Republican leadership to stop their delay tactics, pass meaningful HMO reform. This is a bipartisan bill; we have broad support amongst the rank and file Members. We must act to give 160 million Americans access to health care in this country. We owe it to the American people to enact this legislation and to enact these reforms now.

□

PATIENTS' BILL OF RIGHTS

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

Ms. SCHAKOWSKY. Mr. Speaker, now is the time for a real Patients' Bill of Rights; and today is the day that we should instruct the conferees to move quickly to pass a strong bill.

I have a letter from constituents.

> Dear Representative Schakowsky: We beg you to please do everything you possibly can to support a Patients' Bill of Rights for those of us who find ourselves in the merry-go-round of dealing with HMOs and reluctant insurance company benefit providers. It has gotten to the point of being ridiculous when patients are subjected to mental torture by these big companies.
>
> This certainly cannot be what our Founding Fathers had in mind. Ultimately, we have only one means of relief, the United States Congress. I understand the big providers have lobbyists, with deep pockets, fighting any legislation that would force them to be more fair and of understanding their responsibilities to their customers, but this cannot be allowed to interfere with what we all know to be basically right and wrong. This is what the average American cannot understand. Why cannot Congress just do what is right for the people whose well-being has been entrusted to them?

It has been entrusted to us. This is the day that we can act to say move quickly, move now.

□

PATIENTS' BILL OF RIGHTS

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

Mr. GEJDENSON. Mr. Speaker, it is time for the conferees to move forward with a patients' bill of rights. The leadership of this Chamber, which has

blocked the legislation for years now, has to recognize that the American people are rightly demanding that their elected leaders give them a fair chance at getting decent health care.

There are 47-some million Americans without health care. That is a tragedy and an embarrassment for this great Nation, but the fact the people who pay their premiums and expect to get care when they are ill, or their loved ones are in danger, end up fighting the bureaucracy of these large corporations with their hands tied behind them and virtually no rights, which is an outrage.

This House and the Senate need to come together and pass a real bill that gives citizens the right to protect themselves in these medical emergencies.

□

PATIENTS' BILL OF RIGHTS

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

Mr. ROMERO-BARCELO. Mr. Speaker, I rise this morning with a hopeful heart. We return to Congress at the dawn of the millennium, and we face many challenges and opportunities. I wish to remind our colleagues that during the last session, the House approved legislation that greatly impacts Americans and assures their access to health care, but today, 4 months after the Patients' Bill of Rights was approved, we are still waiting for action.

We cannot allow any more delays that place the health of Americans at risk. Millions of American families suffer from managed care decisions made by HMO bureaucrats that are based on profits and not medical need. We must return medical decisions back to where they belong, to doctors and patients.

I urge conferees to produce a strong bill that will help families and give patients the right to make health and life decisions together with their doctors and not subject to the decisions of insurance bureaucrats.

□

WELCOME BACK TO OUR GREAT CITY

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

Ms. NORTON. Mr. Speaker, I come to the floor to welcome back Members. Welcome back to the city that is still on the rise, about to report another surplus. Welcome back to the city that has been substantially helped by this Congress. Welcome back to a city whose improvements could be seen as one comes to the House this morning because the streets were, of course, cleared. The city now has the funds and the wherewithal to act like a city and do what cities do well.

I am very pleased that the Congress passed my $5,000 home-buyer credit because that has helped us to get more people in this city. We still need a couple hundred thousand more. And I am going to be coming to talk about that with bills this term, but I want to say for the people who live in this city that we are very pleased that Congress is back.

I want Members to know that if they have a problem, and inevitably even with a government in good working order there will be problems, I hope they will come to their Congresswoman while they are away from their districts, because that turns out to be me. I will be sending a letter to Members about how to do that and how they can maneuver their way through problems with the District government. Again, welcome home.

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COMMUNICATION FROM RICHARD A. GEPHARDT, DEMOCRATIC LEADER

The SPEAKER pro tempore (Mr. LAHOOD) laid before the House the following communication from RICHARD A. GEPHARDT, Democratic Leader:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE DEMOCRATIC LEADER,
Washington, DC, February 1, 2000.

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

DEAR MR. SPEAKER: Pursuant to Section 602(b) of the Intelligence Authorization Act for Fiscal Year 2000 (Public Law 106–120), I hereby appoint the following member to the National Commission for the Review of the National Reconnaissance Office:

Mr. Dicks, WA.

Yours very truly,

RICHARD A. GEPHARDT.

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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 up later.

□

HONORING THE CONTRIBUTIONS OF CATHOLIC SCHOOLS

Mr. SCHAFFER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 409) honoring the contributions of Catholic schools.

The Clerk read as follows:

H. RES. 409

Whereas America's Catholic schools are internationally acclaimed for their academic excellence, but provide students more than a superior scholastic education;

Whereas Catholic schools ensure a broad, values-added education emphasizing the lifelong development of moral, intellectual, physical, and social values in America's young people;

Whereas the total Catholic school student enrollment for the 1998–1999 academic year was 2,646,844, the total number of Catholic schools is 8,217, and the student-teacher ratio is less than 17 to 1;

Whereas Catholic schools provide more than $17,200,000,000 a year in savings to the Nation based on the average public school per pupil cost;

Whereas Catholic schools teach a diverse group of students and over 25 percent of school children enrolled in Catholic schools are minorities;

Whereas the graduation rate of Catholic school students is 95 percent, only 3 percent of Catholic high school students drop out of school, and 83 percent of Catholic high school graduates go on to college;

Whereas Catholic schools produce students strongly dedicated to their faith, values, families, and communities by providing an intellectually stimulating environment rich in spiritual, character, and moral development; and

Whereas in the 1972 pastoral message concerning Catholic education, the National Conference of Catholic Bishops stated, ''Education is one of the most important ways by which the Church fulfills its commitment to the dignity of the person and building of community. Community is central to education ministry, both as a necessary condition and an ardently desired goal. The educational efforts of the Church, therefore, must be directed to forming persons-in-community; for the education of the individual Christian is important not only to his solitary destiny, but also the destinies of the many communities in which he lives'': Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals of Catholic Schools Week, an event sponsored by the National Catholic Educational Association and the United States Catholic Conference and established to recognize the vital contributions of America's thousands of Catholic elementary and secondary schools; and

(2) congratulates Catholic schools, students, parents, and teachers across the Nation for their ongoing contributions to education, and for the key role they play in promoting and ensuring a brighter, stronger future for this Nation.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado (Mr. SCHAFFER) and the gentleman from Michigan (Mr. KILDEE) each will control 20 minutes.

The Chair recognizes the gentleman from Colorado (Mr. SCHAFFER).

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

Mr. Speaker, America's Catholic schools are internationally acclaimed for their academic excellence. They also provide students more than a superior scholastic education. Catholic schools ensure a broad values-added education, emphasizing the life-long development of moral, intellectual, fiscal, and social values in America's young people. The total Catholic school student enrollment for 1998 and 1999 was 2,646,844. The total number of Catholic schools is 8,217, and the student/teacher ratio in those institutions is less than 17-to-1.

Catholic schools provide more than $17 billion a year in savings to the Nation based on the average school per pupil cost.

Catholic schools teach a diverse group of students and over 25 percent of school children enrolled in Catholic schools are minority students. The graduation rate of Catholic schools is

95 percent. Only 3 percent of Catholic high school students drop out of school and 83 percent of Catholic high school graduates go on to college.

Catholic schools produce students strongly dedicated to their faith, their values, their families and communities by providing an intellectually stimulating environment rich in spiritual character and moral development.

In 1972, a pastoral message was adopted by the National Conference of Catholic Bishops and it stated the following and I quote for the Chamber, education is one of the most important ways by which the church fulfills its commitment to the dignity of the person and building of community. Community is central to education ministry, both as a necessary condition and an ardently desired goal. The educational efforts of the church, therefore, must be directed to forming persons and community, for the education of the individual Christian is important not only for his solitary destiny but also for the destinies of the many communities in which he lives.

It is on that basis, Mr. Speaker, that this resolution recognizes Catholic schools and Catholic Schools Week. This is an event sponsored by the National Catholic Education Association, which is, by the way, the largest private organization of professional teachers in the world. It is also sponsored by the United States Catholic Conference and established to recognize the vital contributions of America's thousands of Catholic elementary and secondary schools.

So we here congratulate today Catholic schools, their students, their parents, teachers across the country, for their ongoing contributions to education and for the key role that they play in promoting and ensuring a brighter and stronger future for this Nation.

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

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

Mr. Speaker, I rise in strong support of this resolution. Mr. Speaker, today's resolution recognizes the significant and important contributions of Catholic schools. Mr. Speaker, I myself attended Catholic schools. I received a high quality education from these schools and have benefited greatly. Also, children all across America have benefited from a Catholic education. Catholic education's place in America and our educational commitment is strong and dynamic.

Fortunately, the truly great aspect of the American educational opportunity is its diversity. We have educational systems that can provide anyone in any city, in any State, with the opportunity to succeed. This recipe for success certainly includes our Catholic schools, schools with other religious focuses, nonreligious private schools, along with our great public schools. It is this variety, Mr. Speaker, this diversity, that truly makes American education powerful and makes American education successful in its mission.

Mr. Speaker, today we are recognizing the educational and societal contributions that Catholic schools make to our Nation. We must recognize the importance and value that all parts of our educational structure have in our lives and the lives of our children.

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

Mr. SCHAFFER. Mr. Speaker, I yield 3 minutes to the gentlewoman from New Mexico (Mrs. WILSON).

Mrs. WILSON. Mr. Speaker, I rise today to support this resolution with respect to Catholic education, but to also share with my colleagues some of the history of Catholic schools in America, and particularly Catholic schools in the southwest.

In 1598, Juan de Onate came up the Rio Grande, and he included eight Francisan friars in his expedition. They reached the east bank of the Rio Grande River near its confluence with the Chama River, close to the present site of Espanola and established a permanent settlement. That is over 400 years ago, before Jamestown became Jamestown and the Catholic church was in the southwest.

The friars began teaching to the pueblos and mostly other children were taught at home for the first 100 years or so but in the 1800s, the Spanish government, cooperating with the Catholic church, began to establish schools in the territory of New Mexico. In 1850, the Bishop of Santa Fe, Juan Baptiste Lame, began to expand Catholic schools in New Mexico and brought the Sisters of Loretto to Santa Fe and the Christian Brothers came shortly thereafter to establish a school which still exists, Saint Mike's. The importance of these institutions and the history of New Mexico cannot be underestimated. Twenty percent of the people who participate in the constitutional convention in 1910 that established the Constitution for the State of New Mexico were graduates of Saint Mike's High School.

These two institutions, the Sisters of Loretto and the Christian Brothers began a long tradition of Catholic schools in New Mexico as they expanded many more schools throughout the territory.

It was only 1891 when New Mexico started establishing a system of public schools, and even then Catholic schools retained their importance. Four of the first teaching certificates issued in Albuquerque, my home, under this new public school law, were to Sisters of Charity. That was 300 years after the Catholic church began educating new Mexicans. Today there are five Catholic high schools in New Mexico, 29 elementary schools. To put that in context, there are a little less than 800 public schools in the entire State of New Mexico.

□ 1130

The great thing is how many kids go on. They graduate from Catholic high schools. In my hometown, Albuquerque, St. Pious High School has a graduation rate of 100 percent, and between 95 and 100 percent of those kids go on to college. They do a great job. They have impacted our history and our culture and our life, and we thank them very much for it.

Mr. KILDEE. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. KLECZKA).

Mr. KLECZKA. Mr. Speaker, let me thank my colleague, the gentleman from Michigan (Mr. KILDEE), for yielding time to me.

Like the gentleman from Michigan, I also am a product of the Catholic schools, having attended St. Helen's Grade School, taught by the good Felician Sisters, and then on to high school, attending Don Bosco High School, which was taught by the Brothers of Mary.

So, I rise to support this resolution, but I would like to further the congratulatory portion of the resolution by including all the Catholic clergy in the country and all the good sisters who devoted their lives to teaching young students in the Catholic schools.

I extend this honor to the Catholic clergy, and wish that the Republican leadership would have done the same, when they had their chance to honor a Catholic clergyman by selecting the first choice of the bipartisan Chaplain Selection Committee, a Catholic priest, Father Tim O'Brien, who was passed over.

In checking back with the Committee on Education and the Workforce and with the Catholic Conference, I am told that this is the first time the House of Representatives has ever brought to the floor a resolution specifically congratulating Catholic schools.

I guess one could be suspicious of the timing. Here we are in the second session of the Congress, and one of the first items brought forward is a resolution congratulating Catholic schools. This naturally will make Catholics around the country very happy.

However, one could ask, why is this being done? We have had Catholic School Week celebrated in this country for years and years. One could ask, is this a way that some can clear their conscience? Is this resolution before us because maybe it is an attempt to repair some of the damage done to the Catholic vote in this country?

Mr. Speaker, I make a prediction. I would say after the debate on this resolution, a roll call vote will be requested. And later this afternoon when the vote is called, my Republican colleagues will stream to the floor and cast an aye vote for the resolution to show the entire world how pro-Catholic they are.

Mr. Speaker, I hope that same level of pro-Catholicism exists when the House later this month has before it the appointment of a chaplain for the House of Representatives, and when we will have the opportunity at that time

to vote on naming the first Catholic priest in the history of this country to be chaplain of the United States House of Representatives.

Mr. SCHAFFER. Mr. Speaker, I yield myself such time as I may consume. Mr. Speaker, I would respond to some of the comments that were made by the previous speaker.

Mr. Speaker, with respect to the timing of this resolution, it is unfair, wholly unfair, to suggest that the Council of Catholic Bishops and the Catholic Educators Association somehow planned Catholic Education Week, this week, to correspond with the second issue that the gentleman spoke of.

It is certainly not the case. Catholic Schools Week is an annual event, and one this Congress has recognized in the past and participated in events. I have been part of those myself in years past.

Secondly, the gentleman asked, why is this resolution being introduced? This resolution was introduced because I wanted to introduce it. As a sponsor, I thought it was important. I am one who represents a district where a great many of my constituents educate their children in Catholic schools. They are thriving institutions. They provide a wonderful service, not only to the children who learn in those schools, but to the community at large.

I would submit that, from a cultural perspective, our Catholic schools have contributed greatly to our Nation, and it is right and it is fitting for this Congress and for this body to recognize their contributions to the country.

Fortunately, most children who are in Catholic schools today are learning and they are hopefully not observing today's proceedings, because how confusing it must be for them to observe Members of their Congress confusing an issue that is about those children and ought to be focused exclusively on those children and the great contributions of their teachers and administrators and those who have provided professional support for those kids. That is what this resolution is about. That is where our focus ought to remain.

I find it once again troubling and unfortunate that others would try to drag in secondary issues, other issues that are important to the Congress that will in due time be resolved by this Congress in an appropriate setting.

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

Mr. KILDEE. Mr. Speaker, I yield 3½ minutes to the gentleman from Indiana (Mr. ROEMER).

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

Mr. ROEMER. Mr. Speaker, first of all, as a Catholic, as a product of Catholic schools, including the University of Notre Dame in my district, someone educated by some of the Diocesan, some of the Holy Cross and Jesuits orders, I am very proud as an original cosponsor to rise in support of this resolution.

The success of the Catholic schools across the country and particularly in my home district makes me very proud. That is why I am a proud original cosponsor of this legislation.

The Catholic schools, Mr. Speaker, are traditionally very strong academically, with very good curricula. They have a very good parental involvement and they have few disciplinary problems. Catholic schools, Mr. Speaker, can often teach students not only the importance of academic achievements, but also provide them with the important perspective of life that promotes social justice and responsibility and social service and love and respect of one's neighbor. Catholic schools also have considerable ethnic and racial diversity.

We have also seen, Mr. Speaker, and I think it is very important to point this out, that there is about a 95 percent graduation rate from our Catholic schools, and about 83 percent of those students go on to college. I think it is important for us to look at why this is so. We have very many great public schools, but we have a real pattern here in our Catholic schools. We need to understand why this is.

Dr. Maureen Hallanan, with the Institute of Educational Initiatives at the University of Notre Dame, is working to do precisely this. She is conducting a comparative analysis of public and nonpublic schools and their effects on student achievement. This research will help identify the characteristics of those schools that successfully promote student achievement, especially, especially targeted for at-risk students. These would be important considerations for us to better understand.

So I hope that all my colleagues will join me in supporting this valuable research and supporting this resolution.

With respect to the comments that my good friend, the gentleman from Wisconsin, made, I think it is fair to bring up the situation of the Catholic chaplain as we consider and debate and talk about Catholic education and the importance of that Catholic education in America today.

Mr. Speaker, I think, sadly, it was a missed opportunity. I think Reverend Wright surely could and would make a very good chaplain here, and I have the highest respect for him. I certainly think the process probably could have been much fairer. I think basically it is a missed opportunity to be more inclusive. Mr. Speaker, I think it is generally a missed opportunity to be more inclusive.

Secondly, I think we could have reached out and shown the Catholic community throughout the country we embrace their diversity, and for the first time in the history of this Congress have a Catholic chaplain.

Thirdly, we have seen, through the centuries in this country in politics with Al Smith and John Kennedy, through the Ku Klux Klan, that we have had prejudice against the Catholics. This was an opportunity in this new century to show that we have overcome much of that prejudice. It is a missed opportunity, and I hope that it will not happen in the future.

Mr. SCHAFFER. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Speaker, I thank the gentleman for yielding time to me, and I rise in strong support of this resolution.

I can speak on this issue from personal experience. I have several people on my staff who are graduates of Catholic schools, including several who went through Catholic elementary school, high school, and college.

As well, I can also speak that my father was a graduate of Catholic schools, and my sister went to Catholic school as well. My parents actually wanted to send myself and my two sisters, younger sisters, to Catholic school, but like so many working class families, they could not afford it.

That is why I feel so strongly that we in this Congress should be doing everything we can to enable parents, working class parents, to have the ability to choose the educational environment for their kids that they would like, a choice that unfortunately today is primarily reserved for wealthy people and people who end up having to sacrifice a great deal. I know my parents sacrificed to send my sisters, and I have met many people who sacrificed a great deal to send their children to Catholic schools.

Why do they do that? Children who go to Catholic schools, they are much more likely, 95 percent of them graduate. There is a higher percentage of them who get into college. As well, there is a lower incidence of drug abuse. There are just so many amazing things that the Catholic schools have been able to do.

What is most amazing is that they actually do it with less money. They have demonstrated very clearly that they can do a better job with less, and that is why we in the Congress should be doing everything we can to encourage Catholic education in America for those who would choose to send their children there.

Most importantly, we should be encouraging school choice so that not just wealthy people can choose where they send their kids to go to school, and people are not forced to make incredible sacrifices, but that every American, working class, poor, would have the ability to send their child to the school of their choice.

Yes, if we had an educational system in America that was like that, I believe millions more would choose Catholic education, because Catholic education has demonstrated clearly in that marketplace that they can do more with less. They can produce kids that are better equipped to go out in the world and be productive citizens.

Therefore, I am extremely pleased to be able to rise and speak in support of this resolution. I encourage all my colleagues to do the same.

Mr. KILDEE. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. ESHOO).

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

Mr. Speaker, I rise today in support of this resolution. I think it is a very important one. Certainly the Catholic schools of our great Nation have shaped and formed so many fine citizens.

I am a product of Catholic schools. I am proud to have paid my taxes for the public schools, and yet educated my children at Catholic schools as well. My daughter and son-in-law today are part of the faculty, high school faculty, in California at a very prestigious Catholic institution. Many of us I think have compared notes with one another talking about how the nuns shaped us, and it is them that we salute today. There are so many who have gone before us that we want to recognize when we recognize Catholic education in the United States.

It is really a real tribute to the Framers of the Constitution that we have the separation of church and State, and yet we recognize that we are one Nation under God, and that there is room in this country for private education and religious education.

It is my understanding that this is I think the very first time that the House of Representatives is entertaining a resolution honoring Catholic schools. I am grateful for that, and I salute that.

As a Member of the House Chaplain Search Committee, I would like to also say that the House and its leadership have the opportunity to recognize and to accept by the leadership for the first time in the history of our Nation a Catholic chaplain. Unfortunately, that has not happened. There are questions surrounding that, but we did miss a bipartisan opportunity and the opportunity to make history.

So while we recognize Catholic schools today, I am sorry that we have missed that opportunity. Mr. Speaker, I thank the sponsors of this important resolution.

□ 1045

Mr. SCHAFFER. Mr. Speaker, I have other speakers who are intending to be here who are not here now, so I reserve the balance of my time.

Mr. KILDEE. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. REYES).

Mr. REYES. Mr. Speaker, I thank the gentleman from Michigan (Mr. KILDEE) for yielding me this time.

Mr. Speaker, I also rise in strong support of this resolution this morning. It is also my understanding that this is the first time that such a resolution has come before the House.

I was privileged and honored to have been at a function last Saturday night where we recognized the supporters of Catholic education for the El Paso area. It is important to note, and I agree and want to associate myself with the comments of all of the comments this morning in extolling the virtues of Catholic education.

Mr. Speaker, I should say that, although I am a product of public schools, I deeply appreciate the value of a Catholic education, especially in a community like El Paso which services predominantly 80 percent of the Hispanics in that area.

I want to congratulate Bishop Armando Ochoa for the great job that they are doing. In El Paso there are 13 schools with 4,600 students employing about 300 educators. The oldest, which was honored on Saturday night, is Our Lady of Mount Carmel, which is celebrating its 81st year. The Father Yermo School is celebrating its 40th year in education.

I think it is important that we understand that the products of Catholic education are serving throughout the country in different capacities, both in private and public service. The superintendent of the Diocese of Catholic Schools is Sister Elizabeth Schwartz and she, with some degree of regret, did mention to me about the issue in terms of having missed an opportunity to select a Catholic for the chaplain.

Mr. Speaker, I appreciate the opportunity to speak on this important issue.

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

Mr. Speaker, I appreciate all the speakers today who have articulately spoken about the value and benefit of Catholic education and the contributions Catholic schools have made throughout the history of our country, right up to today and also that which we anticipate beyond.

There are a number of interesting statistics that I would like to remind the body about. First of all, just in terms of faith, I am Catholic and was educated in a Catholic high school in Cincinnati, Ohio, Moeller High School, and also Catholic University. It was my observation while I was there that clearly the majority of students who I attended school with were Catholic, but we had a great number of students from a wide variety of different Christian and non-Christian faiths who attended our school as well.

Almost 11.5 percent of Catholic elementary school students are from other faith backgrounds throughout the country. In some inner-city schools, the majority of students are non-Catholic. I think it speaks to the mission of Catholic educators to reach out to all students and provide academic and spiritual-based services to all those who wish to achieve a superior education in many settings throughout the United States of America.

Mr. Speaker, it is a remarkable accomplishment that the schools have achieved, and one worth noting today. As the gentleman from Florida mentioned a little earlier in terms of cost, the average tuition for children in a parish school setting is approximately $1,500 annually. Eighty-two percent of schools have some sort of tuition assistance. Over 60 percent of Catholic schools have a tuition scale for children from other parishes or other non-Catholic children. Over 80 percent of schools have some form of tuition assistance that is passed on to students that helps those students attend and achieve.

The average per pupil cost is $2,414 and 87 percent of the schools receive other subsidies from within the Catholic church and other Catholic endowments.

Based on the projected per pupil costs to educate a child in government-owned institutions during the most recent year that statistics are available, 1996 through 1997, it cost approximately $6,600 across the country to educate children. Parents of Catholic elementary school students provided a gift to local, State, and Federal governments of over $15 billion on that basis when we take into account the cost of educating those children in government-owned institutions, had those children had government schools as their only option; the cost of those entities would have been paid, if all Catholic elementary school attendees had attended those public schools.

Mr. Speaker, I want to talk about the teachers themselves. The teachers in Catholic schools are largely organized under the National Catholic Educational Association. That represents most of the U.S. Catholic elementary schools through the Department of Education.

The organization is a professional organization. As I mentioned earlier, it is the largest private professional educational organization in the world.

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

Mr. KILDEE. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. KLECZKA).

Mr. KLECZKA. Mr. Speaker, I would like to respond to the gentleman from Colorado (Mr. SCHAFFER). When he was speaking and basically chastising me for introducing the entire chaplain issue, I asked him to yield for one question. That question was: Where was this resolution last year? Where was the resolution the year before?

Mr. Speaker, this is the first time ever that I can find where we have had a resolution praising the Catholic schools of the country. Maybe one could say, and I agree, that it is about time we did so. However, we have to know the background.

There was a bipartisan chaplain selection committee appointed, nine Democrats, nine Republicans, who went on a very exhaustive search, over 35 candidates, to choose a new chaplain of the House. After their voting was completed, and I do not really understand the point system, but the person who received the highest number of votes for chaplain was Father Tim O'Brien, a Catholic priest who received 14. The next received 10.5 the third received 9.5.

The third one, the minister who received 9.5 points, was the one selected by the Speaker of the House and Majority Leader to be the next chaplain. We have not taken that issue up yet. That is coming up, I believe, in a couple of weeks.

So some of my colleagues have indicated that we have missed an opportunity in the House. No, that opportunity has not come before the House. I think we can right the wrong of the leadership in passing over Father Tim O'Brien, a Catholic priest.

PARLIAMENTARY INQUIRY

Mr. WELDON of Florida. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Wisconsin (Mr. KLECZKA) will have to yield for that.

Mr. WELDON of Florida. Will the gentleman yield for a parliamentary inquiry?

Mr. KLECZKA. Mr. Speaker, I yield.

Mr. WELDON of Florida. Mr. Speaker, is it not correct that we are supposed to be debating the resolution before us today?

The SPEAKER pro tempore. That is not a parliamentary inquiry.

Mr. KLECZKA. Mr. Speaker, I have to question the timing of this first ever pro-Catholic resolution. And I think it is totally appropriate to bring it to the debate, the fact that if the people who are bringing this resolution forward are so pro-Catholic, let us see if that pro-Catholic feeling continues to exist when the House has before it the issue on electing, for the first time ever in the history of the House, the first Catholic chaplain.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would correct his previous response to remind all Members that debate should be confined to the pending question.

Mr. SCHAFFER. Mr. Speaker, I yield 2½ minutes to the gentleman from Florida (Mr. DIAZ-BALART).

Mr. DIAZ-BALART. Mr. Speaker, I thank the gentleman from Colorado (Mr. SCHAFFER) for yielding me this time.

Mr. Speaker, I did not think I was going to be speaking on this resolution. I have come to the floor because shortly we will be bringing forth a rule on the Taiwan security legislation. But I want to commend the gentleman from Colorado (Mr. SCHAFFER) for bringing forth this resolution.

Mr. Speaker, I have two sons. One of them is 16, the other has just turned 15. The 15-year-old is in ninth grade; the other one is in the eleventh grade. They both go to Catholic school.

In south Florida, we have a wonderful series of Catholic schools, both primary and secondary, as well as a wonderful Catholic university, Barry University. We are very proud of the education that those schools provide. So I think it is very appropriate that the gentleman from Colorado (Mr. SCHAFFER) brought forth this resolution that we are debating it today.

I do not know if it is the first resolution in history, Mr. Speaker. But I am glad that it has been done, because the reality of the matter is that the men and women who work in the Catholic schools throughout the United States deserve our commendation and they deserve our praise and we should go on record as expressing our appreciation for the work they do.

Mr. Speaker, I never cease to learn in this body, because I never thought that this would be a controversial resolution. I think that praising the men and women, both the religious and the lay folks, who work in Catholic schools is something that everybody would wish to do. So this has been an educational experience today that it has become controversial, but that is democracy. Even something like this can become controversial.

The reality of the matter is that I think we should all come together and praise the men and women who form the new generations who are privileged enough. Because all schools, whether they are private or public, are praiseworthy. But, specifically, definitely so are the Catholic schools and that is why I commend the gentleman from Colorado.

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

Mr. Speaker, in conclusion, I would like to thank the Sisters of Saint Joseph of Nazareth, Michigan, who taught me at Saint Mary's school in Flint, Michigan. I would like to particularly thank Sister M. Hilary who helped change my life.

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

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

Mr. Speaker, in closing, I too would like to thank those who have spoken today on this important topic in reaching out to congratulate those involved in Catholic schools. The students, the administrators the teachers, all those who make Catholic education possible in the United States.

As a product of Catholic schools, I have learned myself that it is virtually impossible to disconnect the academic construction from the spiritual basis that all children in America need in order to advance and grow spiritually and personally. A great many parents throughout the country, even with the government-owned system that most children are educated in today, manage to instill in their children a strong spiritual basis as their children grow. But for many children, that is just an opportunity that is lost or missed.

The Catholic schools throughout the country provide a remarkable example and a remarkable model of academic institutions that result in thriving, growing, well-educated young men and women throughout the United States of America. And it is fitting for this body to recognize the contributions and accomplishments of Catholic schools today.

This is Catholic Schools Week all week long. There will be events taking place throughout the country. Our participation here is a symbolic one, but I think an important one as well to let them know that their job is one which is well done, one that is critical and essential to the maintenance of our union and the academic excellence of graduates and students who are in school today, and that they play a critically important role in the future growth and development of our Nation as a whole.

With that, Mr. Speaker, I ask the committee to consider favorably this resolution and that concludes the balance of my remarks.

Mr. CHABOT. Mr. Speaker, I rise in strong support of this important resolution that honors the contributions of Catholic schools in the United States. I am a product of that school system, I have been privileged to teach in a Catholic school, and my two children currently attend Catholic schools in our hometown of Cincinnati, Ohio.

In Cincinnati, we're very proud of our Catholic school system—one of the largest in the United States with 77 elementary and 16 secondary schools. Students in the system routinely score in the top one-third on nationally standardized tests. 98% graduate from high school. And 96% go on to pursue higher education.

Representatives from Catholic schools from all across the United States are in Washington this week to celebrate National Catholic Schools Week. We welcome them. And we thank them for building an exemplary education system that is based on academic achievement, community involvement, and strong values. Our Catholic schools have set a standard we can all be proud of.

Mr. Speaker, I strongly support this resolution.

Ms. SANCHEZ. Mr. Speaker, I rise today to honor America's Catholic schools.

It is fitting and appropriate that the Congress consider this legislation today. Our nation's Catholic schools are reputed not only for their academic excellence but also for their contributions to our communities.

Catholic schools—and their faculty, staff, students and families—go above and beyond the call of duty. Children educated in our Catholic institutions benefit from moral and social development along with superior intellectual challenge.

Millions of children attend thousands of Catholic schools every year in our nation. These schools boast diverse student bodies and exceptional success rates. Their graduates are not only skilled, but also devoted to their faith and community.

Right in my own district in Central Orange County, California, Catholic schools teach our children not only the knowledge they will need to succeed in the classroom, but develop the character children will need to thrive in the world.

In its 1972 pastoral message concerning Catholic education, the National Conference of Catholic Bishops stated, ''Education is one of the most important ways by which the Church fulfills its commitment to the dignity of the person and building of community.''

The Catholic school system has made invaluable contributions to our nation. Today I congratulate Catholic schools for their success and their continued role in promoting and securing a bright, strong future for our nation.

Mr. SWEENEY. Mr. Speaker, I rise today to voice my strong support for House Resolution 409, honoring the contributions of Catholic Schools. Over two and a half million students are currently enrolled at 8,217 Catholic schools across the country.

This week, as ''Catholic Schools Week'', provides us an important opportunity to recognize the outstanding performance of Catholic schools in the education of America's youth. I believe their successes truly hold some of the keys to improving our education system nationwide.

Catholic elementary and secondary school students consistently display superior results on national and science academic achievement tests. Catholic schools maintain a phenomenal graduation rate of 95%, compared to 66% for public schools. More importantly, Catholic schools provide their students with a strong sense of their faith, family and community. They provide a rich, intellectually stimulating environment in which today's youth learn the skills required to be tomorrow's leaders.

These schools teach the value of self discipline, tolerance and respect for one another. Catholic schools open their classrooms to economically and culturally diverse students, giving young people of all backgrounds the opportunity to succeed.

I also salute the Catholic school teachers who dedicate themselves to the teaching profession and take great pride in the success of their students.

Mr. Speaker, I commend the sponsors of this resolution, and appreciate the opportunity to honor the Catholic schools of our nation. I believe these schools are a model for success in the education of our youth. I urge my colleagues to support this important resolution.

Mr. McINTOSH. Mr. Speaker, today Congress passed a resolution congratulating America's Catholic schools, the students, the teachers, and especially the parents, who make many sacrifices to provide their children the education offered in Catholic schools. The outstanding contributions of Catholic schools to our Nation are worthy of celebrating, and as a co-sponsor of that resolution I offer heartfelt congratulations to all who participate in the work of Catholic education. I am especially proud of Catholic schools in Indiana which provide a great education to more than 62,000 children.

This week we celebrate the 26th annual Catholic Schools Week and commemorate the important role Catholic elementary and secondary schools across the country play in providing a values-added education for America's young people. We are proud of their educational network, emphasizing intellectual, spiritual, moral, and social values in their students.

Studies have shown that Catholic schools succeed because they employ a system that works: Site-based management; discipline and virtue; high academic standards, and parental involvement. These qualities contribute to a caring, well-ordered, safe and stimulating environment where children learn more than just academics. They learn individual responsibility, respect, moral conduct, and hard work.

Catholic schools work because they are entirely voluntary for both students and teachers. If students are unhappy, they may leave. Teachers are not tenured. Parents who sacrifice to send their children to school remain involved.

Cicero once said, ''There are more men ennobled by study than by nature.'' However, if we are to ennoble the next generation, we must begin now by inducing positive changes in our education system so more children may have the opportunity to have the rich experience Catholic schools offer. We must introduce more examples of education excellence into the community, to kindle competition and bring excellence to all learning institutions public and private.

At the K–12 level, Indiana spends an average of $5,666 per student per year. Yet performance declines as the student progresses through the public school system.

For instance, in 1996, Indiana's 4th graders took the National Assessment of Education Progress math exam. They placed 4th out of 43 states that participated in the exam. Which is very good. However, Indiana's 8th graders ranked only 17th out of 43 states. On Math Advanced Placement exams, Indiana ranked last in comparison to other states and the District of Columbia in terms of the percentage of students who scored a 3 or higher out of 5. For Indiana high school students who are college-bound, their SAT scores are about 30 points below the national average. 46th in the nation.

We need to rethink our whole approach to elementary and secondary education. We need to look to examples of education systems which achieve great results so that we can make systemic changes. We also need to provide ways to help parents take advantage of the choices that exist.

Barbara is African-American and lives in inner city Indianapolis. She struggles to raise three boys. And Barbara has decided to become a leader in her community. She is president of a new grassroots organization called FORCE—short for Families Organized for Real Choice in Education.

A few years ago her son, Alphonso, had an opportunity to escape the inner city school system that was failing him. Through a private scholarship program started by Pat Rooney at Golden Rule Insurance Company, Alphonso has been able to attend Holy Cross Catholic School.

It was opportunity that enabled Alphonso to go to a better school. But it was Alphonso's own intellectual abilities and hard work that put him on the honor roll. His own athletic abilities that make him stand out on the football team. And his own leadership abilities that led his classmates to elect Alphonso to the student council.

I could tell you about studies that show the great academic achievements made by inner-city youth in Catholic schools. But Alphonso's success story speaks for itself. His real-life experience tells us so much more than mere statistics ever could. Catholic schools shine just a little brighter when more disadvantaged young people like Alphonso make the grade.

The author Victor Hugo once wrote, ''There is one thing stronger than all the armies in the world, and that is an idea whose time has come.'' Excellence in education is the course of the future.

We will not let our children—our future—slip through the cracks. Our families will rebuild our education system so that our children grow up with the knowledge and the confidence to build a new day for our nation.

Mr. LARSON. I rise today to acknowledge the contributions made by Catholic schools, which build strong educational and moral foundations for our students.

As a former student of St. Rose's School in East Hartford, Connecticut, I would like to praise the outstanding efforts of the Sisters of Notre Dame for providing students with strong academic and moral values. My Catholic school education has given me a valuable framework for life, and has enabled me to achieve personal and professional goals.

Our nation's Catholic schools provide excellent opportunities for learning. With over 8,000 schools and current matriculating classes of greater than 2.6 million students (of which one-in-four are minorities), Catholic schools provide educational opportunities to a broad cross-section of our society. These schools encourage greater levels of student-teacher interaction through their small class-size ratio. As a result, Catholic school students achieve a graduation rate of 95%, while 83% continue on to a college education. This education model has been internationally acclaimed for its stellar academic reputation.

As we celebrate Catholic School Week, I am proud that these schools will continue to nurture students dedicated to their faith, to their values, to their communities and to their families. These schools develop the leaders of tomorrow with effective leadership and character. I am, therefore, proud to support H. Res. 409.

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 Colorado (Mr. SCHAFFER) that the House suspend the rules and agree to the resolution, H. Res. 409.

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

A motion to reconsider was laid on the table.

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GENERAL LEAVE

Mr. SCHAFFER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Resolution 409.

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

There was no objection.

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TAIWAN SECURITY ENHANCEMENT ACT

Mr. DIAZ-BALART. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 408 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 408

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 1838) to assist in the enhancement of the security of Taiwan, and for other purposes. The bill shall be considered as read for amendment. The amendment

recommended by the Committee on International Relations now printed in the bill shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on International Relations; (2) an amendment printed in the Congressional Record pursuant to clause 8 of rule XVIII, if offered by the Minority Leader or a designee, which shall be considered as read and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

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

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

Mr. Speaker, House Resolution 408 is a modified closed rule providing for the consideration of the Taiwan Security Enhancement Act, H.R. 1838.

House Resolution 408 provides for 1 hour of debate in the House, equally divided between the chairman and the ranking minority member of the Committee on International Relations.

The rule waives all points of order against consideration of the bill and, further, the rule provides that the amendment recommended by the Committee on International Relations now printed in the bill be considered as adopted.

The rule provides for consideration of the amendment printed in the CONGRESSIONAL RECORD, if offered by the minority leader or his designee, which shall be considered as read and shall be separately debatable for 1 hour, equally divided and controlled by the proponent and an opponent.

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

H.R. 1838, Mr. Speaker, seeks to enhance the security of Taiwan. I am pleased to be an original cosponsor of this legislation, which the majority whip, the gentleman from Texas (Mr. DELAY), introduced in large part to respond to increasing concern with the threat to the peace and stability of Taiwan in light of the actions of the People's Republic of China toward Taiwan.

Both the chairman and the ranking minority member of the committee of primary jurisdiction are cosponsors, along with four of my colleagues on the Committee on Rules. I believe that this legislation enjoys widespread bipartisan support in the House.

The Taiwan Security Enhancement Act increases military cooperation with and establishes direct military communication between forces in Taiwan and in the United States in an effort to help Taiwan protect itself from potential threats from China. The legislation increases the number of Taiwanese military officers and officials to be trained at U.S. military academies and the National Defense University and increases the technical staff at the American Institute in Taiwan.

In addition, the Taiwan Security Enhancement Act requires the President to justify any rejection of a Taiwanese defense request and requires annual reports by the defense secretary on Taiwan's security situation.

I believe that it is entirely appropriate for Congress to express itself strongly on the important matter of the security of Taiwan. Since the nationalist escape to the island after the Communist victory on the mainland of China in 1949, the close relationship between the United States and Taiwan, I think, has been mutually beneficial to both peoples.

The Taiwan Relations Act of 1979 established on the part of the United States a concern for Taiwan and its people, at a time when diplomatic relations switched on the part of the United States from Taiwan to the People's Republic of China. The Taiwan Security Enhancement Act clarifies and reiterates the commitments made in the Taiwan Relations Act.

The gentleman from Connecticut (Mr. GEJDENSON), the ranking minority member on the Committee on International Relations, stated in his testimony to the Committee on Rules that he was aware of no amendments to this legislation, and he was supportive of the request for a modified closed rule. As a firm supporter of this legislation, Mr. Speaker, I believe that the Committee on Rules has crafted a fair rule to provide for its consideration, and I would strongly urge the adoption of both the rule and the underlying bill.

Mr. Speaker, I would like to commend the gentleman from New York (Mr. GILMAN), and the ranking member, the gentleman from Connecticut (Mr. GEJDENSON), along with the majority whip, the gentleman from Texas (Mr. DELAY), and the many others who have worked on this legislation for their efforts in bringing forward this important piece of legislation. I believe House Resolution 408 is a necessarily structured rule, a fair rule, and I urge its adoption.

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

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume, and I thank the gentleman from Florida for yielding me the customary 30 minutes.

(Ms. SLAUGHTER asked and was given permission to revise and extend her remarks.)

Ms. SLAUGHTER. Mr. Speaker, the underlying bill, the Taiwan Security Enhancement Act, H.R. 1838, is a bill designed to reaffirm the Nation's commitment to Taiwan's security. It is my understanding that the bill was substantially modified in the Committee on International Relations and demonstrates a bipartisan effort to show some congressional support for maintaining Taiwan's ability to defend itself.

I have received numerous letters and petitions from Taiwanese Americans in my district urging passage of the bill. As Professor Ken Hsu of Pittsford, New York, notes, ''This act will help maintain the peace and security of the Taiwan Strait.'' Over the past decade, Taiwan has become a full-fledged, multiparty democracy. Presidential elections are scheduled for March of this year. Taiwan fully respects human rights and civil liberties and is often touted as a model for democracy in East Asia.

Meanwhile, the People's Republic of China continues to jail citizens who simply want to express their views and represses the people of Tibet and other regions who long for freedom. Most importantly, China has spent the past few years actively building up its military capabilities. This buildup has included further development of advanced ballistic and cruise missiles and a significant increase in the size of China's missile force. That is a worry.

Mr. Speaker, this is a closed rule, with the possibility of a substitute amendment. And while I support a more open amendment process, in this case I am not aware of any amendments on our side and will not call for a recorded vote.

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

Mr. DIAZ-BALART. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. GOSS), the distinguished chairman of the Permanent Select Committee on Intelligence and my colleague on the Committee on Rules.

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

Mr. GOSS. Mr. Speaker, I thank my colleague from Florida for yielding me this time, and I rise in support of this appropriately crafted and, I believe, noncontroversial rule. This is obviously an extremely important and serious matter, and I believe a structured rule was necessary to ensure that the various views are aired in a productive way out here today.

Mr. Speaker, I come to this debate primarily focused on national security, obviously as chairman of the Permanent Select Committee on Intelligence, with very high hopes but also with some deep underlying concerns. I have high hopes that the United States can and will step up to the challenge of engaging the Asia-Pacific region while protecting U.S. interests and the interests of our friends and allies in that area and elsewhere.

I do remain concerned that we lack sufficient and sustained leadership on this issue from the Clinton-Gore administration, while at the same time we do have a wide range of vigorously conflicted, highly visible viewpoints on how we should proceed even within this

Congress. As a result, we run the risk of sending mixed signals that could weaken rather than reinforce the message of resolve that we need to send to the Chinese leadership about our priorities. That is what we are here about, resolve.

Mr. Speaker I have just returned from leading the Permanent Select Committee on Intelligence on a trip to the South Pacific. I want to report that, without fail, what we heard over and over is that the area of greatest focus for U.S. officials and their counterparts in the region is the need for careful management of the explosive flash-point that exists in the Taiwan Strait. The Chinese hierarchy knows this and has demonstrated its willingness to capitalize on it by engineering provocations in order to promote its own agenda, including, apparently, gaining unfettered entry into world markets and trade organizations.

Let me state that I am certainly supportive of the substance of this legislation, inasmuch as it emphasizes and clarifies our defense posture when it comes to assisting the people of Taiwan and protecting their security. But I am also mindful of the larger picture, and I recognize that, as contorted as U.S. policy toward Taiwan and, by inference, China, has become, it is a policy that of necessity must find balance on an extremely narrow tightrope.

Our discussions here must not be misinterpreted to be our pushing the envelope on behalf of Taiwan. The issue is the defense and security of Taiwan. Proponents of today's legislation point out that the existing statutory foundation for our relationship with Taiwan is in need of greater elucidation. They seek to send a message to Beijing. But we must make sure that in the process of adding detail, specificity, and clarity to our current policy, we do not also generate the unintended consequences of provocation and perhaps dangerous escalation in our complicated and delicate diplomatic relations with China.

This matter is of vital significance to regional security and to global security, and it affects U.S. interests directly. Without doubt the Chinese leadership, as well as the people of Taiwan and our friends and enemies around the world, will be watching this debate and gauging our willingness to approach these tough issues with thoughtful, farsighted leadership, and unity of purpose.

As my colleagues know, one of the areas of jurisdiction of the Committee on Intelligence is to monitor and prepare capabilities for potential security crises around the world, and that certainly includes a careful eye toward China and Taiwan. I think I can say that the danger of miscalculation in the Taiwan Straits is at the top of the list of the gravest threat to today's world peace.

Our challenge in this debate is to ensure that it promotes solutions rather than contributing to a deadly miscalculation. I urge support for the rule.

Ms. SLAUGHTER. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. LANTOS).

Mr. LANTOS. Mr. Speaker, I want to thank my friend and colleague from New York for yielding me this time.

I will rise in the strongest possible opposition to this legislation when it is offered, and I would like to ask my colleagues to pay careful attention to this legislation, which, while well-intentioned, will be wholly counterproductive and will dramatically enhance instability in the region.

Let me first say that during the course of the many years that we have debated the China issue, I am proud to have been one who has uniformly fought for human rights in China; who has uniformly fought for the right of the people of Tibet; who has uniformly rejected Most Favored Nation treatment for China, and will continue to do so.

What is at stake here is the unintended unraveling of a carefully crafted ambivalence in U.S. foreign policy towards China and Taiwan, a foreign policy which under Republican and Democratic administrations has succeeded in making Taiwan a strong, prosperous, and democratic society. What this legislation will do, it will enhance instability and uncertainty in the region, and it will not contribute one iota to the security of Taiwan.

□ 1215

Let me elaborate. When the question of an invitation to the distinguished President of Taiwan from his alma mater, Cornell University, came before our body, and the administration was committed to denying him a visa because that was part of our agreement with the government in Beijing, I introduced a resolution compelling the Department of State to issue a visa to the democratically elected President of Taiwan to go to Cornell to receive his honorary doctorate.

My legislation passed this body on May 2, 1995, by a vote of 390–0 and the Senate by a vote of 97–1. When the question of Chinese application to host the Olympic Games in the year 2000 came before our body, it was my pleasure to introduce a resolution expressing the strong view that this Congress will not countenance the holding of the Olympic Games in China as long as human rights violations are as widespread, as long as the denial to religious freedom are as widespread, as long as the practice of forced abortions are as widespread as they are in China. And this body and the Senate approved my legislation.

A short while before we left for our Christmas break, I had the privilege of speaking on behalf of a religious movement, global in nature, called Falun Gong that the Chinese Communist Government is persecuting, harassing, and imprisoning its leaders.

So I come to this debate as one whose opposition to the odious practices of the Chinese Communist regime have been on display for two decades. But I also come to this debate as one who has supported the Taiwan Relations Act, passed in 1979, which for the past 20 years has facilitated Taiwan's development as one of the most prosperous, advanced, and democratic societies on the face of this planet.

As a matter of fact, one of the few great achievements on a bipartisan basis of the administrations during the course of the last 20 years has been the tremendous development in Taiwan. Taiwan today is a powerful, prosperous, and democratic society.

Our relationship with Taiwan and China is predicated on the carefully crafted fiction that there is only one China; and this fiction, which we pay tribute to on a daily basis, has an ambassador in Beijing but no ambassador but somebody who acts like an ambassador in Taipei.

The Chinese Government in Beijing sends an ambassador here to represent China; and the Government of Taiwan sends someone who, while not with the rank of ambassador, ably and effectively represents the interest of Taiwan. When he visits me in my office, I refer to him as ''Mr. Ambassador.''

Now, this carefully crafted ambivalence and ambiguity has allowed us to support Taiwan's defense needs to the fullest possible extent. Taiwan today is stronger than it has ever been in its history. Speaking for myself, I will be voting for whatever defense requirements Taiwan comes to us with insofar as these requirements will be necessary for the defense of that island.

This piece of legislation, well-intentioned but totally counterproductive, will add nothing to the security of Taiwan. What it will do, it will stir up a hornet's nest in the region. It will enhance instability, anxiety, and uncertainty.

While the crafters of this legislation had good intentions, they clearly did not take into account that, in public diplomacy, ambivalence and ambiguity have a long established and distinguished place.

It is that ambiguity and ambivalence which the presence of our peculiar relationship with Taiwan so ably demonstrates which will be undermined and destroyed by this piece of legislation.

Now, this is not a partisan issue, Mr. Speaker. As was mentioned earlier, the chairman of the Committee on International Relations and the Ranking Member, both good friends of mine, are supporting this legislation. Some of the most distinguished Republicans on the Committee on International Relations joined me in opposing this legislation. So the issue has no partisan element. It has no partisan component.

The issue before us is very simple: Do we wish to enhance the stability of the region or do we wish to add to the periodic outbursts of instability that the passage of this legislation will surely bring about.

It is my considered judgment that it is in the national security interest of the United States to see this legislation defeated.

The President has indicated and his top foreign policy advisors have indicated that if the legislation is approved in its present form, they will recommend a veto. I hope the President will veto, and I will vote to sustain that veto.

It is unnecessary, it is counterproductive, it is nonsensical to bring into our complex relationship with China yet another divisive matter, the only consequence of which is to diminish the security of Taiwan, the exact opposite, the exact opposite that the crafters of this legislation intend.

Now, when my legislation was passed, Mr. Speaker, allowing the President of Taiwan to go to Cornell, the Chinese in Beijing went ballistic. They went ballistic to the point of engaging in military action in the waters around Taiwan. The invitation to President Lee was a matter of principle. This is not. This is a matter of bad policy judgment. But the reaction is predictable. It will create horrendous tensions in the Taiwan Straits. It will dramatically diminish the chances of cross-straits dialogue.

What every Member of this body wants is to see the China-Taiwan conflict resolved without military means, peacefully, constructively. This piece of legislation torpedoes that objective. When we will discuss this legislation, I will strongly urge my colleagues to vote against it.

I have nothing against the rule. The rule is not the issue in this instance, Mr. Speaker. But what is at issue is a fundamental bipartisan foreign policy successfully pursued by Republican and Democratic administrations for 21 years under President Carter, President Reagan, President Bush, and President Clinton.

Taiwan has thrived given our existing legislative framework vis-a-vis that country. This legislation will undermine that stability. It will threaten the stability and peace in the Taiwan Straits. And we shall rue the day if we were to pass this legislation as we see the consequences unfold.

We will have plenty of China issues to discuss in the next few months. Some in this body will be advocating Most Favored Nation treatment on a permanent basis to mainland China. I hope there will be enough of us to oppose that legislation when it comes to this floor. This is a piece of legislation that is counterproductive, poorly thought through, and hostile to the security interests of both Taiwan and the United States, and I strongly urge my colleagues to reject it.

Mr. DIAZ-BALART. Mr. Speaker, I yield 5 minutes to my good friend, the gentleman from Southern California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, I thank my friend, the gentleman from Florida (Mr. DIAZ-BALART) for permitting me to speak in support of the rule; and I appreciate the remarks of my good friend, the gentleman from California (Mr. LANTOS) who has just finished another of his eloquent presentations before this body, however, a presentation that I must disagree with respectfully.

I stand in strong support of this rule and in strong support of the bipartisan Taiwan security enhancement act. I congratulate the House leadership of both parties for bringing this bill to the floor at this critical period while the people of Taiwan and the Republic of China on Taiwan are entering into the final month of their democratic presidential campaign.

There should be no doubt that the requirements in this bill to strengthen Taiwan's ability to defend its own people against air and missile attack is essential to maintaining peace and, yes, stability in the Taiwan Straits. It sends an undeniable message to the communist strongmen in Beijing and to our friends throughout the Pacific region that the American people are stalwart in defending democracy and honoring our treaty commitments.

With all due respect to my friend, the gentleman from California (Mr. LANTOS), ambiguity and ambivalence in the face of tyrants does not bring about the result the people would like to achieve. Seeking stability through ambiguity and ambivalence will lead not to stability but, instead, to conflict and war through miscalculation. Stability without regard to moral commitment and to liberty and justice is not a worthy goal and leads in the end to conflict.

We must give a specific message, we must not be ambiguous, to the people in Beijing so they will not miscalculate, so they will know what our commitment is and how far they can push us in the free world. This is the way to peace. It is not through ambiguity.

Specifically, we are today reaffirming the Taiwan Relations Act of 1979. The Act clearly authorizes the United States or any other country to provide defensive weapon systems to the Republic of China and Taiwan and restricts Beijing from using force against the people of Taiwan.

This is a legal understanding. We should not in any way hint to the strong men in Beijing that that understanding and that agreement has been altered or has evolved into something else than what it was whether that agreement was made. That is the way to have peace in the Taiwan Straits and to have stability in the Pacific, let people know we are holding them to their commitments and that we are strong and forceful in demanding our rights under agreements with those that we have made before.

The upcoming election in Taiwan marks an historic milestone. It is the first time in a thousand years of recorded Chinese history that a democratically elected Chinese leader, President Lee, will be peacefully handing over power to an elected successor.

The upcoming election and post-election periods present a very real danger of intimidation or even violent aggression by the communist regime in Beijing.

I recently returned from Taiwan where I visited the political and military leaders there, and I also visited their air national and missile defense centers as well as frontline bases in the Taiwan straits.

All the leaders in Taiwan that I met, the military leaders and political leaders, as well as people there who live there and are confronted with this challenge, expressed concern about the potential aggression from the PRC in the upcoming months.

□ 1230

The threat from Communist China was underscored during the past few days with new public threats for the use of force against Taiwan by the government in Beijing.

I am submitting for the RECORD a copy of the January 31 report out of Hong Kong detailing exercises to be conducted immediately prior to the election in Taiwan by the People's Liberation Army Missile Command in Fujian Province, directly across from Taiwan.

Beijing needs to know that we are standing by the agreement we made with Beijing and that we will ensure Taiwan the defensive systems that we are permitted through that understanding to provide Taiwan. This is what will lead to more peace, not leaving Taiwan vulnerable, not being ambiguous but providing them the missile defense systems and the aircraft defense systems they need to deter aggression and to make a solid statement as this Congress is doing today in this debate that we are not ambiguous and not ambivalent in our commitment to Taiwan's security and the Taiwan Relations Act.

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

PRC TO STAGE ANTI-AIR MILITARY EXERCISE IN LATE FEBRUARY

(By special correspondent Hsiao Peng)

According to Jiang Zemin's requirements outlined at a recent meeting of the Central Leading Group for Taiwan Affairs on ''preparations for both eventualities,'' the People's Liberation Army [PLA] is to stage a large-scale antiair exercise in Fujian in late February. Massive antiair missile forces and various types of warplanes recently have arrived in Fujian. For the first time, a newly established reserve missile brigade will participate in the military exercise.

CONDUCTING DEFENSE EXERCISE TO PREVENT GIVING US EXCUSE

A source pointed out that the mainland will conduct a completely defensive military exercise in the run-up to Taiwan's presidential elections. The antiair live-ammunition exercise involving a large number of antiair missiles and warplanes can put pressure on Taiwan independence forces. Because it is a ''defensive exercise,'' it will not serve as an excuse for the United States and other countries to intervene in the mainland maneuver. The war game also in China's direct military response to Taiwan Vice President

Lien Chan's clamor for the development of long-range missiles against the mainland. At the recent meeting of the Central Leading Group for Taiwan Affairs, Jiang Zemin reportedly decided that preparations for both eventualities—peaceful reunification and retaking Taiwan by force—should be taken as the mainland's basic principle on future Taiwan affairs. Meanwhile, the top Chinese leadership has made a clear-cut decision not to allow Taiwan authorities to indefinitely stall the Taiwan issue, and has set a timetable for the settlement of the Taiwan issue. Should new Taiwan leaders refuse to accept the principles of ''one country, two systems and peaceful reunification'' and pursue Taiwan independence by incorporating the ''two-state theory'' into the constitution and the law, the mainland is prepared to use force to resolve the Taiwan issue by means of ''one country, two systems.''

LARGE NUMBER OF ADVANCED ANTI-AIRCRAFT MISSILES TO BE SHOWCASED

The antiair exercise will involve the live firing of massive advanced PLA antiair missiles in Fujian. In addition to Taiwan warplanes, such as F–16, Ching-kuo, and Mirage 2000 fighters, the military exercise will take US F–117 and B–1 stealth bombers and cruise missiles as the main targets of attack in order to prevent US military intervention in mainland operations against Taiwan. It is understood that since Lien Chan, Liu Taiying, and other senior Taiwan officials threatened to countercheck the mainland, the top mainland leadership has attached great importance to its air defense against Taiwan. To strengthen Fujian's antiair capability against Taiwan, the mainland recently not only has deployed a large number of antiaircraft and ground-to-ground missiles in Fujian, but for the first time it also has established a reserve missile brigade to arm reserve units with various antiaircraft missiles, which have considerably enhanced Fujian's antiair capability. The brigade is Fujian's second air defense reserve unit since its reserves established an antiaircraft artillery division. It also is the first reserve unit armed with missiles. The upcoming military exercise will serve as a warning to Taiwan's arms expansion and is the first military maneuver intended to put pressure on Taiwan in the run-up to its presidential elections this year.

CHINA WARNS AGAINST MORE U.S.-TAIWAN MILITARY COOPERATION

A Chinese government spokesman today (Jan. 31) warned that passage of a law to improve U.S.-Taiwan military cooperation could threaten ''peace and stability'' in the region and damage relations with the U.S. The Clinton Administration should take ''effective measures'' to prevent adoption of the Taiwan Security Enhancement Act, according to Chinese embassy spokesman Yu Shuning.

The bill, HR 1838, is scheduled for a House vote on Feb. 1 or the following day. A Senate companion bill, S. 693, sponsored by the chairman of the Senate Foreign Relations Committee is pending before the panel after a hearing in August.

''If the U.S. restores its military ties with Taiwan . . . it will have a very serious consequences to our relationship,'' Yu told reporters in a briefing at the Chinese Embassy, ''It could trigger another round of arms race and enhance the chance of military confrontation.''

Yu called the act a ''very serious infringement'' of Chinese sovereignty and an encouragement of Taiwanese ''separatists'' who seek independence from China.

He identified passage of the bill as one of three problems facing the U.S.-China relationship. The second is the impact of any sale of advanced weaponry to Taiwan and the third is the U.S. sponsorship this year of a resolution in the United Nations Convention on Human Rights.

House International Committee Chairman Benjamin Gilman (R–NY) said last November that Clinton Administration pressure had prevented the bill from coming to a vote for fear it would damage negotiations for China's entry into the World Trade Organization.

MISSIONARIES: CLERICS KIDNAPPED, CHURCHES BURNED IN CHINA

VATICAN CITY (AP)—China has burned and blown up churches and taken dozens of clerics into custody in an intensified campaign against the underground Catholic church, the Vatican's missionary news service said Monday.

Some of the arrests cited by Fides were reported earlier by Catholics within China.

The alleged crackdown implements a plan outlined by the government in August to force Catholics worshipping illegally into the official state-registered church system, Fides said.

Officially atheist China limits worship to state-registered churches.

Millions of Chinese Roman Catholics worship secretly, illicitly recognizing the Vatican as their religious authority rather than the government.

China insists that its people have full freedom of religion; the parliament issued a statement Monday denying the existence of the underground Catholic church.

Religious meeting places are required to be registered with authorities only ''to ensure that the religions can conduct their normal and lawful activities,'' the lawmakers' statement said.

Fides said Catholics are under increasing pressure to accept only the authority of the state-sanctioned church, the China Patriotic Catholic Association.

Children of families in underground churches are being barred from school, the news service said.

Two churches, built without government permit, were blown up at mid-December in the Wenzhou diocese, Fides said.

Other churches were burned; three were destroyed in the same northern diocese in April, Fides said.

''The diocese of Wenzhou is being subjected to pressure and violence,'' it said.

Authorities have taken away seven priests and the diocese's archbishop since September, Fides said.

Since early January, officials have forced at least 2,000 Roman Catholics in the region to register, some after days of detention. Other Catholics have fled rather than be forced into the state church, it claimed.

In all, at least six clerics have disappeared since their arrests, over a period of three years to a few months, it said.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Guam (Mr. UNDERWOOD).

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

Mr. UNDERWOOD. I thank my friend from New York for yielding me the time.

Mr. Speaker, I rise today in support of the rule on H.R. 1838, the Taiwan Security Enhancement Act. This bill as modified by the Committee on International Relations represents a concerted effort by a bipartisan group of Members who remain concerned about the longstanding tensions that exist between Taiwan and the PRC.

It is well known that since the inception of the PRC, the PRC has considered Taiwan a renegade province. The government in Beijing has long heralded the ''one China'' policy to reemphasize its claims to Taiwan and insist that foreign governments adhere to it as well. Officially, we support the ''one China'' policy while at the same time we insist that China relinquish the use of force in any reunification effort. Despite assurances by China to the world community to peacefully settle this sovereignty dispute, China refuses to disavow the use of force. To this end, China has often resorted to bullying tactics and demonstrative military exercises in a game of deadly brinksmanship.

The now infamous Chinese ballistic missile strike in the Straits of Taiwan during the 1996 presidential campaign in Taiwan has become a watershed event that underscores the calculated risk which Beijing is willing to make in order to intimidate Taiwan. So intent is China's concern over any display or mention of independence that it is willing to unleash a torrent of destruction in the Western Pacific. This sentiment was further acknowledged by the Chinese Premier, Zhu Rongji, who recently noted that the PRC considers violence an acceptable means to ''discuss'' the reunification of Taiwan.

In furtherance of their strategy of intimidation, the Chinese have conducted amphibious landing exercises near the straits, deployed theater missile launch sites adjacent to Taiwan, acquired long-range Su-30 bombers and is currently acquiring former Soviet naval destroyers. These efforts are meant to intimidate democracy's allies in Taiwan and around the world in light of the upcoming presidential elections in Taiwan.

Previously, the distinguished gentleman from California indicated that we should be ambiguous and ambivalent. We may be forced to be ambiguous in our diplomatic relations, but we should not be ambivalent in the message that we send to the PRC. We must pass this new Taiwan Relations Act.

The bill before the House today further refines and supplements the underlying relations act. This legislative supplement by Congress unambiguously and without ambivalence gives notice to Beijing that the United States is indeed committed to the security of Taiwan and will not tolerate an act of aggression to settle the sovereignty dispute.

Mr. DIAZ-BALART. Mr. Speaker, I yield 5½ minutes to the distinguished gentleman from Nebraska (Mr. BEREUTER), chairman of the Subcommittee on Asia and the Pacific of the Committee on International Relations.

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

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

Mr. Speaker, I rise in support of the rule and the underlying legislation that will be made in order. There are two preliminary points I would like to make. First of all, I think all or nearly all Members approaching this issue on both sides of the aisle and both sides of the issue, do approach this debate with due gravity and concern and are attempting to do so with appropriate sensitivity to the delicate situation between the PRC and Taiwan.

I want to call attention, however, to my colleague from Florida's remarks. The gentleman from Florida (Mr. GOSS), the chairman of the House Permanent Select Committee on Intelligence, I think made a very thoughtful and incisive statement. He said Members that vote for this upcoming legislation, H.R. 1838, should not be deemed to be doing things that are intentionally provocative. That should not be our intent. Indeed it is not, I think, the supporters' intent that we are taking a provocative action. But, on the other hand, we need to, where appropriate, eliminate ambiguity; and we need to recognize that this is a sensitive area. The Taiwanese-Chinese and the Sino-American relationships are the most complicated issues that come before my subcommittee and we should not under-estimate the reaction to the legislative vote on H.R. 1838.

One of my first votes as a Member in 1979 was cast in support of the Taiwan Relations Act, the TRA. This Member is a strong supporter of the TRA, for it introduced a very significant measure of coherence, consistency, and commitment to our security relationship with Taiwan. Under the TRA, the U.S. provides Taiwan with the defensive weaponry and technical expertise to defend itself. It is not a treaty relationship, but it does recognize that the military might of the People's Republic of China should not determine, simply by brutal force, the final status of the governance of Taiwan.

The second preliminary point I would like to make today for my colleagues who may have some questions about the timing of any action on H.R. 1838, and I have had those thoughts and concerns myself. There is never a perfect time; but, this is the issue that has been addressed or considered in the House International Relations Committee. The legislation we have before us today, after the Rule, H.R. 1838 is dramatically different than the bill introduced in the other body and the original content of this legislation. For example, Congress Daily's edition today is still in error. There are no specific references to weapons systems in this legislation as amended. The International Relations Committee, on a bipartisan basis, as the gentleman from Guam has indicated, has worked its will and made this legislation that I think should have strong support.

Today, H.R. 1838, expands upon the Taiwan Relations Act. It seeks to ensure that training and educational opportunities are available to military officers from Taiwan. It requires the executive branch of our government to report on the nature of the threat to Taiwan and to explain arms sales considered and the rationale of decisions. The Taiwan Security Enhancement Act delivers, I believe, a strong message that clarity, not ambiguity, is important in expressing our support for Taiwan and Taiwan policy.

Mr. Speaker, I believe it is important to emphasize again that legislation to be before us today has been heavily amended by the House International Relations Committee. The changes are primarily because of the efforts of these members and other members of my subcommittee but also due to other members of the full committee, and to the support and cooperation of the chairman, the gentleman from New York, Mr. GILMAN, and the ranking Democrat, Mr. GEJDENSON. They have all worked at perfecting legislation which we bring to the body today with some confidence.

Mr. Speaker, it is true that the executive branch had voiced great concerns about this legislation before these significant changes and still opposes the legislation. I think they do in part because they have not carefully examined the changes that have been made by the Committee. For example, the initial legislation listed the sale of specific weapons systems that were to be sold to Taiwan. Some of these systems are appropriate for sale. Some may not be appropriate for sale and some already have been provided very effectively in one way or another. Some weapons systems have, in fact, been made available but do not fit the priorities of the government of Taiwan themselves. Those facts were brought to the attention of Members in classified briefings, including the primary sponsors of the legislation or their staff.

Except in unusual circumstances, it admittedly is not an appropriate role for the legislative branch to dictate to the executive branch which weapons to sell to a friend. My colleagues should be reminded that we do not do this in this legislation and that President Reagan and President Bush, of course, would not have liked that kind of specific requirement. Neither will the next President of the United States. But we have taken the proper, responsible course by removing references to specific legislation and several other questionable or unnecessary directions.

Similarly, this legislation, which we are about to consider after approval of the Rule, as introduced, would require the allocation of additional military training positions over and above Taiwan's current generous quota at U.S. military academies and schools. The issue is not whether or not officers from Taiwan are permitted to train in the United States, for clearly they are permitted to do so and are being educated here. Rather, the legislation seeks to give additional emphasis to such training slots wherever it is possible. We must and do recognize that our own officers in fact have to have these courses, and we also need to provide this kind of training in our academies and in the defense training programs to a whole array of friends and allies across the world. It is a zero sum game, to some extent, and in H.R. 1838 we are not mandating any particular additional number.

Mr. Speaker, in summary, this Member would note that this legislation about to be considered has been significantly altered in numerous significant ways to address legitimate concerns. It would perhaps benefit from additional review and modifications, and this Member fully expects such modifications to occur as if this legislation moves forward to a conference. However, my colleagues can feel comfortable with H.R. 1838, and I hope for and recommend their positive vote. I thank the original introducers and especially all the colleagues in the International Relations Committee who have helped to perfect it.

Ms. SLAUGHTER. Mr. Speaker, if I could take 30 seconds out of order, I would like to wish a happy birthday on behalf of the House to the gentleman from California (Mr. LANTOS).

Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. DEUTSCH).

Mr. DEUTSCH. Mr. Speaker, I rise in support of the Taiwan Security Enhancement Act reported from the Committee on International Relations with 82 bipartisan cosponsors. The Taiwan Security Enhancement Act will advance our obligations under the Taiwan Relations Act and maintain stability within the region. According to the Pentagon report submitted to Congress earlier this year, China is currently engaged in a major buildup of ballistic missiles on its coast directly across the strait from Taiwan. Beijing is simultaneously increasing pressure on the U.S. to limit or decrease our sales of defensive weaponry to Taiwan.

Both of these factors represent a substantial threat to the balance of power and, therefore, the stability of the area. The United States must remain steadfast in our commitment to fulfilling our obligations under the Taiwan Relations Act in which the U.S. promises to provide Taiwan with the means to maintain a sufficient self-defense capability. Taiwan's defense capabilities are central to maintaining the balance of power in the region.

This bill is a necessary bipartisan step towards fulfilling our promise to Taiwan. It would increase Taiwan's defense capabilities while at the same time addressing any remaining deficiencies through establishment of direct communications between our militaries. This bill would reiterate the fundamental truth of democracy, that any determination of the ultimate status of Taiwan must have the express consent of the people of Taiwan.

Finally, the bill would require the President to submit an annual report to Congress on Taiwan's defense needs.

I urge my colleagues to support this legislation.

I would finally, just in closing, talk to my colleagues about the original purpose of the Taiwan Relations Act and really to have an overall view of the region, because this bill is really tied into that perception of what is going on. I think all of us are unanimous, both supporters and opponents of this legislation, that the ultimate status really is self-determination of the people in the various locales in that region, on the island of Taiwan itself and in fact ultimately in China itself as well.

How can we expect that to occur if we do not provide defensive means, especially with the intentions that are there? We are not committing American troops by any stretch of the imagination, but we are hopefully giving the Taiwanese the tools to determine their own self-determination, which is a commitment that we have made and a commitment that they deserve in terms of their own future and their own system of government as well.

Mr. DIAZ-BALART. Mr. Speaker, I yield 2½ minutes to the gentleman from New York (Mr. GILMAN), the distinguished chairman of the Committee on International Relations.

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

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

Mr. Speaker, I rise in support of H. Res. 408, the proposed rule to govern debate on the Taiwan Security Enhancement Act, H.R. 1838. It is an appropriate rule for what will be a very important debate. The fact is that Taiwan's security is threatened by the aggressive policies and the military modernization program of the People's Republic of China. For almost 50 years, our Nation has maintained its commitment to Taiwan's defensive military capabilities. Ever since we have enacted the Taiwan Relations Act over 20 years ago, our Nation has been morally committed to assuring the security of the free people of Taiwan. In 1996, our Nation was called on to back up that commitment.

With the strong encouragement of both houses of Congress, President Clinton deployed two aircraft carrier battle groups to the Taiwan Strait in response to Beijing's efforts to coerce the outcome in the election that Taiwan was holding that year.

□ 1245

Beijing's program is clear: they want to increase their ability to coerce Taiwan with threats of military force, and they are determined to ensure that Taiwan will be helpless in the face of such threats. Our Nation, along with our allies, must stand firm in confronting that threat.

It was to underscore our refusal to be intimidated that, along with other bipartisan cosponsors of H.R. 1838, we introduced the Taiwan Security Enhancement Act last May. This legislation, H.R. 1838, as reported by our Committee on International Relations, is delicately balanced. It reflects a compromise worked out by two of our distinguished Members in this body with years of experience in Asian security matters, the gentleman from Nebraska (Mr. BEREUTER), the chairman of our Subcommittee on Asia and the Pacific, and the gentleman from California (Mr. COX), the chairman of our House Republican Policy Committee. They labored diligently for many weeks to work out language that they believe appropriately addressed the very sensitive security situation.

This is a fair and balanced rule deserving of our support. Accordingly, Mr. Speaker, I urge Members to vote in favor of the rule.

Mr. DIAZ-BALART. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New York (Mr. SWEENEY).

Mr. SWEENEY. Mr. Speaker, I think it is important that we speak very clearly and distinctly to ensure that we protect stability and peace throughout the world, and that is why I rise today in support of this rule and the underlying legislation.

The Republic of China has proven itself to be a strong, independent democracy, in stark contrast from Mainland China's campaign of military and psychological intimidation.

We can take great comfort in our present state of affairs. However, we must realize that peace is difficult to achieve and its maintenance is fragile; and one of the greatest threats to that that exists anywhere in the world is no more so in the Taiwan Strait. Taiwan is a country that deserves our continuing support, especially during these critical times.

In 1979 the United States made an obligation to this nation to provide defensive arms ''in such a quantity as may be necessary to enable Taiwan to maintain a sufficient self-defense capability.'' That was a direct quote and what should be a continuing commitment.

The Taiwan Security Enhancement Act continues to strengthen this commitment. As China continues its drive for military modernization and intensifies its efforts to procure weapons of mass destruction, cross-straight stability is at direct risk.

It is a known fact that China is using U.S. satellite and space technology to enhance its national defense economy and national prestige and thus poses a tremendous threat to Taiwan.

Mr. Speaker, today we have an opportunity to do something positive to counter such aggression. The Taiwan Security Enhancement Act is an excellent vehicle through which the United States can begin to rectify this growing imbalance.

Make no mistake, Mr. Speaker, China, Asia, and the rest of the world is watching to see our resolve in standing up for democracy in Taiwan. Our commitments today will have enormous implication on the future leadership role in Asia. China is counting on a reduced military presence in Asia while they are continuing their improvements. I urge all my colleagues to support this act.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. HOEFFEL).

Mr. HOEFFEL. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, I rise in favor of this rule and in favor of this bill. This legislation is a response to a number of events that have happened over the last 5 years that have shaped the current United States-Taiwan relationship. The live-fire missile exercises in the Taiwan Strait by China and the strong U.S. response reinforced the fact that Taiwan must be strong militarily.

This legislation is an attempt to address these concerns and clarify some of the ambiguity that exists in the U.S.-Taiwan relationship. I commend the gentleman from New York (Chairman GILMAN) and the ranking member, the gentleman from Connecticut (Mr. GEJDENSON), for improving this bill in the Committee on International Relations.

This bill would improve communications between the United States military and the Taiwan military, it would improve the sharing of data, it would improve training, it would improve our relations. And that is a very good thing to accomplish. It is my hope that House passage of this legislation would send a clear signal to China about the strong U.S. commitment to Taiwanese security.

Mr. DIAZ-BALART. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Colorado (Mr. SCHAFFER).

Mr. SCHAFFER. Mr. Speaker, just 3 days ago I had the opportunity to meet in Los Angeles with Governor Annette Lu, who is one of the regional governors in Taiwan and also a vice-presidential candidate under the Democratic Progressive Party in Taiwan. The election that she is involved in will be concluded on March 18th.

We had about a half hour of conversation about this very issue. In that conversation, she was very direct in pointing out the importance of this Congress, speaking forcefully and boldly with respect to our relationship with Taiwan and our support for self-determination in Taiwan.

Mr. Speaker, from the perspective of this Congress, we really have not been ambivalent over the years about where we stand, where the people of the United States stand. That position, however, has been obscured somewhat by various diplomatic decisions that have been made, statements coming out of the White House and others. So it is important, I submit, to restate with further clarity and further definition our alliance with the people of Taiwan, our unification and our belief

that democracy works, that freedom is always better than the tyranny of an oppressive political form of government, and, particularly at this time, where the people of Taiwan are poised to make a decision of paramount importance about their own individual future, their own individual liberty.

At this time there should be no confusion among those in Taiwan as to where we stand, which is shoulder to shoulder with the people of Taiwan. That is a policy that I, once again, Mr. Speaker, say has been clearly defined by this Congress, clearly defined by the people of the United States. It is one that needs to be restated right now at an important time, not only for ourselves, but for Taiwan as well. It is an important message to convey, not just to Beijing; it is an important message to convey here in Congress and on Capitol Hill, because we have seen the record in the past.

Ms. SLAUGHTER. Mr. Speaker, I yield 4 minutes to the gentleman from New Jersey, (Mr. ANDREWS).

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

Mr. ANDREWS. Mr. Speaker, I thank my friend from New York for yielding me time.

Mr. Speaker, I rise in strong support of the cause of freedom, in strong support of a strong foreign policy for our country, in support of this rule and support of this bill. I congratulate and thank the gentleman from New York (Mr. GILMAN), the gentleman from Connecticut (Mr. GEJDENSON), and the gentleman from California (Mr. LANTOS) and his Democratic colleagues for bringing this important legislation forward.

I believe we have an emerging consensus about U.S. foreign policy that has two points. The first point is that we should use our military and diplomatic might to challenge those who would use brute force over the rule of law, which is why we successfully interceded in Kosovo, which is why we have been willing to exert that force in Bosnia, which is why we protected the people of the Persian Gulf against the tyranny of Saddam Hussein. It is a wise and judicious use of the global power that we have accumulated through the courage and conviction of our military leaders, our men and women in uniform, and our diplomats.

The second aspect of our foreign policy consensus is that we will reward and incentivise democracy, respect for human rights and the free flow of goods and services in the economic realm. I think that is a very wise and prudent course for us to follow.

Now, we have our disagreements as to how to apply those principles, and we will have those disagreements as the year goes on, but I believe that there is no piece of legislation more representative of that principle than the one that will be before us very shortly.

Mr. Speaker, the freedom-loving people of Taiwan deserve not only our commendation, but our support. The economic miracle over which they preside every day, the powerhouse of freedom and dynamism that their efforts represent, should receive our continuing support. But, more importantly, when they are menaced by the threat of being overwhelmed military, when there are nuclear weapons exercises, when there are hostile words spoken by the People's Republic of China, I believe we have a responsibility to act forcefully.

Acting forcefully means being prepared militarily. The essence of the bill that is before us is to enhance the preparedness of freedom-loving people in Taiwan and to support that preparedness here in the United States. Military training, the sharing of technology, the reaffirmation of principles that were enacted in the 1979 law are all very, very appropriate here.

The relationship between two countries is a complex phenomena. The relationship between us and the People's Republic of China is a relationship that will receive great attention on this floor this year. But I believe that one aspect of that relationship that needs to be reaffirmed with great clarity, that I would ask us to affirm with great clarity here today, is that freedom is not negotiable where we stand, and we do stand with the freedom-loving people of Taiwan.

Mr. Speaker, I urge the support and passage of this rule and this bill.

Mr. DIAZ-BALART. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from California (Mr. COX).

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

Mr. COX. Mr. Speaker, I am pleased to follow my colleague, the gentleman from New Jersey (Mr. ANDREWS). I agree entirely with what he said and with what speakers before him have said on both sides of the aisle, both on the subject of this rule and on the underlying bill.

The passage of this rule, which, as by now it is abundantly clear has won bipartisan support, will permit us to debate the Taiwan Security Enhancement Act, which will reaffirm America's long-standing Taiwan policy, in place since President Eisenhower.

In 1979 Congress passed the Taiwan Relations Act, and what we are doing today is making clear that we wish to see that act enforced in full. Today, even more than in 1979 when that law was passed, Taiwanese security is critical to America's interests. Taiwan is now America's seventh largest trading partner. Taiwan buys far more from the United States than does the People's Republic of China; the sea lanes surrounding Taiwan are vital to the economic health of Asia and to the sustained growth of U.S. exports to Asia; and, most important of all, a democratic Taiwan stands as a living example to all the people of China that they too can build a prosperous peaceful democracy.

Taiwan does not in any way pose a threat to the People's Republic of China; but Taiwanese example of democracy, freedom of speech and freedom of thought, do pose a threat to the Communist government in Beijing.

Fundamentally, this bill will allow our military to have relations with Taiwanese forces, as close as what the Clinton-Gore administration is already pursuing with the People's Liberation Army. This upgrading of our military relations with Taiwan must occur now, in a time of relative stability. It would be too late, if not too provocative, to accomplish these changes in a time of actual crisis. But the State Department currently bars senior U.S. military officers from meeting with their Taiwan counterparts, while, meanwhile, enhanced contacts between United States and People's Liberation Army officers of all ranks has been a priority for the Clinton-Gore administration.

The Taiwan Security Enhancement Act provides that our field rank officers can have the same level of relations with the friendly defensive force as they currently have with the Communist People's Liberation Army.

This rule and this bill are, as I said, hugely bipartisan. The vote in committee was 32 to 6. The vote today, I expect, on this rule and on the underlying bill will be similarly overwhelmingly bipartisan for one simple reason: this Congress, Democrats and Republicans alike, are committed to freedom and democracy for the people of Taiwan, for the people of Taiwan and for the people of all the world.

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

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

Mr. Speaker, I agree fully with the premise of this legislation. There must be clarity and certainty in our commitment to the security of Taiwan, and the reunification of China can only occur peacefully. It must occur peacefully. Thus, we stand firmly with the security of our friends on Taiwan.

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. GILMAN. Mr. Speaker, pursuant to the provisions of House Resolution 408, I call up the bill (H.R. 1838) to assist in the enhancement of the security of Taiwan, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to House Resolution 408, the bill is considered read for amendment.

The text of H.R. 1838 is as follows:

H.R. 1838

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 ''Taiwan Security Enhancement Act''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Since 1949, the close relationship between the United States and Taiwan has been of enormous benefit to both societies.

(2) In recent years, Taiwan has undergone a major political transformation, and Taiwan is today a true multiparty democracy with a political system separate from and totally unlike that of the People's Republic of China.

(3) The economy of Taiwan is based upon free market principles and is separate and distinct from the People's Republic of China.

(4) Although on January 1, 1979, the United States Government withdrew diplomatic recognition of the government on Taiwan as the legitimate government of China, neither at that time nor since has the United States Government adopted a formal position as to the ultimate status of Taiwan other than to state that status must be decided by peaceful means. Any determination of the ultimate status of Taiwan must have the express consent of the people on Taiwan.

(5) The government on Taiwan no longer claims to be the sole legitimate government of all of China.

(6) The Taiwan Relations Act (Public Law 96–8) states that—

(A) peace and stability in the Taiwan Strait area are in the political, security, and economic interests of the United States and are of international concern;

(B) the decision of the United States to establish diplomatic relations with the People's Republic of China rests upon the expectation that the future of Taiwan will be determined by peaceful means;

(C) the United States would consider any effort to determine the future of Taiwan by other than peaceful means, including boycotts or embargoes, a threat to the peace and security of the Western Pacific region and of grave concern to the United States;

(D) the United States will maintain the capacity to resist any form of coercion that jeopardizes the security, or the social or the economic system, of the people on Taiwan; and

(E) the preservation and enhancement of the human rights of all the people on Taiwan are objectives of the United States.

(7) On the basis of these provisions, the Taiwan Relations Act establishes on the part of the United States a continuing connection with and concern for Taiwan, its people, and their ability to maintain themselves free of coercion and free of the use of force against them. The maintenance by Taiwan of forces adequate for defense and deterrence is in the interest of the United States in that it helps to maintain peace in the Taiwan Strait area.

(8) Since 1954, when the United States and Taiwan signed the Mutual Defense Treaty, the United States and Taiwan have maintained a defense and security relationship that has contributed greatly to freedom, peace, and stability in Taiwan and the East Asia and Pacific regions.

(9) The United States and Taiwan no longer conduct joint training missions, have no direct military lines of communication, and have only limited military-to-military contacts. This lack of communication and interoperation between the United States and Taiwan hinders planning for the defense of Taiwan and could prove detrimental in the event of future aggression against Taiwan.

(10) Since 1979, the United States has continued to sell defensive weapons to Taiwan in accordance with the Taiwan Relations Act, and such sales have helped Taiwan maintain its autonomy and freedom in the face of persistent hostility from the People's Republic of China. However, pressures to delay, deny, and reduce arms sales to Taiwan have been prevalent since the signing of the August 17, 1982, communique with the People's Republic of China. Over time, such delays, denials, and reductions could prevent Taiwan from maintaining a sufficient capability for self-defense.

(11) As has been affirmed on several occasions by the executive branch of Government, the provisions of the Taiwan Relations Act take legal precedence over any communique with the People's Republic of China.

(12) The People's Republic of China has consistently refused to renounce the use of force against Taiwan and has repeatedly threatened force against Taiwan, including implied threats by unnamed People's Republic of China officials on January 10, 1999, who warned Taiwan not to participate in the development of theater missile defense capabilities with the United States.

(13) The missile firings by the People's Republic of China near Taiwan in August 1995 and March 1996 clearly demonstrate the willingness of the People's Republic of China to use forceful tactics to limit the freedom of the people on Taiwan.

(14) As most nations in East Asia reduce military spending, the People's Republic of China continues a major and comprehensive military buildup.

(15)(A) This military buildup includes the development of advanced ballistic and cruise missiles that will incorporate precision guidance capability and the construction of new imaging, radar, navigation, and electronic intelligence satellites that will help target and guide ballistic and cruise missiles.

(B) According to the Department of Defense report entitled ''The Security Situation in the Taiwan Strait'', submitted to Congress in February 1999, the size of the missile force of the People's Republic of China is expected to grow substantially and, by 2005, the People's Republic of China will possess an ''overwhelming advantage'' in offensive missiles vis-a-vis Taiwan.

(C) The Department of Defense has also noted that the People's Republic of China may already possess the capability to damage satellite optical sensors with lasers, is researching advanced anti-satellite lasers that could blind United States intelligence satellites, and is procuring radio frequency weapons that disable electronic equipment.

(D) These missile and anti-satellite capabilities pose a grave threat to Taiwan.

(16) This military buildup also includes the construction or procurement from abroad of advanced naval systems, including Russian Kilo submarines that are difficult to detect, Russian technology to assist the development of new nuclear-powered attack submarines, Russian Sovremenny class destroyers armed with supersonic SS–N–22 Sunburn anti-ship missiles, a new long-range, all-weather naval attack aircraft called the JH–7, and new indigenous land-attack cruise missiles that could be launched from submarines, ships, and naval attack aircraft. These naval capabilities pose a grave threat of blockade to Taiwan.

(17) This military buildup also includes the improvement of air combat capabilities by procuring and co-producing hundreds of Russian Sukhoi Su–27 fighters, seeking to purchase Russian Su–30 all-weather attack aircraft, arming these aircraft with advanced air-to-air missiles such as the Russian R–77 missile and other precision guided munitions, constructing the indigenously designed J–10 fighter, and seeking advanced airborne warning and control systems from abroad. These capabilities pose a grave airborne threat to Taiwan.

(18) Because of the introduction of advanced submarines into the Taiwan Strait area by the People's Republic of China and the increasing capability of the People's Republic of China to blockade Taiwan, Taiwan needs to acquire diesel-powered submarines in order to maintain a capability to counter a blockade, to conduct antisubmarine warfare training, and for other purposes.

(19) Because of the democratic form of government on Taiwan and the historically non-aggressive foreign policy of Taiwan, it is highly unlikely that Taiwan would use submarines in an offensive manner.

(20) The current defense relationship between the United States and Taiwan is deficient in terms of its capacity over the long term to counter and deter potential aggression against Taiwan by the People's Republic of China.

SEC. 3. SENSE OF CONGRESS.

(a) TRAINING OF TAIWAN MILITARY OFFICERS.—It is the sense of Congress that the Secretary of Defense and the Secretaries of the military departments should make every effort to reserve additional positions for Taiwan military officers at the National Defense University and other professional military education schools specified in section 2162(d) of title 10, United States Code, and for prospective Taiwan military officers at the United States Military Academy, the United States Naval Academy, and the Air Force Academy.

(b) FOREIGN MILITARY SALES.—It is the sense of Congress that the Secretary of State should, when considering foreign military sales to Taiwan—

(1) take into account the special status of Taiwan; and

(2) make every effort to ensure that Taiwan has full and timely access to price and availability data for defense articles and defense services.

SEC. 4. DETERMINATIONS OF DEFENSE NEEDS OF TAIWAN.

(a) INCREASE IN TECHNICAL STAFF OF THE AMERICAN INSTITUTE IN TAIWAN.—Upon the request of the Defense Security Cooperation Agency, the President shall use funds available to the Department of Defense under the Arms Export Control Act for the assignment or detail of additional technical staff to the American Institute in Taiwan.

(b) ANNUAL REPORTS.—Beginning 60 days after the next round of arms talks between the United States and Taiwan, and annually thereafter, the President shall submit a report to Congress—

(1) detailing each of Taiwan's requests for purchase of defense articles and defense services during the one-year period ending on the date of the report;

(2) describing the defense needs asserted by Taiwan as justification for those requests; and

(3) describing any decision to reject, postpone, or modify any such request that was made during the one-year period ending on the date of the report, the level at which the final decision was made, and a justification for the decision.

SEC. 5. STRENGTHENING THE DEFENSE OF TAIWAN.

(a) MAINTENANCE OF SUFFICIENT SELF-DEFENSE CAPABILITIES OF TAIWAN.—Congress finds that any determination of the nature or quantity of defense articles or defense services to be made available to Taiwan that is made on any basis other than the defense needs of Taiwan, whether pursuant to the August 17, 1982, Communique signed with the People's Republic of China, or any similar executive agreement, order, or policy would violate the intent of Congress in the enactment of section 3(b) of the Taiwan Relations Act (22 U.S.C. 3302(b)).

(b) PLAN REGARDING COMBINED TRAINING AND PERSONNEL EXCHANGE PROGRAMS.—

(1) DEVELOPMENT.—The Secretary of Defense, in consultation with the Secretary of State, shall develop a plan for the enhancement of programs and arrangements for operational training and exchanges of personnel between the Armed Forces of the United States and the armed forces of Taiwan for work in threat analysis, doctrine, force planning, operational methods, and other areas. The plan shall provide for exchanges of officers up to and including general and flag officers in the grade of O–10.

(2) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary of Defense shall submit a report to Congress, in classified or unclassified form, containing the plan required under paragraph (1).

(3) IMPLEMENTATION.—Not later than 210 days after the date of enactment of this Act, the Secretary of Defense shall implement the plan required under paragraph (1).

(c) COMMUNICATIONS BETWEEN UNITED STATES AND TAIWAN MILITARY COMMANDS.—Not later than 180 days after the date of enactment of this Act, the Secretary of Defense shall establish secure direct communications between the United States Pacific military command and the Taiwan military command.

(d) MISSILE DEFENSE EQUIPMENT.—Subject to subsection (h), the President is authorized to make available for sale to Taiwan, at reasonable cost, theater missile defense equipment and related items, including—

(1) ground-based and naval-based missile defense systems; and

(2) reconnaissance and communications systems, as may be necessary to target and cue missile defense systems sold to Taiwan.

(e) SATELLITE EARLY WARNING DATA.—Subject to subsection (h), the President is authorized to make available for sale to Taiwan, at reasonable cost, satellite early warning data.

(f) AIR DEFENSE EQUIPMENT.—Subject to subsection (h), the President is authorized to make available for sale to Taiwan, at reasonable cost, modern air-defense equipment, including the following:

(1) AIM–120 AMRAAM air-to-air missiles.

(2) Additional advanced fighters and airborne warning and control systems (AWACS).

(3) Equipment to better defend airfields from air and missile attack.

(4) Communications infrastructure that enables coordinated joint-force air defense of Taiwan.

(g) NAVAL DEFENSE SYSTEMS.—Subject to subsection (h), the President is authorized to make available for sale to Taiwan, at reasonable cost, defensive systems that counter the development by the People's Republic of China of new naval capabilities, including defense systems such as—

(1) diesel-powered submarines;

(2) anti-submarine systems, including airborne systems, capable of detecting new Kilo and advanced Chinese nuclear submarines;

(3) naval anti-missile systems, including Aegis destroyers, capable of defeating foreign supersonic anti-ship missiles; and

(4) communications systems that better enable Taiwan to conduct joint-force naval defense operations.

(h) RELATION TO ARMS EXPORT CONTROL ACT.—Nothing in this section supersedes or modifies the application of section 36 of the Arms Export Control Act to the sale of any defense article or defense service under this section.

The SPEAKER pro tempore. The amendment printed in the bill is adopted.

The text of H.R. 1838, as amended, is as follows:

H.R. 1838

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Taiwan Security Enhancement Act''.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Since 1949, the close relationship between the United States and Taiwan has been of enormous benefit to both societies.

(2) In recent years, Taiwan has undergone a major political transformation, and Taiwan is today a true multiparty democracy with a political system separate from and totally unlike that of the People's Republic of China.

(3) The economy of Taiwan is based upon free market principles and is separate and distinct from the People's Republic of China.

(4) Although on January 1, 1979, the United States Government withdrew diplomatic recognition of the government on Taiwan as the legitimate government of China, neither at that time nor since has the United States Government adopted a formal position as to the ultimate status of Taiwan other than to state that status must be decided by peaceful means. Any determination of the ultimate status of Taiwan must have the express consent of the people on Taiwan.

(5) The People's Republic of China refuses to renounce the use of force against democratic Taiwan.

(6) The Taiwan Relations Act has been instrumental in maintaining peace, security, and stability in the Taiwan Strait and the Western Pacific since its enactment in 1979.

(7) The Taiwan Relations Act (Public Law 96–8) states that—

(A) peace and stability in the Taiwan Strait area are in the political, security, and economic interests of the United States and are of international concern;

(B) the decision of the United States to establish diplomatic relations with the People's Republic of China rests upon the expectation that the future of Taiwan will be determined by peaceful means;

(C) the United States would consider any effort to determine the future of Taiwan by other than peaceful means, including boycotts or embargoes, a threat to the peace and security of the Western Pacific region and of grave concern to the United States;

(D) the United States will maintain the capacity to resist any form of coercion that jeopardizes the security, or the social or economic system, of the people of Taiwan; and

(E) the preservation and enhancement of the human rights of all people on Taiwan are objectives of the United States.

(8) The Taiwan Relations Act establishes on the part of the United States a continuing connection with and concern for Taiwan and its people. Continued adherence to the Act will help Taiwan to maintain its democracy free of coercion and to safeguard its people from the use of force against them. Furthermore, the maintenance by Taiwan of forces adequate for its defense is in the interest of the United States in that it helps to maintain peace in the Western Pacific region.

(9) The military modernization and weapons procurement efforts by the People's Republic of China, as documented in the February 1, 1999, report by the Secretary of Defense on ''The Security Situation in the Taiwan Strait'', could threaten cross-Strait stability and United States interests in the Asia-Pacific region.

(10) The Taiwan Relations Act provides explicit guarantees that the United States will make available defense articles and services necessary in such quantity as may be necessary to enable Taiwan to maintain a sufficient self-defense capability.

(11) The Taiwan Relations Act requires timely reviews by United States military authorities of Taiwan's defense needs in connection with recommendations to the President and the Congress.

(12) Congress and the President are committed by the Taiwan Relations Act to determine the nature and quantity of Taiwan's legitimate self-defense needs.

(13) It is the policy of the United States to reject any attempt to curb the provision by the United States of defense articles and services legitimately needed for Taiwan's self-defense.

(14) In accordance with the Taiwan Relations Act, the United States has, since 1979, sold defensive weapons to Taiwan, and such sales have helped Taiwan maintain its autonomy and freedom. The Congress supports the continued provision of additional defense articles and defense services in accordance with the Taiwan Relations Act.

(15) It is in the national interest of the United States to eliminate ambiguity and convey with clarity continued United States support for Taiwan, its people, and their ability to maintain their democracy free from coercion and their society free from the use of force against them. Lack of clarity could lead to unnecessary misunderstandings or confrontations between the United States and the People's Republic of China, with grave consequences for the security of the Western Pacific region.

(16) A possible consequence of such ambiguity and lack of clarity was the People's Republic of China's decision to conduct military exercises and live fire missile tests in the Taiwan Strait in March 1996, necessitating House Concurrent Resolution 148, approved by the House of Representatives by a vote of 369–14 on March 19, 1996, and by the Senate by a vote of 97–0 on March 21, 1996, which stated that ''the United States, in accordance with the Taiwan Relations Act and the constitutional process of the United States, and consistent with its friendship with and commitment to the democratic government and people of Taiwan, should assist in defending them against invasion, missile attack, or blockade by the People's Republic of China.''. Immediately following Congressional passage of House Concurrent Resolution 148, the United States deployed on an emergency basis two aircraft carrier battle groups to the Taiwan Strait, after which the People's Republic of China ceased further planned military exercises.

(17) An earlier consequence of such ambiguity and lack of clarity was the expressed surprise by the People's Republic of China that Congress and the American people fully supported President Lee Teng-hui's private visit to his alma mater, Cornell University, necessitating House Concurrent Resolution 53, approved by the House of Representatives by a vote of 390–0 on May 2, 1995, and by the Senate by a vote of 97–1 on May 9, 1995, which stated such support explicitly.

SEC. 3. TRAINING OF MILITARY OFFICERS AND SALE OF DEFENSE ARTICLES AND SERVICES TO TAIWAN.

(a) TRAINING OF TAIWAN MILITARY OFFICERS.—The Secretary of Defense and the Secretaries of the military departments shall make every effort to reserve additional positions for Taiwan military officers at the National Defense University and other professional military education schools specified in section 2162(d) of title 10, United States Code, and for prospective Taiwan military officers at the United States Military Academy, the United States Naval Academy, and the Air Force Academy.

(b) FOREIGN MILITARY SALES.—The Secretary of State shall, when considering foreign military sales to Taiwan—

(1) take into account the special status of Taiwan, including the defense needs of Taiwan in response to the military modernization and weapons procurement efforts by the People's Republic of China; and

(2) make every effort to ensure that Taiwan has full and timely access to price and availability data for defense articles and defense services.

SEC. 4. DETERMINATIONS OF DEFENSE NEEDS OF TAIWAN.

(a) INCREASE IN TECHNICAL STAFF OF THE AMERICAN INSTITUTE IN TAIWAN.—Upon the request of the Defense Security Cooperation Agency, the President shall use funds available to the Department of Defense under the Arms Export Control Act for the employment of additional technical staff at the American Institute in Taiwan.

(b) ANNUAL REPORTS.—Beginning 60 days after the next round of arms talks between the United States and Taiwan, and annually thereafter, the President shall submit a report to Congress, in classified and unclassified form—

(1) detailing each of Taiwan's requests for purchase of defense articles and defense services during the one-year period ending on the date of the report;

(2) describing the defense needs asserted by Taiwan as justification for those requests; and

(3) describing the decision-making process used to reject, postpone, or modify any such request.

SEC. 5. STRENGTHENING THE DEFENSE OF TAIWAN.

(a) MAINTENANCE OF SUFFICIENT SELF-DEFENSE CAPABILITIES OF TAIWAN.—Congress finds that any determination of the nature or quantity of defense articles or defense services to be made available to Taiwan that is made on any basis other than section 3(b) of the Taiwan Relations Act (22 U.S.C. 3302(b)), whether such alternative basis is the August 17, 1982, communique signed with the People's Republic of China, or any similar executive agreement, order, or policy, would violate the intent of Congress in the enactment of such Act.

(b) COMBINED TRAINING AND PERSONNEL EXCHANGE PROGRAMS.—Not later than 210 days after the date of enactment of this Act, the Secretary of Defense shall implement a plan for the enhancement of programs and arrangements for operational training and exchanges of senior officers between the Armed Forces of the United States and the armed forces of Taiwan for work in threat analysis, doctrine, force planning, operational methods, and other areas. At least 30 days prior to such implementation, the Secretary of Defense shall submit the plan to Congress, in classified and unclassified form.

(c) REPORT REGARDING MAINTENANCE OF SUFFICIENT SELF-DEFENSE CAPABILITIES.—Not later than 45 days after the date of the enactment of this Act, and annually thereafter, the Secretary of Defense shall submit to the Congress, in classified and unclassified form, an annual report on the security situation in the Taiwan Strait. Such report shall include an analysis of the military forces facing Taiwan from the People's Republic of China, evaluating recent additions to the offensive military capability of the People's Republic of China. The report shall include, but not be limited to, an analysis of the surface and subsurface naval threats, the ballistic missile threat, the air threat, and the threat to the military and civilian communications links in Taiwan. The report shall include a review of the steps taken by the armed forces of Taiwan to address its security situation.

(d) COMMUNICATIONS BETWEEN UNITED STATES AND TAIWAN MILITARY COMMANDS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall certify to the Committee on International Relations and the Committee on Armed Services of the House of Representatives and the Committee on Foreign Relations and the Committee on Armed Services of the Senate that direct secure communications exist between the armed forces of the United States and the armed forces of Taiwan.

(e) RELATION TO ARMS EXPORT CONTROL ACT.—Nothing in this section supersedes or modifies the application of section 36 of the Arms Export Control Act to the sale of any defense article or defense service under this section.

SEC. 6. REPORT REGARDING THE ABILITY OF THE UNITED STATES TO RESPOND IN ASIA-PACIFIC CONTINGENCIES THAT INCLUDE TAIWAN.

(a) REPORT.—Not later than 180 days after the date of the enactment of this Act, and updated as appropriate, the Secretary of Defense shall prepare and submit to the chairmen and ranking minority members of the Committee on International Relations and the Committee on Armed Services of the House of Representatives and the Committee on Foreign Relations and the Committee on Armed Services of the Senate a report in classified and unclassified form on the ability of the United States to successfully respond to a major contingency in the Asia-Pacific region where United States interests on Taiwan are at risk.

(b) CONTENTS.—The report described in subsection (a) shall include—

(1) a description of planning on the national, operational, and tactical levels to respond to, prosecute, and achieve United States strategic objectives with respect to a major contingency described in subsection (a); and

(2) a description of the confidence level of the Secretary of Defense in United States military capabilities to successfully respond to such a contingency.

(c) PREPARATION OF REPORT.—In preparing the report under subsection (a), the Secretary of Defense shall use the resources and expertise of the relevant unified commands, military departments, the combat support agencies, and the defense components of the intelligence community, as required, and other such entities within the Department of Defense as the Secretary considers necessary.

The SPEAKER pro tempore. The gentleman from New York (Mr. GILMAN) and the gentleman from Connecticut (Mr. GEJDENSON) each will control 30 minutes.

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

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill under consideration.

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

There was no objection.

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

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

Mr. GILMAN. Mr. Speaker, I rise today in support of H.R. 1838, the Taiwan Security Enhancement Act introduced in the House by the Majority Whip, gentleman from Texas (Mr. DELAY), which I am pleased to cosponsor.

Along with other Members on both sides of the aisle, I am increasingly concerned that the People's Republic of China, their security policy, and their unprecedented military modernization efforts, especially as it affects peace and stability across the Taiwan Strait, is deserving of our attention.

In fact, in September 1999, Chinese Premier Zhu Rongji warned that sooner or later the PRC would have to use force against Taiwan to unify it with the Mainland, and I quote, ''because the Chinese people will become impatient,'' closed quote.

The reality is that China's military power is growing and the modernization of the People's Liberation Army, the PLA, is an important goal of the Chinese leadership and part of its game plan in regard to Taiwan. Reported plans to a transition from a defensive-oriented force to an offensive one, with power projection capabilities, should not be viewed as benign, as seen by some, but as part of Beijing's efforts to expand China's ability to address the Taiwan question militarily.

The PRC's conventional military buildup is evidenced by a growing short-range ballistic missile arsenal; the development of airborne warning and control systems and a variety of cruise missiles; and the purchases of advanced Russian fighters, destroyers and antiship missiles, air defense systems and submarines.

These military developments are further aggravated by Beijing's outright refusal to renounce the use of force against Taiwan and its increasingly aggressive rhetoric toward Taipei.

Regrettably, the policy of the PRC may ultimately force our Nation to undertake serious national security policy decisions involving the employment of American military forces in that region.

In response, our Nation has steadfastly met its security commitments to Taipei as stipulated in the 1979 Taiwan Relations Act, the TRA. This means insisting Taiwan maintain the military balance of power across the Taiwan Strait in the face of the PRC's unprecedented military buildup. A failure to meet Taiwan's legitimate defensive needs will make China's military dominance in the Taiwan Strait a reality and could encourage Beijing to seek the military solution to the Taiwan question.

Mr. Speaker, our Nation has security commitments to Taiwan. The TRA states that peace and stability in the area are in our Nation's interest. The future of Taiwan will be determined by peaceful means and any effort to determine the future of Taiwan by other than peaceful means will be considered a threat to the peace and security of the western Pacific and of grave concern to our Nation. The United States will provide Taiwan with arms of a defensive character while maintaining

the capacity to resist any resort to force or other forms of coercion that would jeopardize the people of Taiwan.

An unwillingness to provide for Taiwan's legitimate defensive requirements, including anti-submarine warfare capacity, naval service combatants, missile and air defense systems, could lead to a miscalculation by Beijing and could lead to a conflict with Taiwan or even with our own Nation.

It is my belief, therefore, Mr. Speaker, that ensuring and enhancing Taiwan's ability to defend itself increases the prospects for continued peace and stability in northeast Asia and supports our own national interest. The Congress must act to make clear to Beijing that our Nation will continue its long-standing commitment to a peaceful resolution of the Taiwan issue. I, therefore, support this legislation's efforts to enhance Taiwan's self-defense capability and to strengthen American foreign policy in the Pacific.

Accordingly, I call upon the administration to develop a mechanism for consultation with Congress on arms sales to Taiwan as called for in this fiscal year's omnibus appropriations bill and the Taiwan Relations Act. The administration's refusal to consult with the Congress on this issue is unconscionable and stands in violation of the TRA.

Mr. Speaker, deterring conflict and promoting peace across the Taiwan Strait is an important American national interest. This bill supports those principles. I am proud to cosponsor this legislation. It has an impressive array of cosponsors from both sides of the aisle, and I want to remind our colleagues that it was a former Member of Congress, the chairman of our Committee on Rules, Mr. Solomon, that urged this many years ago. I urge my colleagues to strongly support this measure and to send a signal to the region that our Nation is engaged and committed to a peaceful resolution of Taiwan's future.

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

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

Mr. Speaker, I want to commend the gentleman from New York (Chairman GILMAN) on the work he has done to make this a better piece of legislation. I think the committee's effort frankly created a product that the majority of Congress can be proud of.

What we have here in 1838, as it was reported from the Committee on International Relations, is a piece of legislation that clearly states the recognition that the United States Congress feels it is important for the United States to continue, as the Clinton administration has done and previous administrations have done, to maintain our relationship with a democratic government in Taiwan.

Taiwan is a country with full democratic institutions. It deserves to have a full measure of support from the United States Congress.

The People's Republic of China would have one believe that if the United States speaks clearly here, that somehow that is destabilizing. I would hope that the people in Beijing recognize that America's commitment to the independent political system that now exists on Taiwan is not an argument against some future mutually-agreed upon union, but we certainly oppose any militarily-imposed program.

We see the present situation as this: A clear statement for the United States about Taiwan's right to continue its political operations is critical to the whole world. We are particularly troubled by the Chinese Government and its recent repressive acts, as we see what has happened in China with a number of groups, attacks on the Internet; in Tibet, the situation there continues to worsen. We feel that this legislation is a clear statement of the commitment of the United States Congress to the Taiwan Relations Act and to strengthening relations between Congress and Taiwan.

Rather than worrying about this increasing tensions between the United States and the Mainland, it should clearly delineate our interests and our concerns. Where there is less confusion and less uncertainty, it should actually create a more stable situation.

China itself, the Mainland, has further developed its ballistic and cruise missiles. It has increased the size of its missile force. It has acquired and constructed advanced naval systems. It is in the process of, frankly, improving its air capabilities and has been a significant proliferator in a number of dangerous technologies around the planet, including in Asia and elsewhere, where Chinese military proliferation and technology has been quite destabilizing.

I believe the Clinton administration already fully complies with much of what is in this legislation. Under the Clinton administration, the U.S. has concluded nearly $2 billion in arms sales with Taiwan, which has consistently ranked among the top recipients of U.S. military equipment, and the Clinton administration is now in the process of looking at additional military transfers to Taiwan, as well as assistance in the training of the military personnel.

Communication between Taiwan and the United States will again, frankly, I think, create a more stable situation. The People's Republic of China continues to jail its citizens simply because they want to express their views. Whether they are Christians or in Tibet, whether they are part of the Falun Gong or other organizations, the Chinese Mainland has to end these restrictions against its own people if it wants to become a member of the wider world community.

The U.S. and the U.S. Congress has often been the first institution to speak out for democratic values and democratic countries around the world, and democratic aspirations. I think what we do here today sends a very clear signal that we continue to believe and speak strongly for those democratic values as they exist in Taiwan in the hope that we will see similar institutions develop on the Mainland.

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

Mr. GILMAN. Mr. Speaker, I want to thank the ranking minority Member, the gentleman from Connecticut (Mr. GEJDENSON), for his supporting remarks.

Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. SALMON), a member of our committee.

Mr. SALMON. Mr. Speaker, since I lived in Taiwan in the 1970s, I have seen the Republic of China emerge as a leading economic and political force throughout the world. The people of Taiwan have experienced unprecedented prosperity and freedom, liberties that we as Americans hold so dear. However, I am strongly opposed to this legislation.

I just led a congressional delegation to China with five of my colleagues, a bipartisan delegation, where we personally met with President Jiang Zemin and President Lee Teng-hui. I discussed the importance of constructive engagement between the United States and China and also stressed the significance of continued dialogue between Mainland China and Taiwan.

Specifically, I raised the issue of Mr. Song Yongyi, a Dickinson College librarian who was detained last August for allegedly trying to smuggle secret documents out of China.

After discussing very openly and honestly the facts surrounding Mr. Song's case, I appealed to President Jiang for his release.

On Friday, Mr. Song was released and returned to Pennsylvania where he was reunited with his wife. I greeted him Saturday at the airport in Philadelphia. I believe this gesture by the Chinese government speaks volumes.

Mr. Song's release is testimony that engagement, not isolationism, is the best course of action for U.S.-Sino relations.

While I know the intention of this legislation is to ease tensions and lessen ambiguity, I believe it will have the exact opposite effect. I believe the Taiwan relations Act has effectively communicated the position of the United States regarding Taiwan.

Furthermore, I have reiterated our position to the Chinese Government that provocation of Taiwan is something we take very seriously and our support of Taiwan is unequivocal. If they attack Taiwan, we would defend her.

In fact, on my recent visit to China, I expressed my concern about China's position toward Taiwan to the chairman of the Association for Cross Strait Relations, Mr. Wang Daohan. He assured me that a one-China policy could mean many things and that they were very flexible on how to get there.

I can understand the rationale for bringing this legislation to the floor

but there are far more productive ways to promote peace and security in the nation.

In summation, I would just like to say I think this will have the opposite of the intended effect. It will stifle dialogue between Taiwan and China. It will hurt Taiwan. I am pro-Taiwan. I know the gentleman from California (Mr. LANTOS) is pro-Taiwan, but we believe this is wrong.

Mr. GEJDENSON. Mr. Speaker, I yield 10 minutes to the gentleman from California (Mr. LANTOS).

Mr. LANTOS. Mr. Speaker, I want to thank my friend, the gentleman from Connecticut (Mr. GEJDENSON), for yielding me this time.

Mr. Speaker, this is a fascinating debate because on many issues we clearly agree. We certainly agree that the United States is absolutely committed to the safety and security of Taiwan. As a matter of fact, it was the distinguished chairman of the Committee on International Relations who reminded us a few minutes ago that when the government in Beijing was making hostile moves, this administration sent two aircraft carrier battle groups to the Straits of Taiwan to underscore our unshakable commitment to the security of Taiwan.

We all agree on this. We all rejoice in the democracy that Taiwan has built and in the prosperity that its people have created.

This legislation, Mr. Speaker, will not add one single missile to Taiwan's defense capability and it will not take away one single missile from China's military capabilities.

□ 1315

It will do nothing, repeat, nothing to enhance the military security of Taiwan.

Many years ago, when I was a young faculty member at the University of Washington in Seattle, I had two friends, distinguished senior members of the faculty, both of whom hated smoking. One of them, who had considerable gravitas and enjoyed great respect, had a sign in his office which said ''no smoking.'' Nobody ever smoked in that office. My other friend, much more easygoing, in some ways less respected, had a sign which said ''positively no smoking.'' Every time you went into his office, you could barely see him because the smoke was so dense.

What we are doing now, we are saying the sign ''no smoking'' does not do the job, so we are going to say ''positively no smoking,'' and we think that this will have a salutary impact.

Teddy Roosevelt reminded us a long time ago that for a superpower to be effective, it should talk softly and carry a big stick. It has been good advice since Teddy Roosevelt's day, and it is equally good advice in this instance.

I have not heard one of my colleagues make one single observation critical of the Taiwan Relations Act, under which we and Taiwan have functioned for over 20 years. The Taiwan Relations Act, which we all support, which has been on the books for more than two decades, was sufficient to provide Taiwan all the conceivable military equipment Taiwan needed. It provided a framework for Taiwan to develop one of the most prosperous economies, one of the most technologically advanced economies, on the face of this planet. And, to top it all, it allowed Taiwan to develop a full-fledged functioning political democracy, all this under the Taiwan Relations Act.

If my colleagues had been able to indicate that we need something new, something special which is not taking place today, I could see some reason for this legislation. Even on the issue of providing more space at our military academies for young, qualified Taiwanese officers, there is zero guarantee in this legislation that a single Taiwanese will be able to attend West Point or Annapolis or the Air Force Academy as a result of this legislation.

The legislation does no good. The question is, does it do any harm. I am convinced, Mr. Speaker, it does a great deal of harm. It exacerbates the already tenuous relationship across the Taiwan Straits. It physically provides nothing new for Taiwan except enhanced anxiety, and postpones the day when the cross-channel dialogue, the cross-straits dialogue, will bring about an amicable resolution of the Taiwan-China conflict.

We are equally committed, all of us in this Chamber, to Taiwan's physical security, economic prosperity, and political democracy. This measure is not only redundant, it is counterproductive. It will undermine and erode the stability, however tenuous, in the region without adding a single component which could be pointed to as positive, either in Taiwan-China relations or in U.S.-Taiwan relations or U.S.-China relations.

Sometimes in the legislative process bills are introduced, people get committed to them, and then it becomes embarrassing to say, well, maybe it was not necessary. Perhaps we should drop it. That is the situation in which we now find ourselves.

I have listened to this debate with great care. There has not been a single item advanced by any of my good friends on other side of the aisle that would persuade me in the slightest that this piece of legislation is needed.

Taiwan has received every single military item that it would be able to receive under this proposed new legislation. Our commitment has been steadfast. The President ordered two aircraft carrier battle groups to the Taiwan Straits when there was trouble. Should there be new trouble, this president or the next president will do the same. We know this. The Chinese know this.

This legislation is a redundancy at best, and counterproductive at worst. I strongly urge my colleagues to defeat it.

Mr. GILMAN. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Mr. Speaker, I rise in strong support of the Taiwan Security Enhancement Act. This legislation represents a significant step to clearing up any ambiguities with regard to the United States' policies. It is the government of the Republic of China, not the Communist regime of the Peoples' Republic, that has free elections and a capitalistic system.

The Republic of China is America's ally. It is our strategic partner that supports America's goals in the Pacific region. In essence, we are partners in liberty. Both of our countries subscribe to the principles of freedom, the rule of law, human rights, peace, and economic prosperity. Our commitment to strengthening this partnership should be a priority.

Repeated Red Chinese military exercises in the Taiwan Straits and its pursuit to project military power beyond its own border continues to threaten Taiwan. These aggressive actions only serve to undermine the balance of security in the Pacific Rim and around the world.

Let me be very clear. The Communist regime of the People's Republic of China is actively working to undermine America's national security interests, not only in the Taiwan Straits but around the world. One only has to read the book ''Unrestricted War.'' It was recently published by the Red Chinese military, and it outlines a strategy of how to undermine and defeat America's interests.

The tenets of this strategy include nontraditional methods of warfare, such as terrorism, drug trafficking, environmental degradation, computer virus propagation, as well as proliferation of weapons of mass destruction.

Chinese espionage activity and its continued pursuit of a combined arms warfare capability, missile launches in the Taiwan Straits, as well as Beijing's repeated rhetoric of political threats towards Taiwan, only serve to support the strategy.

Passage of this bill endorses and supports Taiwan and its hope for liberty and the pursuit of a freely elected and one democratic China. I urge my colleagues to adopt this resolution.

Mr. GEJDENSON. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New Jersey (Mr. MENENDEZ).

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

Mr. MENENDEZ. Mr. Speaker, I rise today in strong support of the Taiwan Security Enhancement Act. I believe that once again the time has come for Congress to stand up for a democratic Taiwan, to reconfirm our commitment to Taiwan's security, and to act in such a way that we ensure the continuation of peace, stability, and security in the Taiwan Straits and the Pacific Rim.

Since the passage of the Taiwan Relations Act of 1979, the Congress has

sought to strengthen U.S.-Taiwanese relations and ensure stability in the region by establishing that an attack against Taiwan is inimical to the security interests of the United States and will compel an American response.

China's true intentions towards Taiwan are clear. China is engaged in a military buildup in the Taiwan Straits. It is quite likely that the only deterrent to a Chinese invasion of Taiwan is the strong security commitment of the United States for its defense. I believe we must balance the desire by those in this House to trade with China with the resolve to send a clear message that that does not mean abandoning the Taiwanese.

The Taiwan Security Enhancement Act builds on a policy that has served American and Taiwanese interests well and fulfills our commitments to Taiwan's security as established by the Taiwan Relations Act. By doing several things that I believe are of consequence in terms of military cooperation with Taiwan, in terms of direct communications, in terms of Taiwan's military officers, in exchanges of senior officers, and in ensuring that they have full access to defense articles and defense services, we will uphold the detente of deterrence that has served us since 1979.

Congress was right in 1979 to stand up for our democratic ally, Taiwan, and we are right today to pass legislation that will ensure another 20-plus years of peace, stability, and security in the region.

I urge every Member to support this bill. It is a reaffirmation of our support, our support for a democratic Taiwan and the continuation of peace in Taiwan Straits.

Mr. GILMAN. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from New York (Mr. HOUGHTON), a member of our Committee on International Relations.

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

Mr. Speaker, I am not going to speak long, but I really am firmly opposed to this particular amendment. I do not know why we are doing this at this particular time. Our policy now is effective. It has worked for 21 years. Why do we change it now, particularly with the very sensitive elections coming up now?

It is very easy to sit back here and intellectualize on a particular issue from our base in Washington, but if you are over in that part of the world, it is perceived differently.

I always remember talking to one of our distinguished Secretaries of State about his setting up an agenda between President Nixon and the Chinese, which happened to be Chou En Lai. He had at the top of his agenda the Taiwan issue, and at the bottom of the Chinese agenda, much to his surprise, was the Taiwan issue. He said, I thought this was very important to you. The answer from the Chinese, they said, it is, but in a way, it isn't. The only thing we ask you is do not embarrass us.

This is going to embarrass the Chinese. It is not necessary. Our policy works now. It has worked for over two decades. We ought to continue it as it is.

I oppose the Taiwan Security Enhancement Act.

Mr. GEJDENSON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Indiana (Mr. ROEMER).

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

Mr. ROEMER. Mr. Speaker, I thank my distinguished leader, the gentleman from Connecticut, for yielding time to me.

Mr. Speaker, I rise in very strong support of a strong relationship between the people of the United States and the people of Taiwan, but in opposition to this particular legislation. I do so reluctantly, but I do so for three reasons: first of all, because of the timing of this particular legislation on the House floor today, when so many important issues are going to be coming up with Taiwan and the Peoples' Republic of China and our international relations in the ensuing months; secondly, because of the military aspects, that we do not need this, that we have a very strong relationship with the people of Taiwan now.

This is articulated very clearly in both the 1979 Taiwan Relations Act and in the subsequent Shanghai communiques. We do not need this. We just had an arms sale a few years ago on F–16s for the people of Taiwan. We will continue to consider their requests and probably grant those requests in the future. So why do this now, from a military perspective or from a timing perspective?

Thirdly, Mr. Speaker, most importantly, it very much muddles the very important relationship that we have between the people of Taiwan and the people of the Peoples' Republic of China. We want our message to be one of peaceful reconciliation, and that the people of Taipei and the people of Beijing work peacefully through this, and not that the United States stand up on the House floor talking about military answers to these problems in the future.

We have strong moral support for the people of Taiwan. We have strategic advice that we give them now. We know that they will defend themselves with the weapons that we sell them. Now is not the time for this bill to go to the House floor.

□ 1330

Mr. GILMAN. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. CALVERT).

Mr. CALVERT. Mr. Speaker, I rise today in strong support of H.R. 1838, the Taiwan Security Enhancement Act, which was passed out of the Committee on International Relations with bipartisan support. I believe that some day a peaceful Chinese nation can contribute positively to the international community, but at this time it is difficult to place trust in the Chinese government, given their aggressive posture toward Taiwan.

Mr. Speaker, I have been to China; and I have been to Taiwan. As a visitor, the first observable difference between the two is the mainland Chinese fear of speaking freely. Taiwan, however, reveals a different story. Free trade and travel with the global community have led to the importation of the United States' most precious principle, democracy.

Mainland China has never known such a freedom and has a long road to travel. Taiwan, I believe, provides mainland China a road map for progress. They are a shining light in a troubled region. We must make sure that Taiwan is given the chance to continue their progressive trek. The Taiwan Security Enhancement Act ensures that progress. This bill helps to foster a policy towards China similar to that of President Reagan's towards the communist Soviet Union: contain them militarily, engage them diplomatically, and flood them with Western goods and influence. It worked for Russia; it could work for China.

Mr. GILMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Nebraska (Mr. BEREUTER), the distinguished chairman of our Subcommittee on Asia and the Pacific.

Mr. BEREUTER. Mr. Speaker, I thank the gentleman from New York (Mr. GILMAN) for yielding me this time.

Mr. Speaker, I do support the legislation, as I supported the rule. There has been, I think, almost unanimous support expressed for the Taiwan Relations Act of 1979. This legislation has been said to be both extraordinarily significant or perhaps not needed at all. Both positions are probably exaggerations, but I would like to address one aspect of the Taiwan Relations Act that is not being implemented today thereby providing a justification for H.R. 1838.

Now, in the legislation before us, section 4(b) requires that beginning 60 days after the next round of arms sale talks between the U.S. and Taiwan, and one is ongoing now, the President shall submit a report to Congress in classified and unclassified form detailing each of Taiwan's requests, describing the defense needs asserted by Taiwan and its justification for these requests, and a description of the decision-making process used to reject, postpone, or modify any such request.

In order for Congress to play its appropriate role in foreign and defense relationships generally, but also in respect to our TRA commitment to Taiwan to provide them necessary defensive material, we must have this kind of report. Why? Because in the Taiwan Relations Act, section 3(b) provides:

> That the President and the Congress shall determine the nature and the quantity of

such defense articles and services based solely upon their judgment of the needs of Taiwan, in accordance with the procedures established by law.

Mr. Speaker, that provision of the Taiwan Relations Act of 1979 is being ignored by the Administration and therefore Congress is basically not able to determine what the Taiwanese are requesting, the nature of the justification given, or the Administration's responses to arms sale requests of the Taiwan government.

Now, we understand that the Administration's response and even the nature of the weapons being requested or considered cannot be broadly shared. But we provide them with a method of providing us this advice on a classified basis.

Mr. Speaker, in closing, I want to reassure my colleagues, by asking them to look at the legislation as amended. There are, for example, no specific references to weapon types. There are many, many important changes. I urge my colleagues that they can with assurance vote for this legislation. There is never a perfect time to pass such legislation in the House and I would have preferred that we act after the Taiwanese presidential election in April, but America's commitment to Taiwan's defense through the TRA is reinforced by this legislation.

Mr. GEJDENSON. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from California (Mr. DOOLEY).

Mr. DOOLEY of California. Mr. Speaker, I rise today in opposition to H.R. 1838, the Taiwan Security Enforcement Act. While supporters claim that the bill will increase Taiwan's security, the opposite is true. This legislation could have serious unintended consequences that could potentially threaten Taiwan's security, undermine our own national security interests, and jeopardize our relationship with China.

For more than 2 decades, under the leadership of Presidents Carter, Reagan, Bush and Clinton, the United States has pursued an extensive and successful military relationship with Taiwan through defensive weapons sales and informal military assistance.

The Taiwan Relations Act passed in 1979 has been proven an effective mechanism in helping Taiwan achieve security, prosperity, and freedom.

H.R. 1338 is simply unnecessary. Section 3 of the Taiwan Relations Act already allows the United States to make available to Taiwan such defense articles and defense services in ''such quantity as may be necessary to enable Taiwan to maintain a sufficient self-defense capability.''

The act further states that a determination of Taiwan's needs ''shall include a review by the United States military authorities in connection with the recommendations to the President and Congress.''

So as we can see, the passage of H.R. 1838 will not improve the existing act and provide additional security for the people of Taiwan, as supporters of the bill maintain. H.R. 1838 will instead undermine the principal objectives of the Taiwan Relations Act, which was to help maintain peace, security, and stability in the American Pacific.

Passage of the bill would formalize a military relationship with Taiwan and would be a significant departure from the ''one China'' policy that has been essential to maintaining stability in the region. Not only is the bill unnecessary, but the timing of H.R. 1838 is particularly bad. Recent public statements by Taiwan officials concerning its relationship with China have moved closer to the concept of sovereignty, which has escalated tensions and complicated our ''one China'' policy. Furthermore, Taiwan will be holding a presidential election in March and a new administration will be formed in May. We have been urging both sides of the Taiwan Strait to avoid any actions that could increase the risk of conflict and take advantage of possible new opportunities for dialogue. In addition, passage of this bill could potentially jeopardize our efforts to improve our relationships with China.

Let me make clear that I in no way condone any aggressive actions taken by China against Taiwan which threatens its security. But adopting policies that will further distance us from China and undermine opportunities for future dialogue would not be constructive U.S. policy. Undoing any progress that has been made in negotiations on such issues as trade and human rights will not only threaten the future security of Taiwan, but could impede U.S. abilities to advance democracy in the region.

Mr. Speaker, a policy of economic and political engagement is the surest way to promote U.S. interests in China, to advance democracy and human rights, and to secure future economic opportunities for Taiwan, China, and the United States.

Mr. GILMAN. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. ROHRABACHER), one of the senior members of the Committee on International Relations.

Mr. ROHRABACHER. Mr. Speaker, I rise in strong support of H.R. 1838. I would like to congratulate the gentleman from New York (Chairman GILMAN) for the strong leadership that he has provided us. He has been a stronger leader for peace and stability in the Pacific region than this administration, unfortunately.

What the gentleman has been leading is a bipartisan effort on the part of both sides of the aisle to make sure that the Communist regime in Beijing knows full well that we stand by our commitments in the Taiwan Relations Act and we expect Beijing to stand by its commitments to the Taiwan Relations Act.

In that agreement, we agreed to provide Taiwan the defensive weapons systems they needed to preserve their security and to maintain stability and peace in the Taiwan Strait. Today, we are restating that unambiguously so that it will be understood by friend and foe alike.

Mr. Speaker, this is the way to have peace in that region, to make sure America stands tall, keeps its commitments. Lets people know that we still believe in truth and justice and that as Taiwan moves forward towards its democratic elections, and we have this threatening time period where there are threats from communist China, that the United States is not backing down one bit from its commitments.

Mr. GILMAN. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. BARTLETT).

Mr. BARTLETT of Maryland. Mr. Speaker, I rise today in strong support of H.R. 1838, the Taiwan Security Enhancement Act. I believe this bill is an extremely important tool in maintaining the balance of power in the Pacific region. Mainland China, or the PRC, is currently engaged in a massive buildup of ballistic missiles capable of reaching the shores of Taiwan. When we passed the Taiwan Relations Act, the United States made a commitment to provide Taiwan with the capability of defending itself from aggression.

H.R. 1838 reaffirms that commitment, and I believe most importantly requires the Secretary of Defense to develop a program to enhance operational training exchanges between the militaries of the United States and Taiwan concerning threat analysis, force planning, and operational methods.

Mr. Speaker, H.R. 1838 is a necessary step in fulfilling our promises to Taiwan. By passing this legislation, the United States will make a powerful statement that aggression toward Taiwan will not be tolerated.

I urge all of my colleagues to support this important piece of legislation.

Mr. GILMAN. Mr. Speaker, I yield 5½ minutes to the gentleman from California (Mr. COX), chairman of the Republican Policy Committee.

Mr. COX. Mr. Speaker, I thank the gentleman from New York (Mr. GILMAN) for yielding me this time.

Mr. Speaker, I too rise in strong support of this resolution offered by the gentleman from Texas (Mr. DELAY), my good friend and colleague.

This bill was reported from committee with an overwhelmingly bipartisan vote of 32 to 6. It is because this legislation strengthens and extends the long-standing U.S. policy toward Taiwan. That policy most recently was codified in the 1979 Taiwan Relations Act.

Today, even more than in 1979, Taiwan's security is critical to America's interests. Taiwan is now the seventh largest trading partner of the United States. Taiwan buys far more from the United States than does the People's Republic of China. The sea lanes surrounding Taiwan are vital to the economic health of Asia and to the steady

growth of U.S. exports to Asia. But most important of all, a democratic Taiwan is a living example to all of the people of China that they too can build for themselves a peaceful, prosperous democracy.

Taiwan does not pose any military threat to the People's Republic of China. But Taiwan's democracy, its freedom of speech and freedom of thought, do pose a threat to the Communist government in Beijing.

This bill will allow our military to have relations with Taiwan's forces as close as what the administration is already putting together with the Communist People's Liberation Army. This upgrading of our military relations ought to occur now in a time of relative stability, because if we were to wait for a time of crisis, it would then be too late. Indeed, many would say then surely it was too provocative.

But the State Department currently bars senior U.S. military officers from meeting their Taiwanese counterparts. But enhanced contacts between the United States and People's Liberation Army officers of all ranks has been made a priority of the Clinton-Gore administration.

The Taiwan Security Enhancement Act that we are about to vote upon provides that our field rank officers can have the same level of relations with a friendly defensive force on Taiwan that already they have with the Communist People's Liberation Army.

Just 4 days ago, Deputy Chief of the General Staff of the People's Liberation Army, General Xiong Guangkai said this about Taiwan. ''We,'' referring to the People's Republic of China and the People's Liberation Army, ''we will never commit ourselves to renouncing the use of force.'' General Xiong said this not in some obscure Communist Party military publication. He said it here in Washington 4 days ago as a guest of the Clinton administration.

The Taiwan Security Enhancement Act will codify America's long-standing policy of peaceful cross-strait dialogue, peaceful conduct of relations between Beijing and Taipei, peaceful resolution of the Taiwan question. And it will codify, again, our long-standing commitments since President Eisenhower to provide Taiwan with the defensive military strength needs to deter the PRC.

The 1979 Taiwan Relations Act states, ''The President and the Congress shall determine the nature and quantity of such defense articles and services that we will sell to Taiwan based solely upon their judgment of the needs of Taiwan.''

□ 1345

This law calls for annual reporting to the Congress on those sales, because the administration has not been consulting Congress on these sales as have been required by the letter and spirit of the Taiwan Relations Act.

Lastly, it has been argued occasionally that the United States promised the People's Republic of China to reduce or even terminate arms sales to Taiwan, as a consequence of our growing political recognition of the Communists in Beijing. Nothing could be further from the truth.

The United States has always maintained that we would support the democracy in Taiwan; that we would support peaceful discussions; that we would support defensive weaponry for Taiwan for its legitimate defense needs.

At the time of the signing of the 17 August 1982 communique of U.S. arms sales to Taiwan, President Reagan wrote a four-paragraph memo elaborating what had been agreed to. He wrote that our policy was premised on the clear understanding the continuity of China's declared fundamental policy of seeking a peaceful resolution of the Taiwan issue, quote, ''U.S. willingness to reduce its arms sales to Taiwan,'' President Reagan wrote, ''is conditioned absolutely upon the continued commitment of China to the peaceful reunification or the peaceful resolution of this issue.''

General Xiong's comments in Washington 4 days ago were not ambiguous; neither should United States' policy be ambiguous. Our goal here on the floor today is, once again, to come together as Democrats and Republicans to state clearly the view of the legislative branch on this subject.

The United States supports the democracy and the freedom of the people in Taiwan. We will continue to do so. We will continue to support their right to be free from aggression militarily by the People's Republic of China. We wish better relations with the PRC. Indeed, we wish for the people of China that the democracy already exemplified by the system that is developed in Taiwan will soon be theirs, that the freedom of speech, the freedom of thought, the freedom of action, the freedom of movement, the freedom of conscience, the freedom of religion that they all enjoy will also be the birthright of every man and woman born in China in the 21st century. That is the purpose of our vote today; that is why it is so fundamentally bipartisan; that is why the vote will be so overwhelming.

I urge all of my colleagues to vote aye in support of this resolution.

I congratulate the chairman and the ranking member for their hard work, their excellent work on this bill.

Mr. GEJDENSON. I yield myself such time as I may consume.

Mr. Speaker, I think that we have come here fairly unified, recognizing the need to make a clear statement about Congress' commitment to the people of Taiwan and their democratic institutions; that we believe any change in the relationship between Taiwan and the mainland must occur out of a mutual agreement, not through intimidation of force.

Traditionally, every administration would like to see the Congress disappear, not just from foreign policy, but from domestic policy as well. They rather not hear from us, and that is understandable.

When you are sitting in the White House, you are down at the Secretary of State's office, you think you are doing just fine and you do not need a lot of help; but I think one of the great things that this institution projects globally is the importance of a legislative body.

I can remember being on this floor year after year, cosponsoring and speaking on behalf of the resolutions for a free and independent Lithuania, Latvia, and Estonia; and oftentimes it did seem like a futile effort. And there are many years where it seemed just one more time we were stepping forward to restate our commitment to their independence, and it would be to no avail.

To most of the people's surprise and to, I think, the rejoicing of all of us, we finally saw the Baltic states free. I believe that our actions here today, in these measured terms that the chairman and I and the committee have worked out, simply restate the commitment of this Congress to the democratic institutions of the people of Taiwan and to the resolution of the differences between the mainland and Taiwan, not through military force but through a dialogue. That is what this legislation does. It is consistent with this administration in its actions to date; it is consistent with every administration since the Taiwan Relations Act has occurred.

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

Mr. GILMAN. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. DELAY), the distinguished majority whip, and I thank the gentleman from Connecticut (Mr. GEJDENSON) for his supportive remarks.

Mr. DELAY. Mr. Speaker, I really appreciate all the hard work that the gentleman from New York (Mr. GILMAN) has done and the gentleman from Connecticut (Mr. GEJDENSON) has done on this bill. Working together they have done outstanding work, and I am very proud to support this bill.

I also want to thank the gentleman from Florida (Mr. DEUTSCH), the gentleman from Nebraska (Mr. BEREUTER), the gentleman from California (Mr. COX), and the gentleman from Texas (Mr. ARMEY) for all their hard work on this legislation. This bipartisan dedication to this cause shows how both sides of the aisle can come together under the goal of peace through strength.

Mr. Speaker, I rise today because Taiwan desperately needs America's help. Throughout the 20th century, struggling democracies across this globe knew that they could always count on America for support when their freedom was threatened. At the dawn of a new century, the world must be reassured that the United States will continue to stick by their friends.

Taiwan has a strong and vibrant economy, and in March they will hold another free and open election. I ask all my colleagues, is this not the kind of system we should be backing? Would it not be a tragedy for this light to be extinguished because America had her head stuck in the sand?

Given the volatility of the situation in the Taiwan Strait, any mixed signals by our government can easily be read by the Communist Chinese as complacency. This Congress must erase any doubt as to whether or not we are fully committed to Taiwan, and that is the purpose of this bill.

Stability of the entire Asian region is predicated on a balance of power that keeps China in check. This bill stabilizes Taiwan and the Pacific region by strengthening U.S.-Taiwanese cooperation. It also reassures Japan, South Korea, and all of our Asian allies that we will not neglect their best interest under the shadow of a rapidly growing Communist China.

Despite countless claims by supposed experts that the People's Republic is not a threat, Chinese intentions to the contrary are very clear. In fact, they have been saber rattling for years. A clear message was sent when China fired missile tests off the coast of Taiwan in 1995 and 1996. Since then a massive Chinese missile and military logistical buildup across the Taiwan Strait has served as a constant threat. Waiting for the next shoe to fall would be a very costly mistake.

Ever since the annexation of Hong Kong and Macao, consuming Taiwan has become a pressing goal for the expansionist Communist government in Beijing. To this day the PRC refuses to denounce the use of force in its quest to take back Taiwan. While visiting Washington, D.C. just 6 days ago, a PRC general asserted, and I quote, ''We will never commit ourselves to renouncing the use of force.''

During the 50th anniversary celebrations of Chinese communism, held just last October, a leading reformer in the PRC leadership warned against U.S. support of Taiwan. ''Sooner or later it will lead to an armed resolution of the question,'' he said. And this is from a so-called reformer.

Make no mistake about it, this is a gravely serious situation. Considering what is at stake, the cost of American assistance is very minimal. The Taiwanese are not asking us to send troops. They are not asking us to bomb anybody. They simply need strategic military advice, technological expertise, and access to purchase American defense systems so they can defend themselves.

Without any more hesitation, U.S. policy must support the continued vitality and security of this thriving nation. Under the TRA, the United States committed to providing defensive capability to Taiwan based on their defense needs. The need is pressing. The time to act on this promise is now.

Mr. Speaker, American prestige is on the line in the Taiwan Strait. The Taiwan Security Enhancement Act honors our commitment to stability in Taiwan by increasing cooperation between the U.S. and Taiwanese militaries. It fulfills promises this Congress has already made to Taiwan and reiterates our national agenda of seeking peace through strength.

Simply put, this Congress must support democracy in Taiwan. We must honor our commitments in the Far East. Supporting this bill accomplishes these goals.

Mr. GILMAN. Mr. Speaker, how much time do we have remaining?

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The gentleman from New York (Mr. GILMAN) has 2½ minutes remaining.

Mr. GILMAN. Mr. Speaker, I yield the balance of my time to the gentleman from Texas (Mr. ARMEY), the distinguished majority leader.

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

Mr. Speaker, America is not just another country. We are the oldest revolutionary nation in the world and the world's oldest democracy. We have an obligation to the world, a mission, and that is to advance the cause of freedom around the world.

Mr. Speaker, I have said it before and I will say it again: no nation's people, ever, in the history of the world, have done as much as the American people have done in the cause of freedom, to sacrifice and inconvenience themselves not only for their own freedoms but, as we have seen so many times, even for the freedoms of others. This is a proud heritage we have, and it is a great responsibility we should keep.

Today we are looking at the Chinese people. Mr. Speaker, the Chinese people are a beautiful people. They are a wonderful people, and they are divided now between two different governments. One is a beautiful democracy, and the other one is not so grand. But the Chinese people, whether they live in Taiwan or on the mainland, deserve and want freedom as much as any people in the world, and we must respond to them.

This year the House will vote on two measures that will do that in the East Asia region. One is this bill, to strengthen our security relationship with democrat Taiwan. The other is a resolution, which we will vote on at our earliest possible moment, to establish permanent normal trade relations with China. Friends of Taiwan should not have fear of our greater trade with China, just as those who want more trade with China should not object to us helping Taiwan. Both measures serve exactly the same end, to advance the cause of freedom in East Asia and the Pacific and specifically on behalf of the Chinese people.

How does more trade with China help? Because aside from religious belief, trade is the single most powerful force of liberation in human history. With trade comes prosperity, and with prosperity comes wider sharing of power, a freer flow of information and the rule of law. That is happening in China today. As China becomes more integrated into the world economy, the Chinese leadership is finding it more and more difficult to stifle the aspirations of their own people.

□ 1400

Just last week the Chinese Government announced a ludicrous effort to impose tight restrictions on the Internet. This is swimming against the tides, Mr. Speaker. The Internet, almost by definition, is something that defies government control. In fact, this effort is nothing but an unwitting tribute to the liberalizing power of the modern information age economy.

They cannot be part of the world economy without the Internet, but they cannot have the Internet without the free flow of ideas and information, including political ideas.

As long as we continue to expand our trade with China and bring China into the world economy, the Chinese leaders will have no choice but to allow greater freedom. Eventually the Chinese people will insist on the freedom to choose their own leaders. And when they do, they are not likely to select leaders who will make war on Taiwan or anyone else.

And how does helping Taiwan further the cause of freedom throughout the region? By strengthening our security ties with Taiwan, we make it clear that the American people will stand by Taiwan if they are attacked. That will discourage any country from doing anything foolish to jeopardize peace and prosperity in the area.

We all know that wars have often started from miscalculation. One country attacks another only after wrongly assuming that the other countries will not come to its aid. This bill will help maintain peace in the Taiwan straits by suggesting in advance that America will come to the aid of democratic Taiwan. It is entirely consistent with the Taiwan Relations Act.

Mr. Speaker, Taiwan is the first democracy in 5,000 years of Chinese history. It stands as a shining example to all the people on the mainland and elsewhere of how a country can be both rich and free. It shows how a nation can emerge from decades of dictatorial rule and create a government of the people, by the people, and for the people. If we truly love freedom, we must protect democratic Taiwan.

I ask all our Members to support both security for Taiwan and more trade with the Chinese people. Together, these policies will help make Asia and the Pacific prosperous, peaceful and, above all, free.

Mr. GILMAN. Mr. Speaker, I thank our majority leader, the gentleman from Texas (Mr. ARMEY), for his kind words of support.

Mr. OBERSTAR. Mr. Speaker, I rise today to express my opposition to H.R. 1838, the Taiwan Security Enhancement Act. I am greatly troubled by this effort to undermine the

sound, bipartisan foreign policy of the United States. For more than 20 years, both Democratic and Republican Administrations have maintained a policy of ''strategic ambiguity'' regarding our relations between China and Taiwan, a policy that has served our nation well. The thrust of this legislation abandons the long-standing and successful policy of the Taiwan Relations Act of 1979, and I oppose this misguided attempt to impose a fundamental shift in our policy.

I firmly believe that over time, our strategic interest is best served through increased economic ties and expanded cultural relations with China. Efforts to promote travel and tourism to China and encouraging additional Chinese students to attend our universities will significantly improve our relations with China.

However, I do not want this vote to be misinterpreted. The United States and the world community do not approve the increasingly belligerent tone of rhetoric and actions on the part of China against Taiwan. China must understand that the world community expects a peaceful resolution of the China/Taiwan issue.

Ms. PELOSI. Mr. Speaker, I stand in support of H.R. 1838 the Taiwan Security Enhancement Act. I believe this bipartisan legislation will send a clear message that the U.S. will stand firm for democracy and human rights. We must support the right of the Taiwanese people to determine their future without outside military pressure.

We have good reason to be concerned about the rapid military buildup just across the Taiwan Strait. In 1995 and 1996, the Taiwanese people were making history by holding their first democratic presidential election. At the same time, the Chinese government conducted missile tests as a reminder of their true intentions. This was no coincidence. According to a recent Pentagon report, China has continued to build ballistic missiles just off the coast of Taiwan. As we approach the next presidential election this March, we must be aware of the imminent threat to the new democracy in Taiwan.

I believe this legislation would be successful in strengthening our commitment to the Taiwanese people. First, it would enhance Taiwan's self-defense capabilities. Second, this bill affirms that the status of Taiwan must have the consent of the people of Taiwan.

Our goals of securing peace and human rights in China are fully consistent with the goals of this legislation. I urge my colleagues to vote ''yes'' on this bipartisan legislation.

Mr. STARK. Mr. Speaker, I rise today to commend Taiwan for embracing democracy and striving for complete autonomy from the People's Republic of China (PRC). Taiwan has liberated itself from the oppressive Chiang Kai-shek regime only to be threatened by the current Chinese government. The PRC has a history of using coercion to get what it wants, and the recent missile tests are no different. We all know this is wrong and yet we continue a ''strategic partnership'' with this barbaric regime.

Today's resolution, H.R. 1838, the Taiwan Security Enhancement Act, antagonizes the PRC. The title of the bill is misleading. Sure, it professes the sense of Congress that we should offer them the military might of the United States, but it will not make Taiwan any more secure. It only raises tensions in the region.

To protect the free people of Taiwan and to help the process of democratization in the PRC, we need a coordinated, thoughtful, comprehensive China Policy.

This Resolution is not such a policy!

For example, China wants and needs integration into the world economy and the WTO. It needs the cooperation of the rest of the world to accomplish this goal. We need a concerted, comprehensive international effort to require that as a condition for the many objectives of the PRC, they give the world assurances of respect for international law, for the rights of the people of Taiwan, and indeed, for the rights of their own people.

Therefore, I will not support the Taiwan Security Enhancement Act.

Mr. ORTIZ. Mr. Speaker, I rise today in support of the Taiwan Security Enhancement Act. While I support this legislation, the timing of it is no small coincidence given the fact that Congress plans to take up unprecedented trade legislation this year involving this region. Over the years, I have witnessed firsthand the casual working relationship the people in both the Peoples Republic of China and the Republic of China have shared. They each have adapted to their special circumstances with relative ease.

I have always supported Taiwan's efforts to embrace democracy and stability in the region. Furthermore, I truly believe that our efforts to engage China and to bring them to the table to work and promote trade and growth will work only to the advantage of the United States. It is with this optimism that I ask my colleagues for the continued support of the people of Taiwan while we also work this session to further strengthen our relationship with China.

There are many that consider China a constant threat in the Taiwan Straits. That said, it is my hope that any country in the world, who moves aggressively toward another would be subject to consequences. Engaging and protecting the interests of our trading partners in the Far East is the single most important thing we can do for all our trading partners there.

I remain committed to the Taiwanese people and their outlook for the future of their citizens. I also remain committed to the economic engagement of China through trade and the power of the market place.

Mr. BARR of Georgia. Mr. Speaker, I rise today in support of H.R. 1838, the Taiwan Security Enhancement Act. This bill gives Taiwan at least some of the tools necessary to defend itself against possible future attacks from Communist China.

When Congress enacted the 1979 Taiwan Relations Act, the intent was to ensure Taiwan's security would not be compromised, and a self-defense capability would be maintained. The Clinton administration has wrongly interpreted this act as a ''hands off'' policy and continues to ignore the growing military force and threat of the Communist Chinese Government.

The utter disregard of the Taiwan Relations Act has placed Taiwan at a clear military disadvantage vis-s-vis mainland China. Reports indicate the People's Republic of China has a 65 to 4 advantage in submarines, and a 4,500 to 400 numerical advantage in aircraft. The Department of Defense has reported that by 2005, Communist China would have the capability to attack Taiwan with air and missile strikes, destroying both key military facilities and the island's economic infrastructure.

Beijing continues to maintain a large armed forces structure, with more than 2.5 million members in the People's Liberation Army (PLA), a million in the People's Armed Police (PAP), and a reserve-militia component of well over 1.5 million personnel. Still, the Clinton administration continues to assert that Communist China is not a threat. Yet, mainland China's growing advantage in military weapons and soldiers, and its increasingly bellicose policy statements point to the undisputable fact that Communist China is a real and growing threat, and continues to focus on defeating Taiwan militarily.

The United States must act. We are the only power that can provide Taiwan with the weapons it needs to counter any future mainland Chinese aggression. We have an obligation to re-establish oversight of arms sales to Taiwan, and force the President to provide Taiwan with the weapons and military training it needs. Even though Taiwan will never be on equal footing with China in terms of numbers, we must give Taiwan the means necessary to protect itself from attack.

The Taiwan Security Enhancement Act permits the sale of satellite early warning data, missile defense systems, modern air equipment, and naval defense systems. In addition, the Secretary of Defense would be required to report on Taiwan's requests for defense and hardware needs. By passing the Taiwan Security Enhancement Act Congress will empower Taiwan with the mechanism to improve its self-defense capability and protect itself from future coercion from Communist Chinese. It is a small, but vital price to pay, not only to ensure the survival of a key and loyal ally, but our very own survival as well.

Mr. TIAHRT. Mr. Speaker, I rise in strong support of H.R. 1838, the Taiwan Security Enhancement Act. This bipartisan legislation, which was reported out of the International Relations Committee by a vote of 32–6, reaffirms this Nation's commitment to peace through strength in the Taiwan Strait. I congratulate the House leadership for beginning the new session of Congress with the explicit message that the United States will meet its obligations under the Taiwan Relations Act of 1979.

Under the Taiwan Relations Act, this nation is committed to providing Taiwan with those defensive weapons systems necessary to protect Taiwan from any aggressive actions by Communist China. Unfortunately, by sending out mixed signals to the government of Taiwan while concurrently maintaining a policy of appeasement with the People's Republic of China, the Clinton administration has fostered the current environment of tension in the Taiwan Strait.

With this legislation, Congress is clearing up any confusion the Clinton administration has created regarding this Nation's commitment to a free and democratic Taiwan. Recently, the Pentagon reported that the People's Liberation Army of China has nearly 100 short-range ballistic missiles targeted at Taiwan. In addition to a real increased threat of Chinese cruise missiles and fighter-bombers, China's dangerous rhetoric and intimidation has led Taiwan to publicly express their concern of possible aggression in the near future. In 1996, China performed significant military operations across the strait from Taiwan and fired several ballistic missiles near Taiwan.

In addition to reconfirming this nation's military commitment to Taiwan, H.R. 1838 will

provide for increased training for Taiwan's military officers in U.S. military schools and require the Secretary of State to make information regarding defense services fully available to the government of Taiwan in an expedited manner. Furthermore, this legislation will require the President to report to Congress regarding any and all of Taiwan's defense need requests and Administration decisions on those requests.

The best way to make sure China will take Taiwan seriously and treat them fairly in discussions regarding reunification is to send a clear and unmistakable message that the United States will stand by Taiwan if China takes any aggressive action in the Taiwan Strait. Today we have the opportunity to stand up for freedom and democracy and show our support for the people of Taiwan.

Mr. Speaker I urge a bipartisan yes vote for the Taiwan Security Enhancement Act.

Mr. FALEOMAVAEGA. Mr. Speaker, I rise to speak on the legislation before us, H.R. 1838, the Taiwan Security Enhancement Act, which seeks to promote stability between Taiwan, the People's Republic of China, and the United States.

At the outset, I would note that at the heart of the relationship between Taiwan and the United States lies the Taiwan Relations Act, which for over two decades has effectively laid and preserved the foundation for peace and stability in the Taiwan Strait.

When the security of our friends in Taiwan was threatened by China in spring of 1996, I joined with our colleagues in Congress in strongly supporting the Clinton administration's decision to send the *Nimitz* and *Independence* carrier groups to the Taiwan Strait to maintain peace. China's missile tests, military exercises, and threatened use of force contravened China's commitment under the 1979 and 1982 Joint Communiques to resolve Taiwan's status by peaceful means. The joint communiques, in concert with the Taiwan Relations Act, lay the framework for our ''One China'' policy, which fundamentally stresses that force shall not be used in resolution of the Taiwan question.

Mr. Speaker, the graphic response of the United States in 1996 sent an unequivocal message to Beijing, as witnessed by the world, that America would not stand by idly while Taiwan was threatened with China's military might. The formidable U.S. military presence in Taiwan's waters, along with the explicit warnings of grave consequences for Chinese use of force against Taiwan, concretely demonstrated our Nation's determination and resolve to aid Taiwan in the event of attack. In my view, Mr. Speaker, our actions that were taken then during the heat of the Taiwan Strait crisis continue to speak volumes today about America's unquestioned and unshakeable commitment to Taiwan's security, much more than any policy statements we might adopt today.

Mr. Speaker, under the existing policy of the Taiwan Relations Act, our Nation and Taiwan have formed a close partnership that already encompasses military relations, meetings of high-level officials, and extensive transfers of high-tech defense weaponry.

As we examine the legislation before us, I ask our colleagues to question whether it actually enhances the security of Taiwan above and beyond what has, what is, and will be provided to Taiwan for its legitimate defense needs under existing policy.

Mr. Speaker, the United States is firmly and unequivocally committed to the protection of Taiwan's people and democracy, and certainly no nation knows this better than China. I am not persuaded that the legislation before us is necessary nor that it serves to enhance stability in the Taiwan Strait.

Mr. KNOLLENBERG. Mr. Speaker, I rise in support of H.R. 1838 and I thank my colleagues on both sides of the aisle for their efforts to bring this bill to the floor today.

The United States relationship with the Republic of China is vital to our economic and national security interests. Through its financial success and blossoming democracy Taiwan remains a model for other countries in Asia, including China, to follow.

The story of Taiwan's economic success is now widespread. During and after the Asian financial crisis, Taiwan's free-market economy fared much better than its centrally controlled neighbors. Their economy, in fact, maintained a GDP growth rate of 4.8 percent over 1998.

It is also wise for us to remember that Taiwan is the United States 7th largest trading partner and an important part of the successful economy we enjoy today. In February 1998, Taiwan and the United States negotiated a market access agreement as a prelude to Taiwan's entry into the World Trade Organization.

This strong economic relationship with Taiwan and our successful negotiations with Taipei have helped to lead China into its own successful market access negotiations with the United States. Later this year in fact, Congress will pass legislation to grant China permanent normal trade relations status so that United States companies will benefit from China's entrance into the WTO. This will also improve our ability to provide support for the Chinese people who need our help the most.

Unfortunately, the administration's confused policies and actions in recent years have damaged our relationship with Taiwan and Congress must now pass this bill to steer us back on the right course.

The United States, as the world's leading democracy, has a responsibility to support the security of Taiwan, one of the world's smallest yet one of the most important democracies.

Mrs. FOWLER. Mr. Speaker, I rise in strong support of H.R. 1838, the Taiwan Security Enhancement Act.

This legislation is necessary to reaffirm our Nation's commitments to Taiwan, an important partner of our country in the realm of trade, and a strong proponent of democracy.

American policies, which oppose China's use of force against Taiwan, need reinforcement now, as Taiwan approaches presidential elections. Four years ago, China's leadership conducted a series of missile tests near Taiwan—a move meant to intimidate the Taiwanese people on the eve of elections then. In response, the United States was compelled to deploy two carrier battle groups in order to restore tranquility.

Today, China is engaged in a build-up of missile forces that again threatens Taiwan. These unwarranted, threatening developments make this bill's consideration today an imperative.

It is patently obvious that Taiwan poses no threat to China. Military training or other security measures provided to Taiwan by the United States is strictly oriented towards Taiwan's defense. As such, this bill merits our strong support.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Pursuant to House Resolution 408, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

Mr. GILMAN. 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 further proceedings on this motion will be postponed until later today.

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CHILD ABUSE PREVENTION AND ENFORCEMENT ACT

Mr. JENKINS. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 764) to reduce the incidence of child abuse and neglect, and for other purposes.

The Clerk read as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

TITLE I—THE CHILD ABUSE PREVENTION AND ENFORCEMENT ACT

SEC. 101. SHORT TITLE.

This title may be cited as the ''Child Abuse Prevention and Enforcement Act''.

SEC. 102. GRANT PROGRAM.

Section 102(b) of the Crime Identification Technology Act of 1998 (42 U.S.C. 14601(b)) is amended by striking ''and'' at the end of paragraph (15), by striking the period at the end of paragraph (16) and inserting ''; and'', and by adding after paragraph (16) the following:

''(17) the capability of the criminal justice system to deliver timely, accurate, and complete criminal history record information to child welfare agencies, organizations, and programs that are engaged in the assessment of risk and other activities related to the protection of children, including protection against child sexual abuse, and placement of children in foster care.''.

SEC. 103. USE OF FUNDS UNDER BYRNE GRANT PROGRAM FOR CHILD PROTECTION.

Section 501(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3751) is amended—

(1) by striking ''and'' at the end of paragraph (25);

(2) by striking the period at the end of paragraph (26) and inserting a semicolon; and

(3) by adding at the end the following:

''(27) enforcing child abuse and neglect laws, including laws protecting against child sexual abuse, and promoting programs designed to prevent child abuse and neglect; and

''(28) establishing or supporting cooperative programs between law enforcement and media organizations, to collect, record, retain, and disseminate information useful in the identification and apprehension of suspected criminal offenders.''.

SEC. 104. CONDITIONAL ADJUSTMENT IN SET ASIDE FOR CHILD ABUSE VICTIMS UNDER THE VICTIMS OF CRIME ACT OF 1984.

(a) IN GENERAL.—Section 1402(d)(2) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(d)(2)) is amended—

(1) by striking ''(2) the next $10,000,000'' and inserting ''(2)(A) Except as provided in subparagraph (B), the next $10,000,000''; and

(2) by adding at the end the following:

''(B)(i) For any fiscal year for which the amount deposited in the Fund is greater than the amount deposited in the Fund for fiscal year 1998, the $10,000,000 referred to in subparagraph (A) plus an amount equal to 50 percent of the increase in the amount from fiscal year 1998 shall be available for grants under section 1404A.

''(ii) Amounts available under this subparagraph for any fiscal year shall not exceed $20,000,000.''.

(b) INTERACTION WITH ANY CAP.—Subsection (a) shall be implemented so that any increase in funding provided thereby shall operate notwithstanding any dollar limitation on the availability of the Crime Victims Fund established under the Victims of Crime Act of 1984.

TITLE II—JENNIFER'S LAW

SECTION 201. SHORT TITLE.

This title may be cited as ''Jennifer's Law''.

SEC. 202. PROGRAM AUTHORIZED.

The Attorney General is authorized to provide grant awards to States to enable States to improve the reporting of unidentified and missing persons.

SEC. 203. ELIGIBILITY.

(a) APPLICATION.—To be eligible to receive a grant award under this title, a State shall submit an application at such time and in such form as the Attorney General may reasonably require.

(b) CONTENTS.—Each such application shall include assurances that the State shall, to the greatest extent possible—

(1) report to the National Crime Information Center and when possible, to law enforcement authorities throughout the State regarding every deceased unidentified person, regardless of age, found in the State's jurisdiction;

(2) enter a complete profile of such unidentified person in compliance with the guidelines established by the Department of Justice for the National Crime Information Center Missing and Unidentified Persons File, including dental records, DNA records, x-rays, and fingerprints, if available;

(3) enter the National Crime Information Center number or other appropriate number assigned to the unidentified person on the death certificate of each such unidentified person; and

(4) retain all such records pertaining to unidentified persons until a person is identified.

SEC. 204. USES OF FUNDS.

A State that receives a grant award under this title may use such funds received to establish or expand programs developed to improve the reporting of unidentified persons in accordance with the assurances provided in the application submitted pursuant to section 203(b).

SEC. 205. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title $2,000,000 for each of fiscal years 2000, 2001, and 2002.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. JENKINS) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee (Mr. JENKINS).

GENERAL LEAVE

Mr. JENKINS. 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. 764.

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

There was no objection.

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

Mr. Speaker, I rise in support of H.R. 764, the child abuse prevention and enforcement act, as amended and passed by the other body on November 19, 1999.

This legislation was introduced by the gentlewoman from Ohio (Ms. PRYCE) last year; and on October 5, 1999, it passed the House by a vote of 425–2.

The purpose of this bill is to increase the funds available at the State and local level to combat and prevent child abuse and neglect. It will do this by amending existing grant programs that provide funds to States for crime-related purposes.

First, H.R. 764 will amend the Crime Identification Technology Act, a bill enacted in 1998 to improve the operation of the criminal justice system by upgrading criminal history and criminal justice record systems.

H.R. 764 will amend that Act to authorize grants that will help provide timely, accurate, and complete criminal history record information to child welfare agencies, organizations, and programs that conduct risk assessment and other activities related to the protection of children, including protection against child sexual abuse and the placement of children in foster care.

These agencies and organizations often do not have access to criminal history information and may be unaware that when they place a child in foster care or return a child to a parent that they are placing the child in the custody of a person with a criminal history. Allowing Federal funds to be used to provide these agencies access to State records will help alleviate this problem.

Second, H.R. 764 will modify the Federal Crime Control Assistance Program, known as the Byrne Grant Program. This program authorizes the Federal Government to award both block grant and discretionary grants for specified activities. Block grants are allocated to the States on the basis of population and are to be used for personnel, equipment, training, technical assistance, and information systems to improve criminal justice systems.

The discretionary program funds are distributed to non-Federal public and private organizations undertaking projects that educate criminal justice personnel or that provide technical assistance to State and local governments.

The Byrne Grant Program statute specifies 26 permissible uses for these funds. H.R. 764 will amend the Grant Program to add two additional permissible uses for these Federal funds.

The first of these was contained in H.R. 764 when it passed the House last fall and it would authorize grant money to combat and prevent child abuse and neglect.

The second permissible use was added by the other body by way of an amendment, and I support its inclusion in this bill. It will authorize funds to assist in establishing or supporting cooperative programs between enforcement and media organizations to collect, record, retain, and disseminate information useful in the identification and apprehension of suspected criminal offenders.

Third, H.R. 764 will amend the Victims of Crime Act of 1984, which created the Crime Victims Fund. The fund is financed through the collection of criminal fines, penalty assessments, and forfeited appearance bonds of persons convicted of crimes against the United States and provides money to States to compensate crime victims directly and to support public and nonprofit agencies that provide direct services to crime victims.

Under current law, the first $10 million deposited in the fund each year is earmarked for grants relating to child abuse prevention and treatment. As the fund grows in size, more money should be made available for child abuse prevention and treatment.

H.R. 764 will permit more money to be earmarked for this purpose for any fiscal year in which the amount of money deposited in the fund exceeds what was deposited in fiscal year 1998. When more than that amount of money is deposited, 50 percent of the excess would be allocated for child abuse prevention and treatment, but the total amount available in any fiscal year would not exceed $20 million.

Finally, H.R. 764 was amended by the other body to include Jennifer's Law, a bill introduced by the gentleman from New York (Mr. LAZIO) which passed the House last June by a vote of 370–4. Jennifer's Law will authorize the Attorney General to award grants to enable States to improve the reporting of unidentified and missing persons to Federal and State law enforcement agencies to increase the likelihood that they will be identified or found. The bill authorizes the appropriation of $2 million for each of three fiscal years beginning with this fiscal year.

Mr. Speaker, it has been brought to my attention that there is a one-word drafting error contained in the bill that is technical in nature. The error appears twice in the bill. Following consideration of this bill, I will ask unanimous consent that the House move to immediate consideration of a concurrent resolution I have introduced that directs the enrolling clerks to correct this minor error.

In conclusion, I believe the amendments made to H.R. 764, including Jennifer's Law, strengthen the bill; and I urge all of my colleagues to support this important piece of legislation.

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

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

Mr. Speaker, the problem of child abuse and neglect is disturbing and far-reaching. The United States Department of Health and Human Services, in a report issued in April of last year, indicated that there were over 950,000

documented cases of child abuse and neglect in 1997.

Further, in an earlier report, HHS indicated that while the number of child abuse and neglect cases has increased since 1986, the actual number of cases investigated by State agencies has remained about the same. And, therefore, the proportion of cases investigated has decreased from 44 percent in 1986 to 28 percent in 1993.

The failure to adequately address the problem of child abuse and neglect is costly in many ways. First and foremost, there is the human tragedy related to the victimized child. Obviously, abused and neglected children carry physical and emotional scars with them forever affecting every aspect of their life.

In addition, the National Committee to Prevent Child Abuse estimated in 1993 that the annual cost of child welfare, healthcare, and out-of-home care for abused and neglected children totaled $9 billion. And I must add that this is a conservative estimate in light of the fact that it does not include other related costs, such as long-term physical and mental impairment, emergency room care, lost productivity, special education services, and the cost to adjudicate child abuse cases.

Yet another cost of child abuse is in the area of increased criminal activity. According to a 1992 Department of Justice report entitled ''The Cycle of Violence'', 68 percent of youths arrested had a prior history of neglect and abuse.

□ 1415

The study also indicated that childhood abuse increased the odds of future delinquency and adult criminality by approximately 40 percent.

On the positive side, Mr. Speaker, we know how to address the problem. The National Child Abuse Coalition reports that family support programs and parental education programs have demonstrated that prevention efforts work. As we have seen in other areas such as drug treatment programs, community-based programs supporting families can be implemented to prevent future child abuse at far less than the dollars that we now spend to treat and manage child abuse and neglect problems.

The legislation being considered today is a step in the right direction. The bill provides increased grant authority for services to abused and neglected children and also provides an increase in the existing set-aside for child abuse and neglect cases from the Victims of Crime Fund. In addition to these important provisions, the Senate has included a new section entitled ''Jennifer's Law.'' The section provides for a grant program to improve the reporting for unidentified and missing persons and authorizes $2 million for that purpose in each of the next 3 fiscal years.

Finally, Mr. Speaker, this bill would not have been possible without the hard work and dedication of the gentlewoman from Ohio (Mrs. JONES) and the gentlewoman from Ohio (Ms. PRYCE). I would like to thank them personally for their leadership and bipartisan cooperation which has made this bill possible.

Mr. Speaker, it is clear that prevention and early intervention treatment for child abuse and neglect victims benefits everyone. This bill represents a positive step in that direction. I, therefore, ask my colleagues to support the bill.

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

Mr. MCCOLLUM. Mr. Speaker, I ask unanimous consent to claim the time allocated to the majority.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. MCCOLLUM. Mr. Speaker, I yield 5 minutes to the gentlewoman from Ohio (Ms. PRYCE), the author of this bill.

Ms. PRYCE of Ohio. I thank the gentleman from Florida for yielding me this time.

Mr. Speaker, today we consider the Child Abuse Prevention and Enforcement Act, the CAPE Act, a bill that represents an important step in the fight against child abuse.

Children are our Nation's most precious resource. As a former judge and prosecutor, I have seen the terrible impact that abuse has on the lives of our children. It has an impact that robs them of their childhood and resonates throughout their adult lives, inflicting irreparable damage on these children, their families and society. As federal legislators, as parents, as individuals, we have no greater responsibility than to protect our children from this harm.

The CAPE Act focuses on two critically important aspects of child abuse, prevention and improved treatment of victims. In doing so, it recognizes that the people best equipped to make a difference for our children are those who are on the front lines: the child protection workers, the police, the judges, the court-appointed special advocates, the doctors and nurses, the foster families, the nonprofit volunteers. That is just naming a few. These are the people who offer the best hope of real progress in our ongoing battle against child abuse. We must provide them with the resources to coordinate their efforts so that recognition of abuse or potential abuse situations is swift and treatment of child abuse victims is handled in a manner that adds no more confusion or fear to an already traumatized child. The CAPE Act will do this.

Briefly, CAPE accomplishes this with three important steps. First, it provides State and local officials the flexibility of using existing Byrne law enforcement grants, the major source of federal funds to States for fighting crime, for child abuse prevention. Second, it increases the set-aside out of the Crime Victims Fund for improving child abuse treatment. The Crime Victims Fund comes from forfeited assets, forfeited bail bonds and fines paid to the government, not taxpayers' dollars. These funds can be used for training police investigators and child protective workers.

The funds can also be used for building more child advocacy centers, places where victims of child abuse can receive help and treatment in a manner that will not cause them further emotional and psychological stress. By creating these centers, we can overthrow the cold, bureaucratic maze of probing and prodding which children used to have to endure and replace it with a one-stop experience in a child-friendly environment so that examination by police, the prosecutors, the doctors, and the child protection workers does not have the unintended consequence of revictimizing the child abuse victim.

Third, the CAPE Act allows existing grant funds to be used by States to help provide child protective services workers access to criminal conviction records and provide law enforcement instant and timely access to court child custody, visitation, protection, guardianship, or stay-away orders. This will ensure that abused and neglected children are placed in foster and adoptive homes as expeditiously as possible so that they do not languish in bureaucratic limbo. Healing for abused and neglected children only begins when they are in a permanent, safe environment free from fear and danger. The CAPE Act accomplishes all this without tapping the United States Treasury.

Along with CAPE, today we will be passing Jennifer's Law, an inspirational piece of legislation sponsored by the gentleman from New York (Mr. LAZIO). It will take great strides in the effort to identify missing children and adults.

By taking these steps together, we can make a difference in the lives of children. And we can do this without additional cost to the taxpayer, as the CAPE Act will do nothing more than remove federally imposed straitjackets on federal funds and give local officials and workers the necessary flexibility to be successful in their struggle against abuse. Given that this bill requires so little from us and nothing additional from the Treasury, can we do anything less than pass it today?

Passage of this bill will strengthen the national arsenal of resources that can be used in the prevention and treatment of child abuse. I urge my colleagues' support. I am thankful for the continuous support and the hard work of the original cosponsors of this bill, the gentleman from Texas (Mr. DELAY), the gentlewoman from Ohio (Mrs. JONES), the gentleman from Pennsylvania (Mr. GREENWOOD), the gentleman from Illinois (Mr. EWING), and the help of the Committee on the Judiciary and all the staff involved. Their efforts toward ending child abuse should be commended by all.

We must never waver in our fight to protect our children from abuse and neglect. We must be ever vigilant, ever resourceful and always striving to do more to improve the lives of all the Nation's children.

Mr. SCOTT. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Ohio (Mrs. JONES), the lead cosponsor on this piece of legislation who has worked diligently and in a bipartisan fashion.

Mrs. JONES of Ohio. Mr. Speaker, first of all I would like to thank the gentlewoman from Ohio (Ms. PRYCE) for her support and the work we have done together on this piece of legislation. We two have similar backgrounds, coming from the bench as well as serving as prosecutors; and we saw this area as an important part that we need to implement here in the Congress. I would like to thank the gentleman from Virginia (Mr. SCOTT) on the Committee on the Judiciary for kind of guiding me through this process. Without him, I would not have understood some of the things that happened with this piece of legislation as it went through the process.

I rise today to speak in strong support of the Child Abuse Prevention and Enforcement Act and Jennifer's Law. Together, these bills will mean a great deal for victims and their families throughout America. This legislation has deep and diverse support which is evidenced in the list of cosponsors on both sides of the aisle. The House has passed both of these bills on their own merit by wide margins in the last session of Congress. Now thanks to the foresight of the other body, we have the opportunity to send these bills to the President together.

Child abuse prevention is an extremely important issue. A child cannot grow in an environment in which he or she is subject to emotional and physical abuse. We can offer a helping hand to America's children through the passage of this legislation. Through CAPE, we are funding child advocacy centers and training those who deal with children who are abused. In Cuyahoga County, my experience as a prosecutor and as a judge told me and taught me that there are many instances in which many of our child-abuse protection workers are new to the job, they are undertrained, they are overworked and burnout reaches them very quickly. It is important that we give them an opportunity to have greater insight into the job that they need to perform as well as to give them an opportunity to step away, step back and be able to see situations as they arise. With better training they will be able to have an opportunity to prevent abuse and treat the victims of abuse.

CAPE will increase the funding available. This money will not cost taxpayers any extra money. It will come strictly from forfeited bail bonds and other fines paid to the government and taken from the Crime Victims Fund. The allocation of this money comes under the Byrne Law Enforcement Grant Program for Child Abuse Prevention and is allocated through State and local funding by local officials. As a former prosecutor, I served on the Byrne Grant Memorial Fund as a person who was responsible for the allocation of those funds. I can recall distinctly that in many instances there could have been opportunities where our children and family services unit could have applied for funds which were dedicated to other programs. I am so happy to be able to report to them that upon the passage of this bill, we will be specifically designating dollars to allow them to train their people as well as to create an advocacy center.

In my home, the State of Ohio, there is a child abused or neglected every 3 minutes. Every day throughout the country, 8,470 children are abused or neglected. Throughout America every day, 13 children are homicide victims and firearms kill 14 children.

CAPE is supported by the National Child Abuse Coalition, which includes the Children's Defense Fund and the Child Welfare League. It is supported by Prevent Child Abuse America, the Christian Coalition, the Family Research Council and the National Center for Missing and Exploited Children.

Attached to the CAPE Act is Jennifer's Law. This legislation is an excellent addition to the bill. The gentleman from New York (Mr. LAZIO) introduced this bill to create within the National Crime Information Center a link between missing persons files and unidentified persons files. This will allow the families of missing victims to know their loved one may have been found and end the doubt of not knowing the fate of one of their family members. Prior to this legislation, there was no sharing between these two computer systems. The cross-referencing system that Jennifer's Law will create will allow States to apply for competitive grants to cover the costs of linking to those computer systems.

I believe that this combined legislation will help victims and their families in crisis, help them treat victims and inform families of the status of their loved ones. This bill addresses all aspects of victimization. I strongly support the legislation and recommend to my colleagues that they vote in favor of this bill.

Again, I want to thank all of my colleagues on both sides of the aisle for the support that they have given to me in the process of putting this piece of legislation through. I look forward to working with them on other pieces of legislation that will impact families throughout America.

Mr. McCOLLUM. Mr. Speaker, I yield 3½ minutes to the gentleman from Texas (Mr. DELAY), the majority whip.

Mr. DELAY. Mr. Speaker, I too want to congratulate the gentlewoman from Ohio (Mrs. JONES) and the gentleman from Virginia (Mr. SCOTT) and especially the gentlewoman from Ohio (Ms. PRYCE) for all the hard work on this very, very important issue.

Mr. Speaker, abuse against children is one of the unpardonable sins we must all work to end in this century. This Child Abuse Prevention and Enforcement Act takes a very big step toward making America safer for all of our most vulnerable youngsters. Without question, too many of our young ones are having their innocence stripped away. Two years ago, there were 3 million cases of child abuse and neglect in this country. Today, as I speak, there are at least a half a million American kids in foster care because it is not safe enough for them to live with their own families.

At the federal level, we have to help lift these children out of despair while simultaneously giving more flexibility to States to deal with their local concerns. In other words, we must take action and get out of the way and not interfere with the good work that is already taking place.

Nationally, billions upon billions of dollars have been spent on child welfare programs, but money is not the solution and one-size-fits-all federal programs often allow too many children to fall through the cracks. Such failure directly translates into trouble for our communities in the future as children with a bad formation predictably make bad choices in life.

No one is surprised to learn that there is a correlation between adolescent crime and child abuse. But this is a cycle of trouble we can beat. CAPE is the first step toward this goal. This legislation allows State and local officials to take advantage of existing Byrne law enforcement grants for child abuse prevention work.

□ 1430

It also mandates that localities may use Identification Technology Act grants to provide criminal history records to child protection agencies. This bill also now includes Jennifer's Law, a sensible measure that simply makes certain that descriptive case information is reported to the FBI computer database. These measures simply make use of resources that already exist, while cutting out wasteful repetitive action from different agencies at different levels of government.

Along with these steps, CAPE also increases the set-aside for child abuse services in the Crime Victims' Fund, all of which comes from non-taxpayer dollars.

In short, this bill expands services, cuts red tape and works within already existing programs. It is good for government at the federal level, better for State governments; and, most importantly, it is great for the victims of abuse that it seeks to protect.

Just one example of the good work CAPE assists is the Court Appointed Special Advocates, COSA. COSA is a group of volunteers who provide millions of hours of courtroom support for abused children. In Texas alone, these

programs save the Federal Government an estimated $80 million a year, at least, all while maximizing support services for children and minimizing their time in foster care. But this is just one program of many that do tremendously good work.

Mr. Speaker, there are no lack of ideas in the fight to prevent child abuse and neglect, but many people do not know where to start. Supporting this legislation is a good start.

Mr. SCOTT. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. CUMMINGS), a strong supporter of crime prevention initiatives and effective child advocate.

Mr. CUMMINGS. Mr. Speaker, as America's lawmakers, we direct the focus of our Nation through the stances we take, the resolutions we adopt, and the legislation we approve. It is important that we take a strong stand with regard to pressing issues, pressing issues like a child being reported abused every 12 minutes in my home State of Maryland; pressing issues like 50 out of 1,000 children currently being reported as maltreated; pressing issues like the 2,000 children a year who die from abuse or neglect.

It is time that we act for our children in the way of their protection. H.R. 764 acts by providing increased funding for prevention training, child advocacy and treatment, and increased access by protective service workers with regard to criminal conviction records.

It is important that the message we send to our children is that we are not afraid to act in their favor, that we realize that they are our future, and that they are invaluable. Support H.R. 764.

Mr. McCOLLUM. Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. LAZIO), who was a sponsor of Jennifer's Law.

Mr. LAZIO. Mr. Speaker, I want to begin by thanking the gentlewoman from Ohio (Ms. PRYCE) and the gentlewoman from Ohio (Mrs. JONES) for their great work; the majority whip, the gentleman from Texas (Mr. DELAY); and of course, the gentleman from Florida (Mr. MCCOLLUM). And I rise in strong support, Mr. Speaker, of the CAPE Act, which includes Jennifer's Law.

Mr. Speaker, just about everybody knows the famous line by Charles Dickens: ''It was the best of times; it was the worst of times.'' As every parent knows, this is a shorthand for the conflicting feelings we all come to know once we have children. We start with the overwhelming joy of childbirth, when you first hold a beautiful new creation, life's greatest gift, in your arms. It is a humbling experience. The joys start immediately. The fears and uncertainties are not really very far behind.

For most of us, the fears will never fully be realized. Unfortunately, for more parents than we would like to admit, tragedy strikes and their lives become a nightmare from which they cannot awake.

Mr. Speaker, in 1993, 21-year-old Jennifer left her family's suburban New York home for California in pursuit of a dream, a dream to make it on her own. Nine months later Jennifer's mom sent her a plane ticket to return home for a visit. Jennifer never made it home. She disappeared that day and is still missing.

Jennifer's mom describes her daughter as an extraordinary, open, caring and sensitive child. At only 3 years old, Jennifer befriended a local homeless man. In her kindergarten class, a classmate wore a prosthetic arm. The teacher called Jennifer's mother one day very excited because Jennifer was the only classmate to hold this girl's hand. And in 5th grade, Jennifer threw a party for all the kids who never got invited to other parties.

Jennifer's disappearance has drained the life out of her family, parents and siblings alike. Jennifer's brother Steven was only 14 years old when he found out his sister had disappeared. His life began to question. He questioned his sister's existence and his own worth. He could not understand any of it.

Today, 6 years later, Jennifer's mom, Susan Wilmer, still suffers terribly, beside herself with sadness. And even though her intuition tells her that Jennifer is not alive, she has not allowed herself to grieve, and instead floats somewhere between hope and resignation.

Mrs. Wilmer came to me last year asking that I help her and other families who have suffered these types of losses. She told me her story. When Susan Wilmer reported Jennifer missing to the police, she breathed a sigh of relief, knowing that at least that Jennifer has not been found dead or lying in the hospital, unaware that there are people who loved her and missed her.

Then to her horror, 8 months into the search, she discovered that that wasn't the case. She found out that our Nation does not report bodies to a central agency. She found that, in many States, when a body is found, local attempts are made at identification, possibly through the local TV news or a local paper. She found if no one claims the body, it is buried in a Potter's field as a Jane or John Doe or a baby Doe. The family never gets notified. The victim's fingerprints are not taken. No dental records or DNA sample is gathered. Victims' families are left to wonder, going to their grave never quite knowing for sure what has happened to the child that they first brought into this world.

Unfortunately, Mr. Speaker, this story is all too common. People report thousands of missing persons each year. Sadly, many of these people will never be found, or are found and not identified.

For example, last year in New York State, more than 4,500 missing persons were reported, but only 279 unidentified persons. Back in my home county, Suffolk County, more than 2,200 children under the age of 17 were reported missing in 1999, and more than 700 adults shared the same fate. These missing persons sometimes tragically end up as unidentified victims. However, their families sometimes never find out that their loved ones have been found.

These statistics beg the big question: What might we do to bring some measure of peace of mind to these families? We can help them know the truth. The bill before us, the CAPE act, includes my legislation called Jennifer's Law. It will provide States the opportunity to apply for funding to help law enforcement agencies gather all the identifying information about unidentified victims. This information can then be entered into a national database that can be cross-referenced with missing persons' reports.

Currently this technology exists and is available to all law enforcement officials. However, the problem is that the system remains severely underutilized. The issue is not negligence, but instead stems from inadequate funding. The funds that Jennifer's Law will bring to the States can help eliminate the cruel phrase ''unidentified deceased'' from our vocabulary. Jennifer's Law is designed to bring an end to the unbearable uncertainty, the purgatory of the unknown.

Jennifer is a symbol of the value society places on a human life. Every person is important, unique, and has worth. Mr. Speaker, we vote today to recognize that worth, to restore the dignity of identity to the victims, and to give families the closure that they deserve.

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

Mr. Speaker, I want to thank the gentleman from Florida (Mr. MCCOLLUM) for his leadership in bringing this bill to the floor, and particularly thank our two colleagues, the gentlewoman from Ohio (Mrs. JONES) and the gentlewoman from Ohio (Ms. PRYCE), for their dedication to our children and for demonstrating what can happen when we work together in a constructive, bipartisan planner. I frankly hope that their work on this bill will be a model to the way we handle other legislation on the floor.

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

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

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The gentleman from Florida is recognized for 45 seconds.

Mr. McCOLLUM. Mr. Speaker, I just want to say that there is nothing more heart wrenching than child abuse cases, than missing children cases. This bill addresses both of those.

I, too, compliment the gentlewoman from Ohio (Ms. PRYCE) and the gentleman from New York (Mr. LAZIO) for the initiation of these pieces of legislation that combined here today are before us. What we are going to be doing here is providing additional grant

money to the States to let them improve their systems, particularly on missing children and on the question of child abuse and neglect.

The bill will specifically provide the opportunity for welfare agencies and others who conduct risk assessments to get criminal history records that they have not had access to in the past. It will provide money that is long overdue in the sense of what is required with regard to a lot of the block grant programs that are out there that could not before be used for the child abuse-neglect arena, including the Byrne Grant program.

Mr. Speaker, I again compliment my colleague, the gentleman from Virginia (Mr. SCOTT), for his work on it; the gentlewoman from Ohio (Ms. PRYCE); the gentleman from New York (Mr. LAZIO). And I encourage the passage of this important legislation on child abuse, neglect, and missing children.

Ms. STABENOW. Mr. Speaker, I rise today in support of H.R. 764, the Child Abuse Prevention and Enforcement Act. This legislation is similar to H.R. 3902, which I introduced during the 105th Congress. The bill provides funding for grants that will make the child abuse judicial process more effective and responsive to the needs of the participants. For example, this measure allows for the purchase of closed-circuit television equipment so children can record their testimony instead of appearing in court in person. It also provides for the use of additional court-appointed special advocates. These are people trained to work with families as they go through the court system. Both of these valuable provisions help to humanize what can be a very intimidating and frightening process.

During my 16-year career in the Michigan Legislature, I was a leading advocate on child abuse and family issues, and I appreciate the work of my colleagues Congresswomen DEBORAH PRYCE and STEPHANIE TUBBS JONES on this matter. Domestic violence and child abuse affect the victims for the rest of their lives. It is essential that we do everything in our power to make the courts accessible, empathetic institutions, capable of compassion as well as justice. Without this effort, the future is less bright for kids that have already been robbed of their innocence. I urge all of my colleagues to vote for this legislation.

Mr. WU. Mr. Speaker, I rise in strong support of H.R. 764, the Senate Amendments to Child Abuse Prevention and Enforcement Act. This is a solid piece of legislation that will help to prevent child abuse, provide assistance to victims, and help states to improve the reporting of unidentified and missing persons.

As the Health and Human Service Department (HHS) recently documented, there was nearly one million documented cases of child abuse and neglect in the United States in 1997. This number only reflect the cases that were reported and detected by the authorities.

In the most advanced economy in the world, I strongly believe that children should be allowed to grow up as children: To attend schools, to learn and play and enjoy their childhood. No child should be subjected to abuse and neglect.

I believe this bill provides a sensible approach to prevent child abuse and to provide much-needed assistance to the victims of abuse. H.R. 764 would authorize the release of additional funding from the Crime Victims Fund to be set aside for child abuse and domestic assistance program. The bill also expands the allowable uses of grant money to protect abused children from further trauma by testifying in court through electronic means, and authorized $6 million through FY 2000–2002 for states to improve the reporting of missing and unidentified persons.

Mr. Speaker, I believe this is a strong and sound piece of legislation that will help protect our nation's children and I strongly support H.R. 764.

Mrs. MORELLA. Mr. Speaker, I rise in strong support of the Child Abuse Prevention and Enforcement Act offered by Congresswoman DEBORARH PRYCE. This bill will expand child abuse grants and allow states flexibility in programs for child abuse protection services and programs to prevent the incidents of child abuse. I also want to thank Congressman RICK LAZIO for his work on Jennifer's Law. A missing loved one is a terrible trauma to endure and his efforts will provide those families and friends with a sense of closure.

Currently, about 47 out of every 1,000 children are reported as victims of child mistreatment. Based on these numbers, more than three children die each day as a result of child abuse or neglect or a combination of neglectful and physically abusive parenting. Approximately 45 percent of these deaths occurred to children known to child protective service agencies as current or prior clients.

The Child Abuse Prevention and Enforcement Act, expands as key element of preventing child abuse and neglect by providing access to services that address specific needs of local communities. Services must be responsive to the range of ongoing and changing needs of both children and families. This bill allows individual states and communities to develop and update their programs to meet these changing needs.

I urge my colleagues to support the amended CAPE Act.

Mr. EWING. Mr. Speaker, I rise today in support of the Child Abuse Protection and Enforcement Act—also known as the CAPE act.

The CAPE act is a much needed piece of legislation that will not only help children in my home state of Illinois, but children in every community across the nation.

In working on this legislation I was shocked to find out that:

Each day there are nearly nine thousand reported cases of child abuse or neglect in the United States. That's over 3 million cases per year. Keep in mind these are only the reported cases.

Since 1987 the total number of reports of child abuse nationwide have gone up by 47 percent.

Of the cases of abuse, 54 percent resulted in a fatality and over 18,000 children were permanently disabled as a result of physical abuse.

And finally, what is most concerning—

Many victims of abuse—as adolescents or adults—turn to crime, domestic violence and child abuse.

These statistics make it clear there is a problem, but for me, what illustrates the problem most clearly are the people that I talk to in my district who work with these kids every day.

We must put our best efforts forward to address the issue of child abuse here in America just as we have with many other problems in the past.

To help protect kids, the CAPE act allows local law enforcement and social service agencies greater flexibility in using federal grants to combat child abuse.

Under this proposal, we've also increased the earmarked money within existing accounts for assistance from $10 million to $20 million to help child abuse victims.

Mr. Speaker, I believe that individual communities can be encouraged to do a better job combating problems like child abuse if Washington steps back and gives them some breathing room.

The CAPE act does just that.

Mr. Speaker, I ask my colleagues, on both sides of the aisle to support the CAPE Act so we can truly begin to make a difference for abused children across America.

Mr. FOLEY. Mr. Speaker, thousands of children are reported missing each year. To many of us, the numbers are nothing more than statistics, albeit tragic statistics. But to a unique group of people, these numbers represent the pain and uncertainty that accompanies the loss of a child, grandchild, brother, sister, or friend.

We should be using every resource within our power to find children who are missing or to get information about them to their families. We have the technology to find most of these children, but as is often the case, the technology is not being used to its fullest capability.

Jennifer's law will help solve this dilemma. Linking national missing person files and unidentified persons files will make it much easier for local, State, and Federal law enforcement officials to get all of the information they need to solve a missing persons case.

We would like to reunite every missing child with their families, but in reality this is not always possible. Even so, families with missing children deserve to have an end to their suffering and a sense of closure. Jennifer's law will help make this possible.

The SPEAKER pro tempore. All time has expired. The question is on the motion offered by the gentleman from Tennessee (Mr. JENKINS) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 764.

The question was taken.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. The Chair announces that a 5-minute vote on the passage of H.R. 1838 will occur immediately following this vote.

The vote was taken by electronic device, and there were—yeas 410, nays 2, not voting 23, as follows:

[Roll No. 4]

YEAS—410

Abercrombie	Baldwin	Berry
Ackerman	Ballenger	Biggert
Aderholt	Barcia	Bilbray
Allen	Barr	Bilirakis
Andrews	Barrett (WI)	Bishop
Archer	Bartlett	Blagojevich
Armey	Bateman	Bliley
Baca	Becerra	Blumenauer
Bachus	Bentsen	Blunt
Baird	Bereuter	Boehlert
Baker	Berkley	Boehner
Baldacci	Berman	Bonilla

Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Capuano
Cardin
Castle
Chabot
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tierney
Toomey
Towns
Traficant
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)

NAYS—2

Chenoweth-Hage
Paul

NOT VOTING—23

Barrett (NE)
Barton
Bass
Brown (FL)
Brown (OH)
Bryant
Campbell
Carson
Chambliss
DeMint
Fattah
Graham
Hinojosa
Jackson-Lee (TX)
Kaptur
Myrick
Rivers
Sanchez
Sanford
Tiahrt
Turner
Vento
Young (FL)

□ 1501

Mr. HILLIARD and Mr. WATKINS changed their vote from ''nay'' to ''yea.''

So (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.

Stated for:

Ms. SANCHEZ. Mr. Speaker, during rollcall vote No. 4 on February 1, 2000, I was unavoidably detained. Had I been present, I would have voted ''yea.''

□

TAIWAN SECURITY ENHANCEMENT ACT

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The pending business is the question of the passage of the bill, H.R. 1838, on which further proceedings were postponed.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the passage of the bill 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 341, nays 70, not voting 23, as follows:

[Roll No. 5]

YEAS—341

Ackerman
Aderholt
Allen
Andrews
Armey
Bachus
Baird
Baker
Baldacci
Ballenger
Barcia
Barr
Bartlett
Barton
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Bonilla
Bonior
Bono
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Cardin
Castle
Chabot
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeGette
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Everett
Ewing
Farr
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hilliard
Hobson
Hoeffel
Hoekstra
Holden
Holt
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kuykendall
LaHood
Lampson
Largent
Larson
Latham
LaTourette
Lazio
Leach
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Meehan
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Moakley
Mollohan
Moore
Moran (KS)
Morella
Murtha
Napolitano
Nethercutt
Ney
Northup
Norwood
Ortiz
Ose
Packard
Pallone
Pascrell
Pastor
Pease
Pelosi
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rodriguez
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Thune
Thurman
Toomey
Towns
Traficant
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson

Wise	Woolsey	Wynn
Wolf	Wu	Young (AK)

NAYS—70

Abercrombie	Jackson (IL)	Owens
Archer	Jones (OH)	Oxley
Baca	Kanjorski	Paul
Baldwin	Kolbe	Payne
Barrett (WI)	Kucinich	Peterson (MN)
Blumenauer	LaFalce	Pickett
Boehner	Lantos	Pomeroy
Borski	Lee	Roemer
Capuano	Lewis (CA)	Rush
Condit	Lofgren	Sabo
Conyers	Matsui	Salmon
Davis (IL)	McDermott	Sanders
DeFazio	McGovern	Schakowsky
Delahunt	McKinney	Scott
Doggett	Meek (FL)	Serrano
Dooley	Minge	Skelton
Ehlers	Mink	Snyder
Evans	Moran (VA)	Stark
Filner	Nadler	Strickland
Hastings (FL)	Neal	Thompson (CA)
Hill (IN)	Nussle	Tierney
Hinchey	Oberstar	Waters
Hooley	Obey	
Houghton	Olver	

NOT VOTING—23

Barrett (NE)	DeMint	Myrick
Bass	Fattah	Rivers
Brown (FL)	Graham	Sanchez
Brown (OH)	Gutierrez	Sanford
Bryant	Hinojosa	Tiahrt
Campbell	Jackson-Lee (TX)	Turner
Carson	Kaptur	Vento
Chambliss		Young (FL)

□ 1513

Mr. PAYNE and Mr. RUSH changed their vote from ''yea'' to ''nay.''

Ms. EDDIE BERNICE JOHNSON of Texas and Mr. FORD changed their vote from ''nay'' to ''yea.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. SANCHEZ. Mr. Speaker, during rollcall vote No. 5 on February 1, 2000 I was unavoidably detained. Had I been present, I would have voted ''yea.''

□

CORRECTING TECHNICAL ERRORS IN ENROLLMENT OF H.R. 764, CHILD ABUSE PREVENTION AND ENFORCEMENT ACT

Mr. MCCOLLUM. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the concurrent resolution (H. Con. Res. 245) to correct technical errors in the enrollment of the bill H.R. 764, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

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

Mr. SCOTT. Mr. Speaker, reserving the right to object, I yield to the gentleman from Florida (Mr. MCCOLLUM) to explain the purpose of the resolution.

Mr. MCCOLLUM. Mr. Speaker, the purpose of this request is to direct the Enrolling Clerk to correct a minor drafting error in the bill, H.R. 764, we just passed on child abuse.

□ 1515

Failure to do so would result in a defective bill being sent to the President, which none of us want. It is strictly that: To correct a minor drafting error.

Mr. SCOTT. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 245

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill (H.R. 764) to amend the Victims of Crimes Act of 1984, with respect to certain increases in funds, the Clerk of the House shall make the following corrections:

In section 104(a)(1), in the matter amending section 1402(d)(2) of the Victims of Crimes Act of 1984—

(1) strike ''the next'' the first place it appeas and insert ''The first''; and

(2) strike ''the next'' the second place it appears and insert ''the first''.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

□

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Shermon Williams, one of his secretaries.

□

COMMUNICATION FROM CHAIRMAN OF DEMOCRATIC CAUCUS

The Speaker pro tempore (Mr. HASTINGS of Washington) laid before the House the following communication from the Hon. MARTIN FROST, Chairman of the Democratic Caucus:

DEMOCRATIC CAUCUS, HOUSE OF REPRESENTATIVES, LONGWORTH HOUSE OFFICE BUILDING, WASHINGTON, DC,

January 27, 2000.

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

DEAR MR. SPEAKER: This is to notify you that the Honorable Virgil Goode of Virginia has resigned as a Member of the Democratic Caucus.

Sincerely,

MARTIN FROST,
Chairman, Democratic Caucus.

□

RESIGNATION AS MEMBER OF COMMITTEE ON APPROPRIATIONS

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Appropriations:

JANUARY 31, 2000.

SPEAKER OF THE HOUSE,

DEAR SPEAKER HASTERT. It has been a privilege to serve on the Appropriations Committee at such an important time.

I appreciate your confidence in me and look forward to other opportunities to advance our agenda for America.

Please consider this letter my resignation from the Appropriations Committee as of the above date.

Sincere Regard,

ROY BLUNT.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

□

COMMUNICATION FROM THE SPEAKER

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

OFFICE OF THE SPEAKER,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 1, 2000.

Hon. LARRY COMBEST,
Committee on Agriculture,
Washington, DC.

DEAR MR. CHAIRMAN: This is to advise you that Representative VIRGIL GOODE'S election to the Committee on Agriculture has been automatically vacated pursuant to clause 5(b) of rule X effective today.

Sincerely,

J. DENNIS HASTERT,
Speaker of the House.

□

COMMUNICATION FROM THE SPEAKER

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

OFFICE OF THE SPEAKER,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 1, 2000.

Hon. JAMES A. LEACH,
Committee on Banking, House of Representatives,
Washington, DC.

DEAR MR. CHAIRMAN: This is to advise you that Representative Virgil Goode's election to the Committee on Banking has been automatically vacated pursuant to clause 5(b) of rule X effective today.

Sincerely,

J. DENNIS HASTERT,
Speaker of the House.

□

ELECTION OF MEMBER TO COMMITTEE ON APPROPRIATIONS

Mr. WATTS of Oklahoma. Mr. Speaker, I offer a resolution (H. Res. 410) and I ask unanimous consent for its immediate consideration in the House.

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

The Clerk read as follows:

H. RES. 410

Resolved, That the following named Member be, and he is hereby, elected to the following standing committee of the House of Representatives:

Committee on Appropriations: Mr. Goode of Virginia.

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

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

□

ELECTION OF MEMBER TO COMMITTEE ON BANKING AND FINANCIAL SERVICES

Mr. FROST. Mr. Speaker, I offer a resolution (H. Res. 411) and ask unanimous consent for its immediate consideration in the House.

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

The Clerk read as follows:

H. RES. 411

Resolved, that the following named Member be, and is hereby, elected to the following standing Committee on the House of Representatives:

Committee on Banking: Ms. Lee of California to rank immediately after Mr. Meeks of New York.

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

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

□

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2005, WORKPLACE GOODS JOB GROWTH AND COMPETITIVENESS ACT OF 1999

Mr. REYNOLDS, from the Committee on Rules, submitted a privileged report (Rept. No. 106–491) on the resolution (H. Res. 412) providing for consideration of the bill (H.R. 2005) to establish a statute of repose for durable goods used in a trade or business, which was referred to the House Calendar and ordered to be printed.

□

MOTION TO INSTRUCT CONFEREES ON H.R. 2990, QUALITY CARE FOR THE UNINSURED ACT OF 1999

Mr. BERRY. Mr. Speaker, I offer a privileged motion to instruct conferees on 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.

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

The Clerk read as follows:

Mr. BERRY moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 2990 be instructed.

(1) to take all necessary steps to begin meetings of the conference committee in order to report back expeditiously to the House; and

(2) to insist on the provisions of the Bipartisan Consensus Managed Care improvement Act of 1999 (Division B of H.R. 2990 as passed by the House), and within the scope of conference to insist that such provisions be paid for.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arkansas (Mr. BERRY) and the gentleman from California (Mr. THOMAS), each will be recognized for 30 minutes.

The Chair recognizes the gentleman from Arkansas (Mr. BERRY).

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

Mr. Speaker, it has been 3 months since the House passed a bipartisan Patients' Bill of Rights legislation. The American people still do not have protections they want and deserve. Mr. Speaker, last night, I offered the motion to instruct conferees. The conferees deserve the opportunity to meet on this legislation. We need to get to work on finishing the job the American people sent us here to do.

Last October, the House passed a strong bill. That is what I am asking the House to do now. Let the conferees meet. Let the Congress vote on a strong bill that will give the American people the patient protection they deserve and are asking for.

While we delay, millions of American families needlessly suffer from the consequences of allowing HMO bureaucrats to make medical decisions. Let us allow medical decisions to be made by doctors and patients, not someone behind a desk. Americans want a bill that has a strong independent review of HMO decision. They want a bill that is going to address the unfortunate case when the HMO causes injury or wrongful death, that they will be held responsible like any other business in America.

Congress needs to take action on passing the bipartisan legislation to provide the American people with basic protections and basic guarantees when it comes to managed care.

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

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

Mr. Speaker, this is, once again, the kind of political move that belies the argument that people want to come to a successful conclusion on a Senate-passed bill and a House-passed bill. We would have no ability whatsoever to reconcile the differences between the bills if the Senate were to insist on its position and, in fact, the House voted, as this measure indicates they want us to vote, to lock ourselves into our position.

Now, first of all, we know that motions to instruct are not binding; that Members do not have to follow the vote one way or the other. But it is a clear indication that somebody wants political game playing rather than a solution.

Mr. Speaker, I stand prepared as a conferee, as I am sure all the other conferees are prepared, to sit down and, over some very difficult subject matter, come to mutual agreement so that, as the Constitution requires, bills that differ in passing the House and Senate can be reconciled, repassed by the House and Senate so the legislation can actually go to the President for his signature.

If somebody wants a patient protection bill with solid standards and with the acceptable practices that several years ago we voted very noncontroversially in the Medicare provisions, like emergency rooms, like no-gag rules, like the other provisions that we have already passed, then this is exactly the wrong motion to offer.

If Members want to keep a football kicking even after the Superbowl, if they want to play politics with the issue, this is exactly the kind of motion that they would offer.

So, Mr. Speaker, I am sorry that we are beginning this year with this kind of deceptive action, and I certainly would urge Members that what they ought to do is allow the conference to do its work, come to a successful conclusion, and not inhibit it by making demands that on their face cannot be met.

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

Mr. BERRY. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. DINGELL).

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

Mr. DINGELL. Mr. Speaker, this is a very simple resolution. It is one upon which the House has, in substance, voted not once, but twice before. It is a good resolution. It simply says two things: One, that the conference should commence its business quickly; and two, that the conference should keep in mind and support the House-adopted position with regard to Patients' Bill of Rights.

I am rather distressed to hear the gentleman from California (Mr. THOMAS), my old friend, talk about this as being political. It is not. It is simply orderly business of the House provided for in the rules. It is a resolution which is going to expedite the process. There is no politics here.

The House has spoken on this matter not once, but twice. The people want it. The country needs it. The House should vote affirmatively on this so that we can proceed in an orderly and speedy fashion towards the adoption of a piece of legislation that the people have said is not only needed, necessary, but badly wanted and very, very useful to the people in the country.

Mr. Speaker, I urge a favorable vote on the resolution, I commend my good friend for his resolution and I urge my colleagues to vote affirmatively and to do so amicably and in the goodwill that is deserved.

Mr. THOMAS. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. NORWOOD), the cosponsor of the legislation. And I would tell the gentleman from Michigan (Mr. DINGELL) that my point is substantiated by the next speaker. Most of us referred to that bill as the Dingell-Norwood bill.

Mr. NORWOOD. Mr. Speaker, I thank the gentleman from California (Mr. THOMAS) for yielding me this time. Mr. Speaker, I want to be very clear. I certainly support the conference committee taking action on managed care reform as soon as possible, as Members on both sides of the aisle would agree to.

But we do have to ask ourselves why are we bringing this motion before the House again today? We have finally received a commitment from House and Senate leaders to produce a final bill by early April, which will include the ability to sue ERISA-governed HMOs that cause injury and death. This is a massive concession by many who have been opposed to restoring the rights to sue. They should be welcomed with open arms.

Instead, I fear we may be poisoning the negotiations by rewarding them with a political slap in the face. I do not know of any nonpolitical reason why we have the motion today. However, because I fully support patient protections, I will not vote against this motion. This is only our second day back to voting. People who have been our hard-core opponents are now offering an olive branch. We need to take it and make the best of it that we possibly can make.

For that reason, I will not vote for this new motion. For now I will simply vote ''present.'' We need to encourage negotiation. The GOP leadership should be able to compromise in good faith on liability. Democratic leaders should be able to do the same on accessibility. I believe that President Clinton, the Republican leadership, the Democratic leadership, should accept immediately the 90 percent of the reforms that everyone agrees on that were in both the Norwood-Dingell and the Coburn-Shadegg bills, and all three should work out a compromise on liability and access.

Mr. Speaker, it can and it must be done, but now is not the time to embarrass anybody. Now is not the time for politics from either side. Now is the time for serious people to have a serious discussion about the policy, the health care policy in this Nation that affects every one of our constituents.

Mr. BERRY. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. CARDIN).

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

Mr. CARDIN. Mr. Speaker, it was last October when this House, this body acted on the Patients' Bill of Rights. Our colleagues ask why are we bringing this motion forward? We are bringing it forward because it is time for Congress to act. There is hardly a week that goes by that I don't receive letters and telephone calls from constituents that have been hurt by their HMOs, that have been denied access to emergency care and denied access to specialists, whose physicians spend more time on the telephone arguing with HMOs than treating their patients.

□ 1530

It is time for this Congress to act, and that is why my friend from Arkansas is offering this motion.

This bill has been in conference for too long. It is not a new issue. It has been with us now for several years. Let us schedule a meeting of the conference committee. Let us meet and act on the bill. We do not need to wait until April or May. This issue has been debated. People are being hurt. We know we need national legislation. It has been acknowledged in a bipartisan way by Democrats and Republicans alike.

So let us put the politics aside, and let us get down to work and bring this legislation forward. That is the essence of the motion of the gentleman from Arkansas (Mr. BERRY). I urge my colleagues to support the motion.

Mr. Speaker, I rise in support of this motion to instruct the conferees on H.R. 2990.

The American people have been waiting for years for Congress to enact meaningful, enforceable HMO reform. With more than 120 million Americans enrolled in managed care plans across the nation, we cannot afford to delay action any longer.

Mr. Speaker, our citizens worry that to save money, insurers are skimping on quality and endangering the health and lives of their members. Our papers and our mailboxes are filled with accounts of patients who are denied care on the basis of cost. Medical decisions are being made by insurance company accountants rather than by doctors and their patients.

Right now, our country has an illogical patchwork of state laws. This patchwork has prevented the enactment of national standards that guarantee all patients a set of basic rights. The right to be fully informed of treatment options, the right to emergency care based on a prudent layperson standard, the right to see a specialist, the right to be treated by the drugs that their doctor prescribes for their condition, the right to appeal health plan decisions to an independent review board, and the right of action when they are harmed by a health plan's decisions.

Our conferees have two bills before them that must be reconciled. Only the House bill, H.R. 2990, contains these important basic rights. Overwhelmingly, this body has supported not only the Norwood-Dingell Bipartisan Managed Care Improvement Act, but also my distinguished colleague from Michigan's motion on November 3 to instruct the conferees to adopt this bill as the final legislation.

Without further delay, it's time for this Congress to present a bill to the President that provides meaningful standards for all Americans in managed care plans. I urge adoption of this motion.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume to respond to my friend from Maryland by saying that the actual process is one of accommodation and compromise between the House and the Senate. And I certainly would concur if this resolution or motion to instruct had only the first section, which was to announce immediately a time for a meeting. But the gentleman well knows that the second section requires on the part of the House to, without change or amendment, accept the bill that was voted on the floor of the House. That is pure unadulterated politics.

Mr. Speaker, I yield 2 minutes to the gentleman from Iowa (Mr. GANSKE), a doctor himself and someone who has worked long and hard on this issue.

Mr. GANSKE. Mr. Speaker, I thank my friends on both sides of the aisle who have supported patient protection legislation. We essentially have voted on this motion to instruct before, and I voted yes on that. But today I am going to vote present, and here is why.

Today, the Speaker has said that he wants the conference to convene in the next couple of weeks. The Speaker kept his word about bringing this issue to the floor when we did, and I trust that he will keep his word on getting this conference started.

Do I think, as one of the three coauthors of the bill that passed the House, that the House conferees should stick up for the bill that passed with a 275 vote margin? Of course I do. But I think that I am seeing some evidence of a softening of hard positions, and I think that it would be, as my colleague, the gentleman from Georgia (Mr. NORWOOD), said, if an olive branch is held out, we should take it in good spirit.

I think that we should move to getting this legislation passed this year, and that is why I am going to vote present. It does not indicate any weakening of my resolve on getting good patient protection legislation passed. I just simply think that at this point in time this resolution is not warranted. Why do we not wait to see what happens in the next few weeks?

Mr. BERRY. Mr. Speaker, could I ask how much time is remaining on each side?

The SPEAKER pro tempore (Mr. SHIMKUS). The gentleman from Arkansas (Mr. BERRY) has 26½ minutes remaining and the gentleman from California (Mr. THOMAS) has 23 minutes remaining.

Mr. BERRY. Mr. Speaker, I yield 1½ minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, I thank the gentleman for his leadership on this issue.

Too often an insurance clerk gets right in the middle of the relationship between doctor and patient, and the consequences of that interference can be absolutely disastrous. We want to do something meaningful about that problem. It is called a Patients' Bill of Rights.

The same Republican leadership that is up here today saying wait to the American people is the same leadership that fought tooth and nail to prevent us from ever taking up a Patients' Bill of Rights in the first place. The same folks that say wait today are the same people that came to this floor and voted for every amendment they could come up with to kill this Patients' Bill of Rights.

The same Republicans that are here today saying wait are the same Republicans that after their amendments

were defeated, they all voted against a meaningful Patients' Bill of Rights. The same Republicans that say wait today are the same Republicans that, after the Senate appointed its conferees, dillydallied around here, they waited, they delayed, they did anything they could except act. They waited until the week before we went out of session to even name conferees.

The same Republicans that say wait today are the same Republicans that refused to even appoint the gentleman from Iowa (Mr. GANSKE) and the gentleman from Georgia (Mr. NORWOOD), both doctors and Republicans who knew something about this issue and cared about patients. They would not even appoint them as conferees.

They say wait to the American people. We say do something to give them a meaningful Patients' Bill of Rights. Is there politics at issue here? You bet there is politics at issue today. It is the politics of inaction, which is the whole story of this worthless Republican leadership.

Mr. BERRY. Mr. Speaker, I yield 1 minute to the gentlewoman from Maryland (Mrs. MORELLA).

(Mrs. MORELLA asked and was given permission to revise and extend her remarks.)

Mrs. MORELLA. Mr. Speaker, I am not here to talk about the politics of the situation, except that this is the time. This session we must pass a bipartisan HMO reform bill.

I want to encourage the conferees to maintain the many noncontroversial provisions in H.R. 2723 in the conference report, such as the requirements that managed care patients have access to emergency care without prior authorization; access to specialized treatment when it is medically necessary in the judgment of a health professional; and access to approved clinical trials where the plan must pay for the routine patient costs associated with the trials.

Also, I want to encourage the conferees to exclude medical savings accounts in the FEHBP. I oppose MSAs because they would cause cherry-picking in the FEHBP, resulting in higher premiums for those who are less healthy as relatively healthy enrollees are included.

So I just ask the conferees to meet, to resolve it. I believe that the Speaker is going to have a bill before us that will be bipartisan and that we can all agree on.

Mr. BERRY. Mr. Speaker, I yield 1 minute to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Speaker, I rise in strong support of the gentleman's motion to instruct conferees, to act quickly, and to pass the bipartisan House bill.

This morning I read a letter on the floor that I received from David and Suzanne Miller, two of my constituents from Niles, Illinois. They asked, and I quote, ''Why can't Congress just do what is right for the people whose well-being has been entrusted to them?'' Why indeed.

Last November we passed a bill that held out great promise for millions of patients in managed care plans. That bill, that particular bill, would make it easier for patients to enroll in clinical trials; give direct access to women for obstetrician-gynecological services; ensure that children could get to see their pediatricians and pediatric specialists; make sure patients undergoing treatment for serious illnesses can stay with their own doctors rather than being forced to switch; let health care professionals, not insurance company bean counters, make medical decisions; and, finally, hold health care plans accountable and let patients sue if they are injured by HMO decisions.

But, Mr. Speaker, it will do nothing if it is not enacted into law. Let us not let David and Suzanne Miller down or the millions of patients who count on us.

Mr. BERRY. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. DAVIS).

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

Mr. DAVIS of Illinois. Mr. Speaker, one of my constituents, Miss Elizabeth Hines, stated very clearly my position on this issue when she wrote a letter to me saying, ''As a registered nurse, I urge you to persuade your colleagues on the conference committee to move ahead and pass H.R. 2990, to honor the clear imperative from the American people for enactment of strong, comprehensive and enforceable protections embodied by the bipartisan Norwood-Dingell legislation. The final bill must include protection for nurses and other professionals who blow the whistle so that they can be advocates for their patients.''

I agree with Miss Hines. We need to move now, not tomorrow, not next week, not next year. The American people are saying, ''Pass it now.''

Mr. BERRY. Mr. Speaker, I yield 1 minute to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to revise and extend her remarks.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, let me thank the gentleman for his leadership and all those who stand here on behalf of the American people.

Not anywhere can we go in this country that people are not begging for a sensible health care delivery system. We passed this bill 4 months ago. There is no reason why the conference committee could not have acted back then. But we are desperate now and we do need this. People scream out for it.

I am a registered nurse, and I see the difference in the quality if we do not have any accountability. These companies dictate to physicians. We want to put the health care back into the hands of the caregiver, not the bureaucrat. Because, my colleagues, what happens is they dictate to the physicians, they dictate to the nurses, but they do not want to take the responsibility for it.

Patients need rights. They need to be able to complain when they have been wronged by the system. We cannot get it until we get a good, aboveboard nonpartisan approach to it. It is very, very important.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume to simply say that I find it ironic that the gentleman from Texas used the phrase ''you Republicans,'' ''you Republicans,'' ''you Republicans,'' when, in fact, as the gentleman from Illinois said, this is a bipartisan bill.

I also find it interesting that the two individuals on the bill who made it bipartisan, the gentleman from Georgia (Mr. NORWOOD) and the gentleman from Iowa (Mr. GANSKE) were our first two speakers, and they said this does not make a lot of sense. They are not going to vote for it.

It seems to me that the bipartisan part of my colleagues' argument has been shattered. If we have a procession of Democrats offering 1 minutes saying this has to be passed now, but the Republicans who made it bipartisan say this does not make a lot of sense, it looks like politics is being played, then I think it is fairly obvious. The answer is, politics are being played.

Mr. Speaker, I yield 5 minutes to the gentleman from Arizona (Mr. SHADEGG), someone who has become very knowledgeable on this subject matter, has been a major contributor to the debate, and is a conferee.

Mr. SHADEGG. Mr. Speaker, I thank the gentleman for yielding me this time, and I want to make it very clear that I oppose this motion to instruct, and I urge my colleagues to defeat it.

I think it is important that we look at precisely what the motion to instruct does. There are two pieces to it, as my colleague, the gentleman from Michigan (Mr. DINGELL), pointed out. The first one is that all necessary steps be taken to begin the meetings.

On that point I think it is very important to note, and for all our colleagues to understand that, in fact, there has now been an agreement that a meeting of the conference committee will occur. It will occur either next week or the week after. It will precede the February break, which is the week after that. And so steps to begin meetings have in fact been agreed to, making the first point of the motion to instruct moot.

I guess I would add on that point that I myself agree with the concern that the conferees should meet and that we should begin the process, because I wholeheartedly agree it is critically important work.

But the second portion of the motion to instruct is the portion of the motion I think our colleagues should be concerned about and, quite frankly, which is the portion of the motion to instruct which makes it technically flawed. And that is that we instruct the conferees

that they insist that H.R. 2723 be included in the conference report. What that means is that we insist on the House position and the House position only.

Now, as a proud Member of the House, there might be occasions when I would like to insist on the House position and the House position only. But there is no one in this body, Republican or Democrat, who does not understand that in this conference committee if either the Senate or the House chooses to insist upon their position and their position only, the net effect will be tragic.

My colleague, the gentleman from Arkansas (Mr. BERRY), the proponent of this motion to instruct, said just a moment ago that people are suffering today and it would be tragic if we continued to delay because people will continue to suffer. Well, I think it is very important for our colleagues to understand that if either side, the House or the Senate, insists that it is their position in these negotiations or no position, then in fact what we will get is not a bill, it is not legislation, it is not relief for the American people, whom I believe are being abused, it is not legislation that will help them.

If we do as this motion to instruct requires, indeed demands, if we insist that it is our bill and our bill only, the Norwood-Dingell bill, which is bipartisan, if we insist that it is that bill and that bill only, then what we are saying is we do not intend to legislate on this issue this year; we do not intend to send the President a bill that he can and will sign, and we do not intend to help the American people.

□ 1545

Rather what we intend is to save for the election a political issue. I understand there are people in this body who want a political issue. I urge them to rethink their position. The reality is we need a compromise between the House and the Senate version, and we need legislation to help the American people.

And on that point, I would note that my colleagues, the gentleman from Iowa (Mr. GANSKE) and the gentleman from Georgia (Mr. NORWOOD), who were plowing this ground long before I, and who know it well, stood up and noted that on the critical issue of liability, we have made great strides in just the last 3 weeks.

Just a few weeks ago, barely a week and a half ago, Mr. LOTT indicated that any legislation which passes this year must include a reasonable liability provision holding HMOs that hurt people accountable in a court of law for their conduct; that is a tremendous stride forward.

And I compliment the gentleman from Iowa (Mr. GANSKE) and the gentleman from Georgia (Mr. NORWOOD) for acknowledging that. But if we are making progress, then why step back from that? Why insist our way or no way? I suggest that is a tragic mistake being advocated by those who do not want to help the American people on this issue, but who rather want a political issue to go forward on.

And, again, the net effect of insisting our way or no way is that people will continue to suffer, the very goal this motion to instruct is designed to alleviate.

There is another critical important issue to be discussed here, and that is the contents of the bill on the issue of access. My colleagues on the other side, when the bill passed the House floor, every single one of them said, we do not want to accept nor will we embrace a single provision of H.R. 2990 that addresses the problems of access to care by the uninsured.

There are several pieces in H.R. 2990 that would help America's uninsured get care. While I heard some movement in the Senate side on the issue of liability, I have not heard today any movement on the House side on the issue of access to care. I think that would be a tragic mistake.

This is a once-in-a-lifetime chance for this Congress to do something, not just about HMOs and their abuses, but about America's 44 million uninsured. Clearly, we need to do something about that. Indeed in his State of the Union address just last week, the President talked about access to care. He proposes three solutions.

To sum it up briefly, the President in his State of the Union address proposed that we expand government-run health care from two ends, that we expand Medicaid to younger people and that we expand SCHIP. I would suggest that that is the best answer. But that the best answer is one that has a lot of bipartisan support and that is a tax credit, a refundable tax credit.

And I would note that just last week, our Majority Leader ARMEY and Senator BREAUX, a knowledgeable expert on the other side of this issue, proposed irrefundable tax credit. There are great things that can be done on health care this year. We can support a patients' bill of rights. We can enact legislation that will help the American people, but not by this motion to instruct, not by an arbitrary demand that it be our way or no way.

Mr. BERRY. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Ms. WATERS).

(Ms. WATERS asked and was given permission to revise and extend her remarks.)

Ms. WATERS. Mr. Speaker, I rise in support of H.R. 2990.

I rise in strong support of the motion to instruct the conferees to begin meetings of the House-Senate managed care conference committee and insist upon the provisions of the Dingell-Norwood Managed Care Reform bill. The Dingell-Norwood bill was passed by the House of Representatives by a strong bipartisan vote on October 7, 1999. Nevertheless, the Republican leadership has made no progress whatsoever towards the enactment of this critical legislation. There has not even been a single meeting of the conference committee since the bill was passed.

The Dingell-Norwood Managed Care Reform bill, also known as the Patients' Bill of Rights, would protect patients and their families from irresponsible actions by HMO's. It would prevent health insurance companies from rewarding doctors for limiting access to health care, and it would hold managed care plans legally accountable when their decisions to withhold or limit health care result in injury or death. The Patients' Bill of Rights would ensure that medical decisions are made by health care professionals and not bureaucrats.

Health care should be provided by doctors—not HMO bureaucrats! It is time that Congress hold health insurance companies accountable and protect the rights of American families to quality health care.

I urge my colleagues to support this motion to instruct the conferees and send the Patients' Bill of Rights to the President's desk without any further delay.

Mr. BERRY. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. PALLONE) who has done great work on this issue and continues to provide great leadership, to try to help the American people get health care.

Mr. PALLONE. Mr. Speaker, I want to thank my colleague from Arkansas for those kind remarks. And let me just say, I listened to the previous Republican speaker on the other side of the aisle, and after I listened to what he said, I am more than ever convinced why we need this motion to instruct. He said, well, we are going to schedule the conference. It will be scheduled sometime in February or early March.

Well, the bottom line is it has not been scheduled. The bottom line is that it has not been scheduled. It is 4 months since we passed this bill. I am tired of hearing about it is going to be scheduled, it is going to happen. I hope he is right. But I think that we must insist that we move to the conference straight with.

The other thing is there is a tremendous amount of frustration on the part of Democrats and myself on this side of the aisle because so many efforts have been made by the Republican leadership over the last 2 or 3 years to sabotage the effort to pass the Patients' Bill of Rights.

For 2 years, we saw both Houses of Congress pass what I considered bad bills, it did not really do any reform. And now the gentleman suggested somehow we have to wait on the access provisions and the larger issues of dealing with the uninsured or other health-care issues have to be brought into this. Again, I think that is nothing more than an effort to try to delay and delay and delay the Patients' Bill of Rights.

We know that there is almost unanimous support amongst the American people for this legislation the way the House passed it. We must insist on the House version. Because that is the only thing that is going to be signed into law. That is the only thing that will pass both Houses overwhelmingly, go

to the President and be signed into law.

If they mess up this legislation with the Senate version that has the MSAs, even one of my Republican colleagues talked about how bad that is, the health marts and all these other poison pills that have been placed in this legislation and get to those other issues, all that means is that they are going to ruin any possibility of passing the Patients' Bill of Rights in the way it was passed in the House, the way the American people want it passed.

So I would maintain, after listening to my colleagues, I feel all the more we need this motion to instruct. We need to go to conference forthwith. We need to insist on the House version because that is the only thing that is going to pass.

Let us get passed what we can get passed and show the American people that we can accomplish something that helps them rather than dillydallying for the rest of this year and the rest of this Congress.

Mr. BERRY. Mr. Speaker, may I inquire how much time is remaining on each side?

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The gentleman from Arkansas (Mr. BERRY) has 19 minutes remaining, and the gentleman from California (Mr. THOMAS) has 16 minutes remaining.

Mr. BERRY. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. GREEN).

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

Mr. GREEN of Texas. Mr. Speaker, it has been 4 months since we passed the bipartisan Norwood-Dingell bill and nothing has been done. We have worked hard to reach that consensus, but the opposition continues to delay the real reform with gimmicks and watered down proposals that will wind up doing nothing for patients.

Not only is the conference committee stacked with Members who voted against the bill, Mr. Speaker, there has not been one meeting since the bill was passed 4 months ago. This is unacceptable, Mr. Speaker.

We have 48 million Americans who belong to self-funded health insurance plans that have very little protection from neglectful and wrongful decisions made by their insurance plans.

Now, I would like to have access like my colleague from Arizona talks about, but it does not do any good to have access if we do not have a plan that is worth anything, it is not worth the dollar that their employer or they pay for it. It is not worth it.

We cannot stand by and allow the delay and the maneuvering to continue to pass a weak bill. Millions of people need help and are suffering from the consequences and decisions not made by doctors but made by clerks. What I have heard is that some of the folks who are making those decisions do not even have the training that a first-year medical student may have even before they enter.

So we need to pass a strong bill. I am pleased that my colleague from Arkansas is offering this motion to instruct conferees. We are going to be here every week until we see some action from the conference committee. And 4 months is too long.

Mr. BERRY. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. STRICKLAND).

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

Mr. STRICKLAND. Mr. Speaker, it has been over 100 days since this House passed the Patients' Bill of Rights, 100 days. Nothing has happened.

I have here in my hand a little booklet ''How Our Laws Are Made.'' We give this booklet to schoolchildren so they will understand.

I suggest the leadership of this House read this book. It is rather simple. The House passes a bill. The Senate passes a bill. And then conferees are appointed, and they come together and come up with a consensus that is then sent to the President for his signature.

We have done step one. We have done step two. It is time for step three.

I urge the leadership of this House to read this pamphlet and to get on with the business of the people of this country.

Mr. BERRY. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. ANDREWS).

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

Mr. ANDREWS. Mr. Speaker, I do not know if it is a miracle or a coincidence, but for over 100 days after the House passed the bill there was no meeting scheduled of the conferees. Then last night we filed this motion calling for a meeting of the conferees, and we hear there is a meeting going to be scheduled.

It sounds to me like a trip to Lourdes took place and a miracle occurred, and we accept the miracle very happily.

I have no doubt that there are people in good faith on both sides that want to pass a real accountability bill for managed care. But I worry that we might be like the fans of the Tennessee Titans, like my friend the gentleman from Tennessee (Mr. FORD), who believes that if they had time for just one more play the other night, they would have tied the game and gone on to win the Super Bowl.

I do not want to be standing here in September or October and saying, if we just had one more week, just a little more time, we could have done what the huge majority of Americans want us to do.

Let us get to work right now. Let us have the conference meet, and let us pass a real Patients' Bill of Rights.

Mr. BERRY. Mr. Speaker, I yield 1 minute to the gentlewoman from North Carolina (Mrs. CLAYTON).

Mrs. CLAYTON. Mr. Speaker, I thank the gentleman from Arkansas (Mr. BERRY) for his leadership in this.

Actually, this resolution should be encouraged from both sides of the aisle. Because health care for families and their children is the most pressing issue, and we should have to make sure we respond to this, not waiting and delay. We should be eager that this is here.

This is an opportunity to respond to a pressing need. All across America, in thousands of communities, families are trying to struggle how to get the health care they already paid for. They want to make sure that their adults and their children have emergency care. They want to make sure they have specialty care. Women and children want to have protective care. And certainly we want to have long-term continuity of care.

Patients want to know that their doctors are free to make medical necessity decisions, not just decisions based on how much to save the HMO. Good medical decisions by a physician is good for business, and it certainly should be good for the American people.

I urge the support of this resolution.

Mr. BERRY. Mr. Speaker, I yield 1 minute to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, we have begun a new year, some say a new millennium, and it is a new session of the Congress. Yet working families have come no closer, no closer, to reclaiming control of their medical decisions.

It is long past due that we enact the Patients' Bill of Rights. Let us put health-care decisions where they belong, in the hands of doctors and families.

Every single Member of this House has heard the heart wrenching accounts of the prescriptions and the procedures that have been denied. Quite frankly, that is why we were able to take that giant step forward last year when we passed a bipartisan Patients' Bill of Rights. It is a balanced bill. It would protect patients' rights without reducing health care coverage.

Unfortunately, the Republican leadership of this House has worked long and hard to try to kill managed care reform. It continues to stand in the way of this bill. Four months, 4 months they have taken, they stacked the deck against patient care when they chose to negotiate the final bill.

The fact of the matter is they are in charge, they could bring this bill up anytime they want. They are stalling. Let us stop.

Mr. BERRY. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Tennessee (Mr. FORD).

Mr. FORD. Mr. Speaker, I thank the gentleman from Arkansas (Mr. BERRY) for all his leadership.

I want to take just a personal privilege and thank the gentleman from New Jersey (Mr. PALLONE). When this bill is eventually signed into law, and we hope it resembles the Norwood-Dingell bill, the gentleman from New Jersey (Mr. PALLONE) should be standing

right next to the President. There has not been a greater stalwart in the House in seeing this passed.

I thank the gentleman from Arkansas (Mr. BERRY) and all the others, but the gentleman from New Jersey (Mr. PALLONE) has been a great leader.

Cynicism abounds about what we do in this Congress and what we do not do. We passed a bill here in the Congress some 100 days or more, so many other colleagues have said, with clear instructions as to where this body stood on this issue, reflecting where the American people, regardless of what their political or party affiliations might be.

I was delighted to hear my friend the gentleman from California (Chairman THOMAS) say that we ought to adhere to what both the gentleman from Iowa (Mr. GANSKE) and what the gentleman from Georgia (Mr. NORWOOD) have said. I would hope that if some of my colleagues on this side choose to vote ''present'' on this bill, and I have not made my mind up, that they might change their opinion on this and support the Norwood-Dingell bill itself, urge the conferees, the lead Senator on the Senate side, Mr. FRIST, and all the others to do what is right on this bill, protect consumers and return medical decision making back to the doctors.

We have an opportunity here today, I say to both my friend from Iowa (Mr. BOEHNER) and the gentleman from California (Mr. THOMAS), to do right by the people and restore some confidence in this House in our ability to do our job.

□ 1600

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

I would only note that the gentleman who just spoke said that he hopes the bill that comes out of conference resembles Dingell-Norwood. If this motion to instruct passes, it has to look exactly like it. So I think it is fairly clear that, just as the gentleman from Ohio holding up the Constitution said, that what we need is a consensus. I think if anybody looks up ''consensus,'' it means an agreement by all parties. This motion to instruct says Members can only vote the bill that came off the floor. The gentleman from New Jersey said that is the only bill that will go to the President, which means, I guess, that they are going to be opposed to any reasonable compromise, or something that resembles Dingell-Norwood.

Once again, I think it clearly underscores what we are about is politics.

Mr. Speaker, I yield 2 minutes to the gentleman from Kentucky (Mr. WHITFIELD).

Mr. WHITFIELD. Mr. Speaker, this obviously is quite an emotional issue. When people talk about patients' rights, all of us want to protect patients' rights. I can understand how the gentleman from Texas and other speakers on the other side would say this is a partisan issue, because we can make it quite a partisan issue. But the point that I would like to make is that politics is the art of compromise. As the gentleman from Arizona said, many on that side of the aisle have taken the position, it is either our way or it is no way. They also would make the argument that government can best solve this problem.

Yes, I think government has a part and an important part in trying to solve this problem. But I would also remind everyone that this patient protection bill, we get the impression that it would affect every patient in America. That is really not true. It affects only those covered under ERISA plans, health plans provided by certain employers. Those employers have a vested interest in helping their employees with good health care. That is why they have initiated many of these plans. The reason that we want some flexibility for these conferees on the House side is that what the Senate passed is drastically different than what the House passed. It would be unwise, it could not work, if our conferees cannot have any flexibility whatsoever.

So if the other side really wants to try to solve this problem and have a meaningful bill that can protect patients under ERISA plans, then we need to defeat this motion. They can go to conference; they can have disagreements. We can come back and vote on it again. But to tie their hands before they even get there I think is not only a disservice to the House, not only a disservice to the conferees, but a disservice to the patients whose rights we are trying to protect.

Mr. BERRY. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Michigan (Mr. DINGELL), who without his leadership we would not have passed this bill. He has provided the leadership to get this issue this far in the Congress and hopefully to serve the American people well very soon in their effort to obtain good health care.

Mr. DINGELL. Mr. Speaker, I want to thank my dear friend for his kindness to me for yielding this time. I do not need much. I would like to hear more from my distinguished friend from Arkansas.

We have here a chance simply to support what has been done by the House in two prior votes and to do so with regard to a matter which was decided in a thoroughly bipartisan fashion with leadership from Members not necessarily in the leadership of both sides but on both sides of the aisle. I would observe that we have a chance here to instruct the conferees again. There is strong need for this because I would note to my colleagues that the leadership on the other side of the aisle has given no comfort whatsoever to those of us who favor this legislation. They have included no strong friends on either the Senate band of conferees or the conferees from the House side on the Republican side of the conference.

How much better it would have been had we moved more speedily. How much better would it have been had we considered these matters in a fashion more consistent with the vote which was cast earlier by the House by including Members from the other side of the aisle who were in support of this. If the leadership wants to really demonstrate a measure of bipartisanship, they can show it. They can instruct the parties to the conference to move speedily. They also can construct a pattern of conference members who will give comfort to Members on this side.

I, for example, would be much more comfortable if I were to see the distinguished gentleman from Georgia (Mr. NORWOOD) or the distinguished gentleman from Iowa (Mr. GANSKE) or other Members on the Republican side who worked so hard in such a careful and thoughtful bipartisan fashion and see to it that the conferees in fact fairly represented the will of the House.

Clearly, events to this time show no comfort to any of us who believe in this piece of legislation. The conferees are rigged against us, over-long delay in appointing those conferees and exclusion of the two principal leaders on the Republican side. Until that kind of action is taken by the leadership on the Republican side, there will not be much comfort on this side of the aisle, and there will be strong reason in the minds of almost every Member who has supported this legislation to see to it that this resolution and other matters which can be done to move the process forward towards the House-passed bill are taken.

It is possible to say any number of things to the contrary, but nothing which is either factual or which will bear weight in the minds either of the average Member of this body or the ordinary citizens of the country.

Mr. BERRY. Mr. Speaker, I yield 1 minute to the gentleman from Tennessee (Mr. FORD).

Mr. FORD. Mr. Speaker, just to respond briefly to my dear friend, the gentleman from California (Mr. THOMAS), all we want on this side are for meetings to be scheduled, for an opportunity for a consensus to be reached to actually be realized. Sure I would like the compromise or the consensus to look like the Norwood-Dingell, but I am not alone. 250 of my colleagues wanted the same thing, including three out of the five Republicans from my own State, the gentleman from Tennessee (Mr. WAMP), the gentleman from Tennessee (Mr. DUNCAN), and the gentleman from Tennessee (Mr. JENKINS). Unfortunately I cannot convince either of my Senators, Senators FRIST or THOMPSON, to support it; but hopefully if we can arrange the meetings, we can find a consensus.

My other colleague mentioned how this would only affect a small number of people, that we ought to be concerned with the uninsured. There is serious and vast concern on this side of the aisle for the uninsured, but why should we ignore the 160 million plus that this bill would cover? I support

State tax relief. That would affect a small number of people. I support the capital gains tax relief. That would affect a small number of people. I support special ed, fully funding at the federal level. That would affect a small number of people. Do not act as if we are unaccustomed in this Congress to passing bills or offering public policy that would not affect everyone in America.

We have a chance to do what is right. Schedule the meetings and allow an opportunity or a forum for a consensus to be reached. Do not play games, leadership on the Republican side. Do what is right for the American people.

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

I tell my friend, the gentleman from Tennessee, that if this resolution was the first section only, which reads, ''Take all necessary steps to begin meetings of the conference,'' that would have been a voice vote and it would have been agreed to, in my opinion, unanimously.

The concern obviously, as indicated by the two cosponsors of the bipartisan legislation, the gentleman from Iowa (Mr. GANSKE) and the gentleman from Georgia (Mr. NORWOOD), is that by adding the second provision, it clearly means there is more of an interest in politics than in getting the conference going. The gentleman himself has been ambivalent in terms of his statement as to whether he is really going to support this resolution or not. I think he and I would agree both of us could support the first item. It is the addition of the second item that makes it partisan, and indeed I will enjoy watching the gentleman from Tennessee's mental wrestling bout with himself as to whether he decides to make it partisan by voting ''yes'' or that his conscience controls and he votes ''no.''

Mr. FORD. I will vote ''yes.''

Mr. THOMAS. Mr. Speaker, it is my pleasure to yield 5 minutes to the gentleman from Ohio (Mr. BOEHNER), someone who has been involved extensively in this information, the chairman of a subcommittee which is crucial to the resolution of this issue.

Mr. BOEHNER. Mr. Speaker, I want to thank my colleague from California for yielding me this time and remind my colleagues that this motion to instruct conferees is a nonbinding motion. It is within the rules of the House to allow the minority to bring the issue to the floor and to have a debate; but we all know that, any of us that have been in this body for some time, that it is an opportunity to make political hay. After all, it is an even-numbered year.

Now, we all know in even-numbered years that all of the Members of the House are up for reelection or there is going to be an election and all the seats are going to be contested. What that means to me in most cases, unfortunately, is that the rhetoric in this body will certainly increase. I think it is a little early in the year for that to occur, but obviously it is not too early for some.

We have had an awful lot of debate here, and we have heard mention about the 100 days that we have not acted on this bill. All of my colleagues know that we have been in recess, out of session, back in our districts for the last 2½ months. Since the week before Thanksgiving, we have been home with our families and our constituents trying to deal with what is happening out in the real world. To expect that Members were going to come back here over Christmas, as an example, to deal with this issue certainly is not realistic.

Having said all of that, the chairman of the conference, Senator NICKLES, has announced that the conferees are going to meet before the February recess. The Speaker of the House and the majority leader of the House, have made it clear that they want this issue on the floor of the House before the Easter recess.

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

Mr. BOEHNER. I yield to the gentleman from Tennessee.

Mr. FORD. Mr. Speaker, most Americans have to go to work every day. I know they appreciate the fact that we were out to enjoy time at home, being with our families.

Mr. BOEHNER. Reclaiming my time, certainly all of us, even though we were not here in Washington, were back in our districts working. Part of our job occurs in our districts. I am sure the gentleman from Tennessee was back in his district working diligently, every day, as I was around my district. So we are going to have this bill back on the floor. But one of the concerns that I have heard raised here subtly today I heard raised more pointedly yesterday in a different forum when we talked about the need for patients' rights, and we all understand that there is a reasonable way we can approach this.

But beyond the issue of patients' rights, we all know the number one issue in the health care system in America today is the fact that over 44 million Americans have no health insurance at all. We have to be very careful as we move to enact patients' rights that we do not increase the number of uninsured. We ought to follow the Hippocratic oath that says first do no harm. But as we try to provide better access for people who have no health insurance, one of my colleagues on the other side of the aisle yesterday actually termed it a poison pill for patients' rights. We have heard other references here today, rather subtle, that that can wait, that we can deal with that later.

Ladies and gentlemen, if we are going to move reasonable patients' rights to help the American people who are stuck in managed care, the least we can do is to do something to help the 44 million Americans who have no health insurance whatsoever. Why can we not provide association health plans for them, refundable tax credits for them, medical savings accounts if it will help? Anything that we can do to help employers provide more insurance to their employees, we ought to be doing it.

But the reason I think that we are hearing access provisions, helping the uninsured, it being described as a poison pill, it is kind of a code word, kind of a code word to what the real plan here is, because I think, as I said before, this is an election year; and I think some of my colleagues on the other side of the aisle would just as soon have this as a political issue in November than actually do something on behalf of the American people.

I am just listening, and I am watching and I am wondering why we are dealing with this motion to instruct on the floor today.

□ 1615

But I can tell you this: this conference will produce a reasonable approach to patients' rights and a reasonable approach to helping insure the 44 million Americans who have no health insurance. That bill will come back here to the floor of the House, and then I want to see where my colleagues are, whether they will be willing to stand up and deal with this issue in a balanced way. The time of truth will come very shortly.

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

Mr. Speaker, I want to acknowledge and express my appreciation for the gentleman from Georgia (Mr. NORWOOD), the gentleman from Iowa (Mr. GANSKE), the gentleman from Michigan (Mr. DINGELL), the gentlewoman from Connecticut (Ms. DELAURO), the gentleman from New Jersey (Mr. PALLONE), and all the others that have worked on this bill, that have worked so hard to see that the American people get the kind of health care that they are paying for. A majority of the Members of the House voted for the Norwood-Dingell bill. Fifty-two Republicans voted for this bill. If we are not going to conference this bill now, when are we going to conference it?

Mr. Speaker, it is time that we move forward with the legislation that the American people have said they want, that we move forward with the legislation that the House has said it wants, in a bipartisan way. It is time that we deal with this issue and take the politics out of it.

If this resolution offends those that voted for it only 3 months ago, then they should express that today. This is their opportunity. If they thought it was the wrong thing to do, to support this bill, then this is their opportunity to say, I do not think we need the Norwood-Dingell bill, and we should know that.

This is a good bill. It is time for us to do this for the American people. I urge every Member to vote for this resolution and bring this issue to conference. Let us get the job done that the American people sent us here to do.

GENERAL LEAVE

Mr. BERRY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on the motion to instruct conferees on H.R. 2990.

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

There was no objection.

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

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

Mr. Speaker, if you listened to the debate today, virtually the first day that we are back, and the argument, as the gentleman from Ohio clearly pointed out, that for a majority of the days since this legislation passed we were not in session, it was over the holidays and we were in our districts working, that there really is only one purpose to this resolution.

If my colleague from Arkansas (Mr. BERRY) had presented a resolution with the first provision, as I said, it probably would have passed unanimously. If you are shopping for future motions to instruct after this one is defeated, I would suggest perhaps that you look at information that was made available to us during that period when we were in recess, information that hospitals and doctors today are killing close to 100,000 Americans. Now, if the Hippocratic Oath is ''do no harm,'' it seems to me not killing the patient falls in that category.

I listened carefully until the time was yielded back to see if one Member on the other side of the aisle thought that we ought to try to speed up the process to get an ability to get a handle on almost 100,000 Americans being killed in hospitals and by doctors every year. If you are looking for a Patients' Bill of Rights, if you are looking for patient protection, it ought to start with the most fundamental protections, and that is do not kill anybody.

But I listened in vain. All I heard was the usual rhetoric about taking their bill, as the gentleman from New Jersey (Mr. PALLONE) said, the only bill that will be successful, and that it has to be done now ''on our terms,'' clearly underscores the fact that this is a political endeavor.

Two of the cosponsors of the bipartisan bill, the two Republicans, said this is not the thing to do, not now, it is not appropriate. I would support their position. It is not the thing to do; it is not appropriate.

Those gentlemen, understanding that they are in a very difficult situation, my father used to tell a story about a dog and fleas, but I do not remember the details so I will not be able to elaborate on it, but it seems to me that those of us who want responsible patient rights protection should do the responsible thing, and that is rather than vote present on this measure, vote no.

I would urge everyone on both sides of the aisle who want to speed up this process, to reach a consensus, to reach something that looks like the Dingell-Norwood bill, to vote no. By voting no, you actually enhance the opportunity for a true bipartisan agreement. If you vote yes, you guarantee the atmosphere around here becomes more partisan.

Let us lower the partisan rhetoric. Let us increase the accommodation and compromise, and we will deliver a reasonable and appropriate product.

Mr. Speaker, I would urge all my colleagues to vote no on this motion to instruct.

Mr. CLAY. Mr. Speaker, I rise in support of the motion to instruct conferees regarding the Bipartisan Consensus Managed Care Improvement Act.

Since this bill passed almost 4 months ago, the Republican leadership has purposefully delayed the start of the conference, giving more time to special interests seeking to undermine the strong support for patient protections demonstrated by the lopsided House vote in favor of the Norwood/Dingell bill. Well, Mr. Speaker, this tactic is clearly failing.

Just 2 weeks ago, a survey by the Kaiser Family Foundation found overwhelming public support for a strong patient's rights bill. The survey found that almost three out of four registered voters (72 percent) want strong protections against managed care abuses.

Despite this strong public support, it has unfortunately become necessary for the Members of this body to once again send a message to the Republican leadership that Americans want the freedom to choose their health care providers. They want to have treatment decisions made by physicians and not insurance company bureaucrats. They want health insurance companies held responsible for the physical injuries they cause.

Mr. Speaker, I urge the Republican leadership to stop stalling this critical managed care reform legislation.

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

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Arkansas (Mr. BERRY).

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 207, nays 175, answered ''present'' 28, not voting 24, as follows:

[Roll No. 6]

YEAS—207

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bilbray
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Capps
Capuano
Cardin
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Duncan
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Filner
Forbes
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gibbons
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hoeffel
Holden
Holt
Hooley
Horn
Hoyer
Inslee
Jackson (IL)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Traficant
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NAYS—175

Aderholt
Archer
Armey
Baker
Ballenger
Bartlett
Barton
Bateman
Bereuter
Biggert
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Fossella
Fowler
Gallegly
Gekas
Gilchrest
Gillmor
Goode
Goodlatte
Goodling
Goss
Granger
Green (WI)
Greenwood
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hutchinson
Hyde
Isakson
Johnson (CT)
Johnson, Sam
Kasich
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
Lazio
Lewis (CA)
Lewis (KY)
Linder
Lucas (OK)
Manzullo
McCrery

McInnis
McIntosh
McKeon
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Nethercutt
Ney
Northup
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Portman
Pryce (OH)
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Salmon
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Toomey
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Young (AK)

ANSWERED ''PRESENT''—28

Bachus
Barr
Boehlert
Bono
Brady (TX)
Cook
Cooksey
Foley
Franks (NJ)
Frelinghuysen
Ganske
Gilman
Hunter
Jenkins
Jones (NC)
Kelly
King (NY)
LaTourette
LoBiondo
McCollum
McHugh
Metcalf
Norwood
Roukema
Saxton
Smith (NJ)
Weldon (FL)
Wolf

NOT VOTING—24

Barrett (NE)
Bass
Brown (OH)
Bryant
Campbell
Carson
DeMint
Fattah
Graham
Gutknecht
Hinojosa
Istook
Jackson-Lee (TX)
Myrick
Porter
Quinn
Rivers
Sanchez
Sanford
Tiahrt
Turner
Vento
Waters
Young (FL)

□ 1644

Messrs. BATEMAN, WELLER, CAMP, PORTMAN, CANNON, DICKEY, and Mrs. WILSON changed their vote from ''yea'' to ''nay.''

Mr. BACHUS changed his vote from ''yea'' to ''present.''

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. SANCHEZ. Mr. Speaker, during rollcall vote No. 6 on February 1, 2000, I was unavoidably detained. Had I been present, I would have voted ''yea.''

Stated against:

Mr. PORTER. Mr. Speaker, I was absent for the vote on the motion to instruct the conferees on H.R. 2990, the Bipartisan Consensus Managed Care Improvement Act of 1999. Had I been present I would have voted ''nay.''

Mr. GUTKNECHT. Mr. Speaker, I was unavoidably detained earlier today and was not present for rollcall vote No. 6. Had I been present, I would have voted ''no.''

□

PERSONAL EXPLANATION

Mr. TIAHRT. Mr. Speaker, today I was unavoidably detained and missed rollcall vote Nos. 4, 5, and 6. Had I been present, I would have voted ''yes'' on H.R. 764, Child Abuse Prevention and Enforcement Act; ''yes'' on H.R. 1838, the Taiwan Security Enhancement Act; and ''no'' on the motion to instruct conferees on H.R. 2990.

□

PERSONAL EXPLANATION

Mr. DEMINT. Mr. Speaker, due to the untimely passing of one of my district staff members, I was detained from rollcall votes both yesterday and today. Had I been present today, I would have voted ''yea'' on passage of H.R. 764, the Child Abuse Prevention and Enforcement Act (rollcall vote 4), ''yea'' on passage of H.R. 1838, the Taiwan Security Enhancement Act (rollcall vote 5), of which I am a cosponsor, and ''no'' on the motion to instruct conferees on H.R. 2990 (rollcall vote 6).

In addition, had I been present yesterday, I would have voted ''yea'' on both rollcall vote 2 and rollcall vote 3.

□

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 72

Mr. GALLEGLY. Madam Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 72.

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

There was no objection.

□

PRESIDENTIAL DETERMINATION 99–37 REGARDING EXEMPTIONS UNDER RESOURCE CONSERVATION AND RECOVERY ACT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Commerce.

To the Congress of the United States:

Consistent with section 6001(a) of the Resource Conservation and Recovery Act (RCRA) (the ''Act''), as amended, 42 U.S.C. 6961(a), notification is hereby given that on September 20, 1999, I issued Presidential Determination 99–37 (copy enclosed) and thereby exercised the authority to grant certain exemptions under section 6001(a) of the Act.

Presidential Determination 99–37 exempted the United States Air Force's operating location near Groom Lake, Nevada, from any Federal, State, interstate, or local hazardous or solid waste laws that might require the disclosure of classified information concerning that operating location to unauthorized persons. Information concerning activities at the operating location near Groom Lake has been properly determined to be classified, and its disclosure would be harmful to national security. Continued protection of this information is, therefore, in the paramount interest of the United States.

The determination was not intended to imply that in the absence of a Presidential exemption, RCRA or any other provision of law permits or requires the disclosure of classified information to unauthorized persons. The determination also was not intended to limit the applicability or enforcement of any requirement of law applicable to the Air Force's operating location near Groom Lake except those provisions, if any, that would require the disclosure of classified information.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *January 31, 2000.*

□

□ 1645

AGREEMENT BETWEEN THE UNITED STATES AND THE REPUBLIC OF LATVIA CONCERNING FISHERIES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore (Mrs. BIGGERT) 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 Resources and ordered to be printed:

To the Congress of the United States:

In accordance with the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), I transmit herewith an Agreement between the Government of the United States of America and the Government of the Republic of Latvia extending the Agreement of April 8, 1993, Concerning Fisheries Off the Coasts of the United States, with annex, as extended (the ''1993 Agreement''). The present Agreement, which was effected by an exchange of notes at Riga on June 7 and September 27, 1999, extends the 1993 Agreement to December 31, 2002.

In light of the importance of our fisheries relationship with the Republic of Latvia, I urge that the Congress give favorable consideration to this Agreement at an early date.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *January 31, 2000.*

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BIENNIAL REVISION TO UNITED STATES ARCTIC RESEARCH PLAN—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

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

To the Congress of the United States:

Pursuant to the provisions of the Arctic Research and Policy Act of 1984, as amended (15 U.S.C. 4108(a)), I transmit herewith the sixth biennial revision (2000–2004) to the United States Arctic Research Plan.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 1, 2000.*

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.

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The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. KIND) is recognized for 5 minutes.

(Mr. KIND addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

(Ms. ROS-LEHTINEN addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

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The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Idaho (Mrs. CHENOWETH-HAGE) is recognized for 5 minutes.

(Mrs. CHENOWETH-HAGE addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

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The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

(Mr. JONES of North Carolina addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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THE CHALLENGE FACING CONGRESS AS IT DEVELOPS THE NEW BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. SMITH) is recognized for 5 minutes.

Mr. SMITH of Michigan. Madam Speaker, I would like to talk a minute about the challenge facing this Congress as we develop next years new budget. Part of the question is, are we really going to pay down the debt, and do we really have a balanced budget. The answer is no on both counts.

As Members will notice this chart, I have divided our debt into three segments, because there is a great deal of confusion in terms of what our debt really is. Are we really paying down the debt? We hear the candidates running in this first primary today in New Hampshire talking about the importance of paying down the debt. Madam Speaker, the total debt of this country is now $5.72 trillion. This $5.72 trillion I have divided up into three categories.

One is what I call the Wall Street debt, or the debt held by the public. That is approximately $3.6 trillion. The other portion of the debt is the social security surplus about $1 trillion. Right now, because we are overtaxing American workers, we are bringing in about $153 billion this year more in social security taxes than is required for the payment of current benefits. For the last 40 years we have been using that extra social security surplus to fund on other government programs. The middle portion of this chart represents what we have borrowed from the other 112 trust funds.

Madam Speaker, I think it is so important that we not, if you will, hoodwink or mislead the American people that we are paying down the debt of the country when we really are not. As Members will see by this chart, the total debt continues to increase. This continued increase in debt is if we have a freeze, and continue to only spend at last year's spending level. Of course, last year we added another $20 billion of emergency spending. So if we add that spending to what we already spent last year and we froze at that level for that next 5 years, then we are going to continue to increase the national debt.

We talk about the words ''balanced budget.'' Do Members not think it would be reasonable to define a balanced budget as a spending level when the total debt of the country does not continue to increase? I think it would.

I am a farmer. On the farm, a lot of us try to pay off the mortgage so our kids have a little better life, have a little better chance of making it, so we try to pay down the mortgage so their life does not have the kind of sacrifices that some of us went through.

But in this Congress, we are going just the other way. We are adding to the mortgage of the country, and we are asking our kids and our grandkids to sacrifice their living standards because we think our needs today are so great we should overindulge or overspend now. Let us start really balancing the budget. Let us stop borrowing from the 112 trust funds for other government spending.

On the top of this chart we see social security trust funds. That is the largest surplus we have coming from any of the trust funds. But then there is the Medicare trust fund and the others 111 trust funds. In the gray portion in the middle of this chart, we have represented another 112 trust funds we are borrowing from. Without that borrowing, we do not have a balanced budget.

Let me show Members this other chart. If we stick to our budget caps, this chart represents how we can pay down the Federal debt. It does not start to go actually down until 2003, but at least it starts to go down.

Let me suggest to Members and the President that increasing spending is not good public policy. I see keeping solvent both social security and Medicare a huge challenge. The actuaries at the Social Security Administration estimate that over the next 75 years, over the next 75 years, there will be $120 trillion less coming in from the social security tax than is needed to pay benefits.

Let me say that again. The social security actuaries at the Social Security Administration estimate that we are going to need $120 trillion more than what is expected to come in from the 12.4 percent social security tax over the next 75 years to pay the benefits that we have promised; a tremendous challenge in social security, a tremendous challenge of keeping solvent the Medicare program.

I think we have to be very careful about implementing what the President has suggested on increased spending. We cannot continue to expand the size of this government, to increase spending. Let us start solving the problems of social security, Medicare, and start paying down the debt.

Madam Speaker, during good times, it is reasonable, whether you are a family or a government, to have a rainy day fund. A rainy day fund for a government that owes $5.7 trillion is starting to pay down that debt. I ask my colleagues to resist the political temptation to increase spending.

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The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. SCARBOROUGH) is recognized for 5 minutes.

(Mr. SCARBOROUGH addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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CHARITABLE CONTRIBUTIONS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Indiana (Mr. SOUDER) is recognized for 60 minutes.

THE SOCIAL SECURITY TRUST FUND

Mr. SOUDER. Madam Speaker, first, I would like to associate myself with comments of my friend, the gentleman from Michigan, on the trust fund. I think it is absolutely important, before we go on some sort of spending spree in this House, that we replenish our trust funds, which are somewhat inappropriately named. We have not kept that much in trust.

However, what I wanted to address this House for a few minutes on is possibly the most important way to achieve social change in this country to help those who are hurting, those who are in need through creative building up and strengthening of charitable and nonprofit organizations in this country.

I was pleased to see that President Clinton in his State of the Union Address has a proposal. I wanted to address a few others.

The Give Act, which I introduced in the last Congress and have many sponsors in this House for, would use the existing tax code by giving a 120 percent deduction for charitable contributions. It also allows non-itemizers who give more than a $1,000 to charity to deduct their contributions, and moves the filing deadline on the return to April 15 so people can calculate better how much they could get in an extra tax break by giving to charitable organizations.

Along with the gentleman from Virginia (Mr. SCOTT), we had an amendment in the Community Service Block Grant in 1998 to allow half of the State funds, which is 5 percent of the Community Services Block Grant, to be used to offset revenue losses associated with State charity tax credits.

So we have already passed one bill in this House. We have also, with a number of amendments that I and others have offered, allowed charitable choice in the human services reauthorization. We had it in the juvenile justice reauthorization and numerous other bills to allow charitable organizations to take part in government grant bidding.

I also support Governor Bush's efforts to advance this; in the name of

compassionate conservatism, to expand the charitable deduction to non-itemizers, to provide a tax credit of up to 50 percent of the first $500 for individuals, up to $1,000 per couple, against State income or other taxes, to give permanent charitable contributions from IRA accounts for persons over the age of 59 without penalty, extend the proposed charitable State tax credit to corporations, raise the cap on corporate charitable donations, because the proposals of Governor Bush are another dynamic way to address this concern of how best to solve the social problems that are overwhelming many of our inner cities, our suburban areas and our rural areas, as well.

President Clinton the other night proposed the following initiatives: Allow non-itemizers to deduct 50 percent of contributions over $500 a year when fully phased in, simplify and reduce the excise tax on foundations by eliminating the current two-tiered system, and also to increase the limit on deductions for donations of appreciated assets, such as stock, real estate, and art, to charity from 30 to 50 percent of the adjusted gross income, and to private foundations from 20 to 30 percent.

President Clinton's proposals are an important first step. I hope he expands his charitable proposal. I hope that this House, when we move what is most likely to be some sort of a tax package, will look at Governor Bush's proposals, we will look at President Clinton's proposals, we will consider the proposals that the gentleman from Oklahoma (Mr. WATTS) and the gentleman from Missouri (Mr. TALENT) have proposed, that we will look at the Give Act that I and over 20 other Members of Congress have proposed, because I do not think there is a single more important thing we can do to help rehabilitate our communities and families in this country than to get additional dollars into the hands of those who are sacrificing, who day-to-day are working in tutoring, in counseling in the schools, in housing rehabilitation, in drug rehab, in all sorts of outreaches to the families and children in this country who are hurting.

□ 1700

To the degree that in a tax package we ignore that, it will be on our heads. I really hope that our leadership and the Committee on Ways and Means will carefully consider these charitable tax proposals and include them in any tax package.

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THE B.E.S.T AGENDA

The SPEAKER pro tempore (Mrs. BIGGERT). Under a previous order of the House, the gentleman from Georgia (Mr. KINGSTON) is recognized for 5 minutes.

Mr. KINGSTON. Madam Speaker, I wanted to talk to the House tonight about the agenda which the Republican Conference is moving. We have worked closely with the White House and some Members of the Democratic Caucus on the BEST agenda, B-E-S-T. It is kind of easy to remember if we keep it in mind.

B: Building up the military.

One of the big problems we have is we are still in a dangerous world, and although the Soviet Union has fallen, we can still see, if we have watched Russia and Chechnya, that Russia really has not changed. Their political system has, but their philosophy of being an aggressive nation certainly has not. And they have a lot of military nuclear weapons over there. The question is what are they doing with that nuclear arsenal? One of the things is they are selling it to renegade countries. We need to keep an eye on them.

Madam Speaker, we cannot disengage from the world military scene. The world is still an unstable place. There are too many Saddam Husseins and North Koreas out there.

Also, we lose lots of soldiers because of the deployments. From World War II until 1989, there were 11 deployments. But since 1989, there have been 33 deployments. And all we have to do as a Member, and I recommend to all of the Members of Congress to do this, they should go talk to some of the military posts and bases in their district and find out how the recruitment is doing and the reenlistment is doing. They are losing lots of good soldiers.

Another reason is, despite the Republican 4.8 percent pay raise that we passed in this Congress last year, there is still a 13 percent pay gap between military and civilian pay.

These things have to be addressed, so the ''B'' in BEST is to build up the military.

E: E is for education.

The idea behind that is to return education to the local control. Think, Madam Speaker, about those great classic teachers that we were able to grow up and experience in our educational careers. The teachers who were just commander of the ship when we went in their classroom. They may have had a few extra rules. They worked us hard and were disciplinarians, but they changed our lives. And if we got a B in their class, it was worth an A in half a dozen other classes because that teacher got the best out of us.

Madam Speaker, those teachers are rare these days because they are tired of the bureaucracy. Is somebody up on the sixth floor or the third office down to the right in the cubical telling teachers in Georgia and Illinois and in Maine and in California and Miami how to teach? Come on. There is not a bureaucrat that smart in our town.

Return education to the local control. Let the teacher in the classroom get the dollars. Let the teacher run the show.

The S in BEST: Saving Social Security.

Last year in his State of the Union address, the President said let us spend 38 percent of the Social Security surplus on non-Social Security items. Actually, he said let us only save 62 percent, but doing the math, that would mean spending 38 percent of the Social Security surplus. That is not good enough.

We need to protect and preserve 100 percent of the Social Security surplus. Last year this Congress left town with $147 billion in the surplus trust fund so that our loved ones can retire to an income that is there because of the money they put in it.

And the T is tax relief.

Every day another couple gets married and when they do, they get a bill, $1400 for walking down the aisle together. We need tax relief for working America.

Madam Speaker, that is what it is. The BEST agenda.

There is one other angle in there that I want to say. Despite all the great prosperity and despite all the millionaires that have been made in the high-tech industry, one industry that has been left behind is agriculture. We need to reach out to America's farmers. Less than 2 percent of the population now feeds 100 percent of America, plus a great percentage of the whole world.

We need to make sure that our farm families are not left behind. How can they grow oats in Millen, Georgia, and compete against the foreign market that is subsidizing their farmer 30 percent in another country? They cannot do that. And yet we let our farmers get beat to death by foreign farmers whose governments subsidize them.

We need to try to close that. We need to help balance things. We need to have tough trade negotiations when we are negotiating multinational trade agreements. So these are things that we have worked on. We are going to continue to work on.

I believe that it is important for Democrats and Republicans to put aside partisan politics and, despite the hot air that is coming out of the cold State of New Hampshire, do what is best for America and do it here in Washington, D.C.

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HOUSE AND SENATE CONFEREES SHOULD MEET IMMEDIATELY ON HMO REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Texas (Mr. GREEN) is recognized for 60 minutes as the designee of the minority leader.

Mr. GREEN of Texas. Madam Speaker, over the next hour, we will be hearing from lots of Members talking about not only the vote we took today on the motion to instruct conferees, but talk about the need for managed care reform and HMO reform. Because Congress, being out of session since late November, and having passed the managed care reform bill actually in early October, here we are February 1 and we are back in session with no hope in sight of the conference committee actually meeting. They have not met for 4 months.

Madam Speaker, that is the concern we have. That issue is still on the front burner for the American people. That is why today there was a great deal of time spent on H.R. 2990, instructing conferees on managed care that was authored by the gentleman from Arkansas (Mr. BERRY) who was trying to move that issue further along. In fact, since the motion to instruct passed, Madam Speaker, we hopefully will see our conference committee meeting not maybe at the end of February or March, but hopefully in the next 10 days; instead of seeing the delay, delay, delay that we have seen over the last 4 months, and not just over the last 4 months but over the last number of years whenever the House has considered managed care reform, even if a strong bill passes like it did this last time. And, particularly, when we see that the conference committee appointees from the majority side, not one of them voted for the bill that passed this House in early October.

So it kind of makes us a little suspicious that the bill that we worked so hard to pass on the bipartisan bill, Norwood-Dingell, and it is not as bipartisan as I would like, although it passed the House on a very bipartisan vote. And after months of negotiation we reached a consensus, again to have that bipartisan vote. It has been 4 months since we passed that bill, but we have not seen any action on the Norwood-Dingell HMO reform bill.

Our Republican leadership continues to, I do not know, maybe because we were out of session, but it seems like they delay. And when we talk about gimmicks and watered down proposals to take away the strength from a real managed care reform bill or HMO reform bill, because we heard today the bill that was actually considered had lots of different health care issues in it, including access.

I would like, as a Democrat, particularly to talk about access. We have 44 million Americans without some type of health insurance coverage. But I know we have 48 million Americans who have self-insured employer plans that do not have the protections that we need to have in this HMO reform bill.

So let us take it one step at a time and have it. Let us pass an HMO reform bill so those 44 million Americans, when they do get some type of insurance, hopefully we will pass some tax incentives and some encouragement for people to do it so that they will have a policy that will mean something instead of a worthless piece of paper.

Again, we have not had one meeting of the conference committee on the managed care reform bill. And I think this is unacceptable for not only those of us who voted in the majority, but those 44 million Americans who belong to the self-insured health insurance plans that oftentimes have little protections from neglectful and wrongful decisions made by their insurance plans.

My colleagues on the other side of the aisle, hopefully they are not choosing to ignore the will of the American people, because I have seen the poll numbers and they have been consistent for over a year. The people want a strong Patients' Bill of Rights and managed care reform bill so when they go to the doctor or to the hospital, that they will know that they have some protections. They will be able to choose to talk with their physician.

Our bill eliminates the gag clauses to where a physician and a patient can actually talk to each other without the managed care provider or the insurance company saying, No, we do not cover that procedure so you cannot even tell the patient that that is available; allows open access to specialists for women and children; gives patients timely access to an appeals process. And, again, health care delayed is health care denied. And if we do not have a swift and sure appeals process, then we are actually delaying health care and actually denying that health care.

It provides coverage for emergency care, and I see my colleague the gentleman from New Jersey (Mr. PALLONE) is here and he and I have talked for many months here on the floor that Americans should not have to drive by the closest emergency room to go to the one on their list. They ought to be stabilized at the closest one and then be transferred once they know whether the chest pains they are having is really the pizza they had last night or may actually be a heart attack. So we need to have the emergency care as soon as possible.

Ensure that patients can continue to see the same health provider, even if their provider leaves the plan or their plan changes. One of the concerns that we have is the continued changes in the plans. Physicians and providers go in and out of the plan, and also facilities, and the patients are the ones that seem like they are being whipsawed around and they are losing that health care in there.

One of the most important things that makes everything else in this laundry list important is the medical decision maker has to be held accountable. We have the health care provider, the doctor, held accountable under tort law. But if that doctor is being told by someone in Hartford or Omaha, No, you cannot do that, then that person needs to be responsible.

There is a fear that we have heard that employers are going to be sued. But in the bill that passed the House, that was not in the intent or the language of that bill, unless that employer is making that decision. But if an employer goes out and buys insurance and says, yes, I can afford this plan and I am going to pay for this plan, and turns it over to their carrier to make those decisions, then that carrier is the one, not the employer. And if there is better language to insulate the employer from being sued, I would hope the conference committee would consider it and hopefully even pass it.

In my home state of Texas which passed many of the patient protections included in the Norwood bill, there has been no premium increases based on HMO reform and there has been no mass lawsuits that have been filed, some of the things that we heard last year in some of the opposition. What Texas residents do have are health care protections that were in the Norwood-Dingell bill that we need to expand to all Americans, not just Texans who happen to have a policy that is licensed under the laws of the State of Texas.

In fact in my district in Houston, it is estimated that 60 percent of the people have an insurance plan which comes under ERISA or federal law and not under State law. So it does not do any good for the legislatures of all 50 States to pass these bills if 60 percent of the people are covered under Federal law. That is why I think it is important that we have all these protections in the bill; that a conference committee meet and come back with a strong bill as strong as that which passed the House.

Again, there may be some small nuances that need to be changed, but not something like what passed the U.S. Senate because that one I would hope would be vetoed. The Senate bill actually overturns some of the State laws that have been passed. That is why I was pleased when the gentleman from Arkansas (Mr. BERRY) offered a motion to instruct conferees to begin meetings and pass a bill that provides real protections for patients.

However, Madam Speaker, we should not have to resort to those tactics to have any action on managed care reform. We ought to be able to do it because it is right. We should not have stonewalling on a conference committee that actually should have been meeting for the last 4 months but has not. The American people have asked us to pass a real HMO reform bill and it should be at the top of our agenda and we should do it without any more delays.

The conference committee needs to meet and promptly decide on a bill that protects patients and pass real HMO reform.

With that, I yield to the gentleman from New Jersey (Mr. PALLONE), the chair of our Health Task Force in the Democratic Caucus. And I understand each conference has a task force and I am glad the gentleman is chair of ours.

Mr. PALLONE. Madam Speaker, I thank the gentleman from Texas for what he said. And, particularly, because he pointed out how HMO reform, or something very similar to the Patients' Bill of Rights, has been, in fact, law in Texas now for some time and is working very well. And that they have had very few lawsuits.

□ 1715

And as he mentioned, and I think it is so important, the reason there are so

few lawsuits is because basically the patient protections that we are advocating here at the federal level are preventive measures. In other words, the HMOs, when they know they have to provide these protections, take more precautions, do the right thing; therefore, it is not necessary for them to be sued, except in very few cases.

I think that sort of belies the critics of the Patients' Bill of Rights who say it is going to be litigious and there are going to be so many lawsuits and that costs will go up. In fact, just the opposite has happened in Texas. But the problem, as my colleague has pointed out, we need this at the federal level because of the federal preemption of those people who come under ERISA; those who, through their employer, are in self-insured plans, which is millions and millions of Americans that come under that federal preemption, so they are not allowed to sue their HMO.

I do not want to stress the suit aspect, however, because I do not think that is as crucial as the fact that an individual needs an independent ability to appeal a denial of care. And that can be done under the Patients' Bill of Rights through a very good internal review, or internal appeal, as well as an external administrative appeal where an individual goes before a board that is not influenced by the HMO. And that board can overturn the decision of the HMO to deny care without having to go to court.

So there are a lot of ways that we achieve accountability in the Patients' Bill of Rights without actually having to bring suit. And as the Texas case points out, those situations where suits are brought are very, very few indeed.

Now, Mr. Speaker, the reason why the gentleman from Texas (Mr. GREEN) and myself are here today is because earlier today, maybe within the last half hour or hour, we passed in the House, by a considerable margin, a motion to instruct the conferees so that we go to conference on the Patients' Bill of Rights. And we also directed those conferees to stick with the House version of the bill, which is really the only true Patients' Bill of Rights. What the Senate passed, in my opinion, is really sham reform that does not add up to anything in terms of actually dealing with the excesses and the abuses that we have seen so many times with HMOs.

So I wanted to react to some of the comments that were made on the other side of the aisle by the Republicans in the leadership who said this motion to instruct was not necessary. Well, let me say this motion to instruct was necessary, and the majority of Members on both sides of the aisle voted for it because it is necessary. And it is necessary because 4 months have passed since this House took up and passed the Patients' Bill of Rights, a very strong HMO reform bill. And yet in those 4 months, even though the Senate had passed another bill, I think last July or so, we still have not seen any action to bring the House and the Senate together, represented by their conferees, to try to come up with a bill that both houses can agree on and send to the President.

So when the Republican leadership says give us more time, I think one of my colleagues said on the Republican side, well, we will get to this by the end of the month, meaning the end of February, my reaction is, well, they have already had 4 months and time is running out. There will not be many days left in this Congress. Certainly we are going to be out of here by October if not sooner. And if we do not start meeting and having the conferees meet and talk about the differences between these bills and what can be done to achieve a consensus, we will never get a good Patients' Bill of Rights passed.

The other thing I would point out is the reason we insisted on sticking with the House version, so that the House version should be the one, or something close to it should be the one that the conference adopts, is simply because there is such a disparity between the House bill, which basically is true HMO reform and protects against these abuses, as opposed to the Senate bill that really does not cover anybody.

My colleague from Texas was pointing to some of these things, but I just wanted to point out some of the gross disparities between the two bills. The Republican Senate bill leaves more than 100 million Americans uncovered, because most substantive protections in the bill apply only to individuals enrolled in private employment-based self-funded plans. Now, a self-funded plan is one in which the employer pays medical bills directly, rather than buying coverage from an HMO or insurance company. These are the ones that come under the ERISA exemption, or the ERISA preemption I should say.

There was a recent study in Health Affairs that found that only 2 percent of employers offer HMOs that would be covered by the standards in the Republican Senate bill and only 9 percent of employees are in such HMOs. Self-funded coverage is typically offered only by large companies. Of 161 million privately insured Americans, only 48 million are enrolled in such plans. And of these 48 million, only a small number, at most 10 percent, are in HMOs.

So when I say that the Senate Republican bill is sham HMO reform, I am not just making that up. We have data to show that because of the exclusions and because so many insurance plans, so many people covered by their insurance would not come under this bill and have the patient protections we are talking about, in effect the Senate bill is meaningless. It does not have any teeth to it at all because it does not even apply to most people with health insurance.

The list could go on. By contrast, I should point out, of course, the Democratic bill would apply to all those plans. And I should say it is not even the Democratic bill. It is the House-passed bill that was a Democratic bill that was passed on a bipartisan basis versus a Senate bill. All we are saying in this motion to instruct is that we must stick with the House version, because if we do not, we will not have a true Patients' Bill of Rights.

I wanted to give a few other examples. And I am not looking to beat a dead horse here, but I want to give a few more examples of the contrasts between this Republican Senate bill and this essentially Democratic House bill that we keep insisting on.

With regard to care for women in the Republican Senate bill, it does not allow designation of OB-GYN as a primary care physician. It does not require a plan to allow direct access to OB-GYN except for routine care. On the other hand, the Democratic bill, the House bill that we insisted on today in the motion to instruct, allows patients to designate OB-GYN as a primary care physician and provides direct access to OB-GYN for all OB-GYN services.

Specialty care. How many of our constituents have come to us and told us that some of the problems they have had with HMOs is they do not have access to the specialty care that they need. Well, in the Republican Senate bill there is no ability to go outside the HMO network at no extra cost if the HMO's network is inadequate with regard to a particular specialist or specialty care. Basically, what the Republican Senate bill does is to allow HMOs to write contracts rendering the patient protections meaningless. In other words, specialty care is covered under the contract only when authorized by a gatekeeper.

Well, what good is that? That is the problem that our constituents are complaining about, how they cannot go to a specialty doctor unless they get a referral each time; and a lot of times the specialty care is not even available within the network. This is all meaningless under the Republican Senate bill. The Democratic, the House passed bill, provides the right to specialty care if specialty care is medically indicated. And it ensures no extra charge for use of non-network specialists if the HMO has no specialist in network appropriate to treat the condition.

Just a couple of other things. Probably the most important thing, and I know my colleague from Texas would agree, is not only the ability to go for some kind of external review if someone has been denied care that is not biased against them, or ultimately the ability to bring suit, but also the whole definition of what is medically necessary. In other words, the problem that we face with so many of our constituents is that the decision of what kind of care they need, the decision of what is medically necessary, which is essentially the same thing, right now is basically made by the insurance company or the HMO.

What my constituents say to me is, I do not want the decision about what

kind of operation I get or how long I stay in the hospital or what kind of equipment I am eligible to use; I do not want that to be made by the insurance company. I want it to be made by my physician, with me, because my physician knows what is best for me. He is the medical adviser. He is the doctor. He is the one that knows, not the nameless bureaucrat working for the insurance company.

Well, under the Republican Senate bill they allow the HMOs to define medically necessary, what is medically necessary. No matter how narrow or unfair to patients the HMO's definition, their definition controls in any coverage decision, including decisions by an independent third-party reviewer. So even if someone had the external review or had the right to bring suit, what good is it if all the external reviewer is going to go over or what the court looks at is how the HMO defines what is medically necessary? That just kills the whole thing. That makes the whole HMO reform meaningless, if that decision about how to define what is medically necessary is essentially made by the HMO.

What we say, and most importantly in the House-passed bill, the one that we have been insisting on today in the motion to instruct, is that that definition is made by the physician with the patient, and basically is a definition based on what the standard of care is within that specialty group, by the diplomates, the people that have the diploma in cardiac care or the people that have the expertise in other kinds of specialty care. Those are the people who should be defining what is medically necessary.

I could go on and on, and we will talk a little more about why this Democratic House bill is so much better than the Senate bill and why we need to insist on that in the conference; but the other thing that I wanted to mention, and then I will yield back to my colleague, and this came up again during the debate today on the motion to instruct, is that what I see happening here on the Republican side of the aisle with the Republican leadership is that they realize that the Patients' Bill of Rights has majority support in this House, and I think also in the Senate as well, and amongst the American people, and so they cannot really fight it any more by saying it is a bad bill. So what they are now trying to do is to change the subject.

Instead of talking about the Patients' Bill of Rights today, so many of my colleagues on the Republican side of the aisle tried to bring up other issues. One of my Republican colleagues talked about why we do not deal with the issue of medical mistakes, because that has become a major issue now. I am not saying it should not be addressed, but why are we mucking up the Patients' Bill of Rights when we know where we stand and we know we can pass that and send it to the President to sign? Why would we want to muck that up by dealing with the issue of medical mistakes, which will probably take another year or two to get that resolved and we can finally get a consensus on that.

Another Republican colleague talked about access for the uninsured. And I am totally in favor of more access for the uninsured. The President in his State of the Union address the other day, and my colleague from Texas, talked about how we have proposals now on the Democratic side that would expand health insurance coverage for more children, taking the parents of the kids that are part of the Kids' Care Initiative; address the problems of the near elderly so they can buy into Medicare. Sure, all these other access issues for the uninsured need to be resolved, but, again, we do not have a census on that. They are now in the formative stage in terms of the debate and where we are going to go. They have to have committee hearings, they have to be voted on the floor, they have to be addressed in both houses, and there is no consensus.

So, again, why would we want to muck up the issue of the Patients' Bill of Rights, which has the consensus and can get the votes and can pass and be signed by the President? Why would we want to throw in all these other things? Basically, it comes back to what the Republican leadership was doing all along with the Patients' Bill of Rights. They tried their darnedest to try to throw all kinds of poison pills into that debate and add all these amendments with the MSAs, the medical savings accounts, the health marts, and all these other things, even the issue of medical malpractice at one point. All these things they tried to throw in as poison pills so that we could not get to the heart of the issue where there was a consensus.

I simply say once again, based on that motion to instruct, do not fool around any more. Let us go to conference. We know we can deal with these HMO reform issues, these patient protections. Let us deal with them and resolve them in a way that protects the American people and not try all these other gimmicks to try to make it so we never get to what is really important here and what we can pass.

With that, I would yield back to my colleague.

Mr. GREEN of Texas. Well, just in closing, because I think this is important, the first day we have actually had votes, other than a rollcall vote last week, the HMO reform bill is literally the top priority for us. Sure, we have to deal with the budget and we need to deal with medical mistakes, and there are hearings in the Senate going on, because access is important; but let us deal with one issue at a time.

I think the American people understand that if someone is opposed to something and they do not really want to oppose it, they will throw up something else. It is kind of like juggling balls. If I throw the red one over here, maybe my colleague will look at that instead of what I am really doing. That is what concerns me after the debate today.

I would hope that that conference committee would meet. I am concerned because of the number of members on it who did not vote for the bill that passed the House. And there were lots of Republican Members who voted for the bill, but, again, it looks like it is stacked and it is weighted against a real HMO reform bill, particularly when we look at what the Senate passed and what the Senate side will be doing.

But I hope the American people understand that we will continue to talk about this over the next few months unless we have a vote.

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And even if we have a vote, if they come back with a weak milquetoast piece of legislation, and next year let us pass something that sounds good, then I will be up here saying, no, it is not good. Let us not pass something that is really a fake, this is a fig leaf.

After 4 months of delay, I would think that now we may see some action. And if they come back, well, let us throw something out there and we want something that is really HMO reform patterned after what success that has happened not just in Texas but with States all over the country, we have a pattern that has worked.

For example, when we talk about the external appeals process, the external appeals work in Texas is they have the right to go to court afterwards. Fifty-two percent of the appeals are found in favor of the patient.

Now, sure, half of them, a little less than half, are found in favor of the insurance company. And so, if I as a patient take an appeal in the external appeals process and I am not entitled to that type of service or that type of treatment, then I am probably not going to go to the courthouse.

But I tell my colleagues, if 52, better than half, of the people in the insurance company are wrong the first time and if we do not pass a strong appeals process with a backup of the right to go to the courthouse, then those half of those people in Texas who are finding now, or more than half, that they really have some good coverage and they have that treatment that they need, they will be lost. And so, that is why this issue is so important not just for those of us who run for office and serve here but for the people we represent.

I represent both Democrats and Republicans, like my colleague; and I have found that in my district, I do not ask people whether they are Democrat or Republican when they call me, but it is interesting when the people who do call, we have a lot of people who say, I am a Republican but I need to have help with my HMO problem.

So I think it is an issue that cuts across party lines. It is important. The

polls have shown that, not only Republicans and Democrats, but Independents. And that is why we had the vote and will continue this effort.

Mr. PALLONE. Mr. Speaker, I appreciate the comments of the gentleman.

If I could just add one thing before we conclude, one of the things that I found in the 2 months that we had the recess and we were back in our districts and I had a lot of forums on health care on seniors or just in general with my constituents in the various towns that I represent, we are living in very good economic times and the economy is good and generally most people are doing fairly well, but there is a tremendous frustration that the Government does not work. And it is I think, for whatever reason, Congress seems to be the main focus of that, the notion that somehow all we do down here is talk and we never get anything done.

The reason I was so frustrated today when I heard some of the arguments from the Republican side is because I know that this issue, the Patients' Bill of Rights issue, the HMO reform issue, is something that we can get done. Because the public wants it done. And we had Republicans join us on this Patients' Bill of Rights, and I know that the President will sign it. So I do not want this to be another issue that is important that falls by the wayside because the Congress and the President could not get their act together.

If there is anything that we can pass this year, this is the issue. And I think we just have an obligation to our constituents to show that, on something so important as this, that we can actually accomplish something and not just sit here and argue back and forth.

Obviously, we need to argue, otherwise my colleague and I would not be up here. But we also need to pass something. And that is what we are all about.

Mr. GREEN of Texas. Mr. Speaker, in closing, I would like to say, sure, I would like to talk about access, prescription medication for seniors, medical mistakes. Let us take it one step at a time.

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ANTIBODIES TO SQUALENE IN GULF WAR SYNDROME

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. METCALF) is recognized for 5 minutes.

Mr. METCALF. Madam Speaker, joined by several colleagues, today I wrote Secretary of Defense William Cohen asking for an objective analysis of the ''Antibodies to Squalene in Gulf War Syndrome,'' an article that has just been published in the February 2000 issue of Experimental and Molecular Pathology.

This peer-reviewed article found anti-squalene antibodies in a very high percentage of sick Gulf War-era veterans. As a bio-marker for the disease process involved in Gulf War illnesses, the blood tests cited in the study could provide a vital diagnostic tool. We hope this will quickly lead to improved medical treatments for many who are suffering.

Many who have heard about this issue are anxious to understand the ramifications, especially those veterans and their families whose lives sadly have been directly affected.

We certainly acknowledge the need for further research. However, that should not preclude a vigorous examination of the immediate benefits this study may provide doctors treating those who suffer from Gulf War illnesses.

The House-passed version of the Fiscal Year 2000 Defense Appropriations Bill included report language instructing the Department of Defense to develop and/or validate the assay to test for the presence of squalene antibodies. This action was taken in response to DOD unwillingness to cooperate with the March 1999 General Accounting Office recommendation. It reflected my firm belief that the integrity of the assay was the first step in finding answers.

Now that this study has been peer-reviewed and published, we need to take the next step and build on established science. An internal review by the same individuals within DOD who were unwilling to cooperate for months does not constitute the kind of science that those who sacrificed for this Nation deserve. Given the published article, it seems prudent to use the assay if it could help sick Gulf War veterans. At this critical juncture, my colleagues and myself fervently hope that Secretary Cohen agrees.

We must stay the course and find the answers that will bring effective medical treatments for those who suffer from Gulf War illnesses. Let me assure my colleagues, Mr. Speaker, I intend to do so.

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MARRIAGE TAX PENALTY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from California (Mr. HERGER) is recognized for 60 minutes as the designee of the majority leader.

Mr. HERGER. Madam Speaker, our tax system is unfair, for many reasons. It punishes those who invest, those who succeed in business, even those who die. But one tax provision which seems particularly unfair is the marriage tax penalty. This tax penalty occurs when a married couple pays more in taxes by filing jointly than they would if each spouse could file as a single person.

For example, an individual earning $25,500 would be taxed at 15 percent, while a married couple with incomes of $25,000 each has a portion of their income taxed at 28 percent.

In addition, while two single taxpayers receive a standard deduction of $6,950 apiece, for a total of $13,900, a married couple only receives a standard deduction of $12,500.

Madam Speaker, that is simply unfair. When a couple says, ''I do,'' they are not agreeing to higher taxes. When a couple gets married, they receive a number of nice presents, China, silverware, linens, appliances. But guess what they get from the IRS? A bill for an average of $1,400 in taxes.

Last year, 28 million Americans were subjected to this unfair, higher tax. For most families $1,400 means a down payment on a house or a car, tuition for in-state college, several months' worth of quality child care, or a home computer to help their children with their schoolwork.

Madam speaker, it makes common sense to end the unfair marriage tax penalty. That is why the House of Representatives is making marriage tax reform our first order of business this year.

Tomorrow the Committee on Ways and Means, a committee on which I serve, will consider a bill to provide married couples with relief from the marriage tax penalty. This bill increases the standard deduction for married couples to twice that of singles, beginning next year. It also provides up to $1,400 in relief to couples who itemize their taxes.

I am pleased that the gentleman from Illinois (Mr. HASTERT) and the gentleman from Texas (Mr. ARCHER), chairman of the Committee on Ways and Means, have made the commitment to consider this important legislation as one of the first orders of business this year.

Madam Speaker, we have an opportunity this year to do the right thing for middle-class families. We can give them more control over their own hard-earned money. We have a chance to help working women and lower-income couples with children who are unfairly affected by the marriage tax penalty. We have an opportunity to allow common sense to prevail and to provide relief from the marriage tax penalty.

I would also like to take this moment to thank the gentleman from Illinois (Mr. WELLER) for his leadership on ending the marriage tax penalty. He has truly been dedicated to correcting this tax policy and to easing the tax burden for married couples.

Madam Speaker, a few details on what the marriage tax penalty would do. Our bill provides $182.3 billion in tax relief over 10 years for more than 50 million Americans.

President Clinton, who vetoed the marriage penalty last year, recently proposed a smaller marriage penalty proposal that provides only $45 billion in relief over 10 years. Our plan, the Republican plan, provides working couples with four times more marriage penalty tax relief than the President has proposed. But I do want to thank the President for recognizing this as a problem and becoming involved in this very important issue.

Our current Tax Code punishes working couples by pushing them into higher tax brackets. The marriage penalty

taxes the income of the second wage earner, usually his wife, at a much higher rate than if she were taxed only as an individual.

Twenty-five million families pay an average of $1,400 marriage penalty according to the Congressional Budget Office. The number of dual earner couples has risen sharply since 1970 and is continuing to rise. By acting now, we will keep even more working couples from being punished in the future.

Marriage penalty relief is middle class tax relief. Middle-income families are hit the hardest by this penalty. Most married penalties occur when the higher earning spouses makes between $20,000 and $75,000.

By allowing working couples to keep more of their own money each year, our plan, the Republicans', are helping American families make their dreams come true. They can use the money to buy a family computer, make needed improvements in their home, or put toward their children's education.

Again, our marriage penalty relief bill that we are introducing tomorrow, February 2, is $182 billion in tax relief over 10 years. It doubles the standard deduction by the year 2001. It starts expanding 15 percent income brackets in the year 2003. It provides up to $1,400 in tax relief per couple.

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It would help families who itemize deductions, homeowners and nonitemizers alike. It would help up to 28 million American couples.

Madam Speaker, tonight we have laid out the reasons why the marriage tax penalty must be reformed. This tax unfairly penalizes married couples, particularly those with low to average incomes. Providing marriage tax relief could result in up to $1,400 in savings for families currently affected by this tax. I say this is something we need to do.

Last year, Congress passed marriage penalty relief. Regrettably, the President chose to veto this relief bill. This year we are giving the President another opportunity. It is encouraging that he does have his own plan available. And I am encouraged that this year we will be successful in passing needed marriage penalty relief.

Madam Speaker, I yield to my good friend, the gentleman from North Carolina (Mr. JONES).

Mr. JONES of North Carolina. Madam Speaker, I thank the gentleman from California for yielding.

I happened to be in my office watching the gentleman from California (Mr. HERGER) on the floor talking about this marriage tax, and I wanted to come down to help the gentleman from California out. As the gentleman is telling the people in Congress that we need to do something, instead of just talking about trying to help those people that have bonded based on the Bible and their belief that the Lord meant for us to marry, man and woman, that they should not be penalized.

And I just wanted to commend the gentleman from California, because many times people in my district tell me that they just cannot quite understand how we in Congress can forgive a $5 billion debt to Third World countries, how we can spend $10 billion in Bosnia, $12 billion, $14 billion in Yugoslavia, yet we cannot find the money to give tax relief to married people.

I was just so pleased to see the gentleman from California come down here and talk about this issue. And I wanted to join him for a few minutes.

Mr. HERGER. I thank my good friend, the gentleman from North Carolina (Mr. JONES). And, again, we are talking about allowing married couples to keep more of their own money.

Many times some in Congress, some in government tend to think that these tax dollars belong to government, they belong to Washington; not true. Madam Speaker, these dollars belong to the people who earn them. And they want their dollars to be spent very wisely, but also they want priorities set.

And certainly, as the gentleman has pointed out, what the government should not be doing is actually penalizing people for being married, penalizing them for having families. That is not what our country is about.

And I appreciate very much the support of the gentleman from North Carolina, his long time support in helping to correct this inequity in our Tax Code.

Mr. JONES of North Carolina. Will the gentleman yield for just one moment?

Mr. HERGER. Yes, I yield to the gentleman from North Carolina.

Mr. JONES of North Carolina. Is it true that 25 million married couples in this country would be helped if we should pass this bill, if the President finally signed it into law? Is that about right?

Mr. HERGER. That is correct. Twenty-five million married couples, that is 50 million people, plus their families, their children would be assisted, if the President works with us. And, again, he has some legislation of his own, it only gives one quarter as much relief as our legislation that we will be introducing and be hearing in the Committee on Ways and Means tomorrow.

But it is encouraging that at least he is becoming involved. And I would hope that all of our listeners in America would contact the President and urge him to support our legislation, our Republican bill, which is really bipartisan, that goes four times further to correcting this very serious inequity.

Mr. JONES of North Carolina. If I can ask the gentleman just one more question, because I may have missed this. Again, I was trying to watch the gentleman in the office, and I can see some of our colleagues have joined us, and they want to take part in this effort.

Would the gentleman tell me again how much of a savings, if our bipartisan bill, as you said, should pass, how much savings this would be per married couple approximately?

Mr. HERGER. The average penalty for these 25 million couples is $1,400. So we are talking in the vicinity of $1,400 that these working families, married couples, would be able to keep of their own money, that other people, if they were working independently and were not married, a man and a woman who were not previously married, would not be paying that would be paying the very moment that they get married an average of $1,400 a year.

Mr. JONES of North Carolina. I just wanted to come down on the floor and thank the gentleman from California and my colleagues. I see the gentleman from South Dakota (Mr. THUNE) is here and the gentleman from Arizona (Mr. HAYWORTH) will be here in just a moment. I just wanted to let the gentleman know that I will do everything I can as one Member of Congress to help see that this legislation passes, because it has been needed for a long time.

We need to reward men and women that marry and live by the sanctity of our Lord. I just commend the gentleman from California and everybody else. I look forward to helping.

Mr. HERGER. I thank my dear colleague, the gentleman from North Carolina (Mr. JONES), very much for joining us this evening.

Madam Speaker, I yield to the gentleman from South Dakota, my good friend, (Mr. THUNE).

Mr. THUNE. Madam Speaker, I thank the gentleman from California for yielding and also our mutual friend and colleague, the gentleman from North Carolina (Mr. JONES) and appreciate the gentleman from California drawing attention to this issue.

This is a huge issue for the American people, and one which just is so fundamentally unfair. I cannot imagine how we ever got in our Tax Code to the point where we penalize people for being married, and the efforts that the gentleman has made to draw attention to this, to highlight this issue and the legislation that is underway to correct it is long overdue.

Frankly, this is something that I think hits right at the heart of middle income America. In fact, there was a situation, I had a gentleman come into my office a couple of weeks ago in Sioux Falls, South Dakota and share with me his personal situation. He is a young guy, married, has two children, 3½ and 16 months, and their marriage penalty, he went through the computation, did his calculation this year of what his taxes were going to be, because it is getting to be tax season.

For the benefit and privilege of being married, it is going to cost him an additional $1,953 this year. This is a young gentleman who is trying to make ends meet. He and his wife are both working, raising two children; and because of the marriage penalty in the tax code as it exists today, he is going

to be assessed an additional $1,953. I think that is outrageous. We need to correct this for people like him and others and his family, those families, middle-income Americans who are adversely impacted, because they got married.

We all know it costs a lot to be married in the first place. Certainly we do not have to have the Internal Revenue Service and the tax code that we have in this country add to that cost and that burden by penalizing people in additional income tax for choosing to get married. I think what we ought to do in this country, frankly, is encourage marriage. We want to do that in every way that we can.

The legislation that you are discussing here this evening will do that. It will provide relief for 28 million American couples in a substantial way. Think of what one can do with $1,400 in average tax relief. Three months of child care, a semester of community college, 4 months of car payments, school clothes for the kids, a family vacation, home computer to help your kids' education, several months of health insurance premiums, a down payment on a home, a contribution to an IRA or retirement savings. The marriage penalty means real money for real people in this country.

Again, I come back to the basic premise in all this. Not only is it outrageous for the additional burden financially that it imposes on married couples, but it is fundamentally and on a basic level unfair to tax people in this country for being married. I hope that we can get this passed through the Congress, on the President's desk; and I hope that the President will have a change of heart about this. He has proposed something which is very small by comparison, which does not get at the real heart of this issue.

I think he needs to go with us all the way on this, get rid of this thing, make it effective in the year 2001, get rid of this onerous provision in the tax code and bring some much-needed relief to American people, particularly those married couples who are working hard to make ends meet, to raise their children, to live their lives and to provide a little bit for their retirement security.

Again, I commend the gentleman for raising the issue to be here on the floor this evening discussing it, and hopefully we will be able in a meaningful way to address the marriage penalty in this Congress and soon. It is long overdue. This ought to be the last tax year where the American people have to deal with this onerous provision in the tax code. I would say on behalf of the people that I represent in the State of South Dakota, most of whom are middle income, most of whom believe very profoundly in the concept of marriage and are very committed to their families, that this is just exactly the kind of thing that the United States Congress ought to be working on. I appreciate the hard work that the gentleman from California has put into this.

Mr. HERGER. I thank my good friend, the gentleman from South Dakota (Mr. THUNE), for his comments on this very important issue.

Mr. Speaker, I yield to the gentleman from Pennsylvania.

Mr. PETERSON of Pennsylvanbia It is a pleasure to join the gentleman from California this evening to talk about something that is kind of incredible when we really stop and think about it. The old wise philosophers always say, if you want less of something, tax it. Well, we have taxed marriage, holy union between man and wife; and we have taxed it hard. Unfortunately in America we have less of it. It seems pretty incredible when a country like the USA has a tax policy that would suggest to young people who are struggling economically that it would be a great cost saving to live together without getting married, rather than to marry.

I think it is pretty basically fundamental that we ought to have a tax code that does not discourage people from living in marriage, which is what really this country was all about. It is interesting when the President stood here just a few nights ago. He sort of supported it a little bit. He has opposed it, but I think he is beginning to maybe, what they say, feel the heat, because 80 percent of Americans support doing away with the marriage tax penalty.

The President did not really come clean; he did not really support it wholeheartedly, but he at least supported the concept. Now, from my memory, he is willing to support this for the poorest of Americans, and I support that. And he is probably saying he does not want to support it for the richest of Americans. But the proposal that the President is talking about would not support it for middle America. We really need to look at America's tax code. It is the middle Americans who really pay the taxes. Most poor people in this country pay little or no federal or State income tax because they are indexed out of it. But it is the middle Americans who do not earn a lot of money, who do not have a lot of resources, who do not have a lot of wealth but who are raising families, raising children, maintaining a home, preparing for their college costs for their children. The people who make this country strong, the heart and soul of America, middle America, are the ones that would be left out of the President's marriage penalty tax help.

He says it is just for the rich, but that is not really true. I do not know what he qualifies as rich. But the President's plan would not really truly solve the marriage penalty for most working Americans. I believe that if the American public really understood how much extra they were paying over being married and maybe their neighbors who do not marry and live together, how much less they are paying, they would be totally outraged. But, of course, we do not get to compare pay stubs and tax forms with each other.

But the numbers are pretty significant, anywhere from $1,200, I heard as high as $1,900 per couple, in additional taxes just because you are married. That makes no public policy sense. It certainly is not an incentive to support holy matrimony and marriage, but it certainly sends the wrong message I think to young people in this country. I get a little tired of those who always talk about every tax cut is for the rich. We all know that the rich do not pay nearly as many taxes, because there are lots of ways they can avoid paying taxes. One is to invest their money in municipal bonds and things that are not taxable, and we do not tax those because we want people to have incentives to invest in governmental organizations' financial needs.

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But the people who really pay and pay and pay are the working middle class. Representative Herger's proposal will really get at helping those who are the middle-class wage earners of this country, who struggle to pay the grocery bill, who struggle to pay their heating bill, who struggle to pay the insurance bill, who struggle to set a little bit of money aside for the college education for their children because the system does not give them free grants. Because they are middle-class wage earners, they do not get the grants to send their children to college free. They have to save.

So life sometimes gets a little meager in the middle class, when you stop and think about having to provide the education for your youth. You do not get any handouts or any help. You pay for it all yourself. So those are the people that are also paying this marriage penalty.

I believe the President will sign a good bill. I do not think he will be clapping his hands. I do not think he and AL GORE believe in this, but I think he knows that 80 percent of the American public do; and I am pleased that we have for the first time the marriage penalty where the American public can just hear that simple discussion.

It is simple, not very complex. For the first time they can hear the simple discussion here in Congress about the unfairness of the marriage penalty and how we want to eliminate it, not just a little bit of it, but eliminate it, so that whether you are two individuals living together or whether you are two individuals married, you will pay the same tax rate. That is only fair, and that is what America is about, fairness.

So I congratulate my friend from California for his long-time leadership on this issue. It is so basically simple, so basically fair, that finally I believe we can make it happen.

I am an optimist. There are those that think the President will not want to cooperate; but, you know, he has a pragmatic side that I admire. When

Congress wins a public discussion, on welfare it took him two or three times. They had to pass it, and I was not here then, two or three times before he felt the heat from the public, because the public wanted welfare reform.

I think if we make the case real well, as the general public learns about this issue in detail and how much they are paying more, I think the general public, whether they are Republican, whether they are Democrat, whether they are independent, no matter what party they are from, they will be for the marriage penalty being done away with, because it is just not right.

Mr. HERGER. I want to thank my friend from Pennsylvania (Mr. PETERSON) for his comments. To think in this country, when we are taxed on virtually everything we do, to think that somehow the Government somehow has actually taxed this an average of $1,400 just to be married, is wrong; and we need to do the right thing. We need to correct that.

I would like to now recognize an individual who has been very active on this issue, the gentleman from Illinois (Mr. WELLER), who was very active the last couple of years and this year in leading the fight on correcting this. I yield to my good friend from Illinois.

Mr. WELLER. I want to thank my friend, the gentleman from California (Mr. HERGER), for the opportunity to say a few words on this important discussion tonight. I also want to commend the gentleman for his leadership in our efforts to eliminate the marriage tax penalty. Thanks to your effort, as well as the gentlemen from South Dakota and Pennsylvania, we now have 231 Members of the House of Representatives now joined as cosponsors of the Marriage Tax Elimination Act.

We have often asked in the well of this House, is it right or fair that under our Tax Code 28 million married working couples pay an average of $1,400 more in higher taxes just because they are married? Is that right? Certainly the folks back home in the south side of Chicago and the south suburbs that I represent say it is not. Whether you are in the union halls, or the VFW, or the Legion posts or the local coffee shop, the local grain elevator, people keep asking me, when are the folks in Washington going to eliminate the marriage tax penalty?

Of course, it broke my heart last year when President Clinton vetoed our efforts to eliminate the marriage tax penalty. It was part of a bigger package of tax relief. Fortunately, this year the Speaker of the House, DENNIS HASTERT, has made I think a very important strategic decision. The Speaker says no more excuses. We are going to send a stand-alone piece of legislation which wipes out the marriage tax penalty for the vast majority of those who suffer it by itself. It is the only thing the proposal is going to do.

Tomorrow the Committee on Ways and Means has scheduled to have committee action on H.R. 6, the Marriage Tax Elimination Act legislation, which will wipe out the marriage tax penalty, providing marriage tax relief for 28 million married working couples.

Let me introduce a couple that time and time again I have referred to in this debate over the need to wipe out the marriage tax penalty, and that is Michelle and Shad Hallihan. They are two public school teachers from Joliet, Illinois. They suffer about $1,000 in marriage tax penalty. Of course, that is a little bit less than the average marriage tax penalty.

But Shad and Michelle just recently had a baby. Michelle Hallihan said, ''Tell your colleagues in the Congress what that marriage tax penalty means to us.'' She said, ''They should know that that $1,000 would buy 3,000 diapers for our baby.''

The marriage tax penalty, whether it is $1,000 for the Hallihans or $1,400 more for the average married couple, it is real money for real people. In fact, $1,400, the average marriage tax penalty in Joliet, Illinois, the home of Michelle and Shad Hallihan, is one year's tuition at Joliet Junior College, our local community college; it is 3 months of daycare at a local daycare center; it is several months' worth of car payments; it is the majority of an IRA contribution for their annual retirement account. It is really money for real people.

The legislation that, of course, we are going to be acting on in committee tomorrow, will wipe out the marriage tax penalty for a majority of those who suffer it by doubling the standard deduction for those who do not itemize for joint filers to twice that of singles. One of the benefits of that, not only will it provide marriage tax relief for many low and moderate income families who do not itemize their taxes, but 3 million married working couples will no longer need to itemize, simplifying their tax form.

For those who do itemize their taxes, like a homeowner, when you own a home, in many cases you itemize, or if you give to charity or have other deductible contributions, you itemize your taxes. Under this proposal, not only do we double the standard deduction, but we widen the 15 percent tax bracket. Every working American is in the 15 percent tax bracket, and under our legislation, by widening the tax bracket so that joint filers can earn twice what single filers can earn and be in the 15 percent tax bracket, we provide tax relief for those who itemize their taxes as well.

The third component is an important one as well. The earned income credit, which helps working poor families make their ends meet, there is a marriage penalty there as well. We adjust the income threshold so that joint filers, married couples, qualify equally with single people for the earned income credit.

So it is an issue of fairness, and I am proud that this House is now scheduled after the Ways and Means Committee acts tomorrow, to vote on our efforts to eliminate the marriage tax penalty a week from Thursday, on February 10th. That is good news. I really want to salute Speaker HASTERT and the House Republican leadership for making elimination of the marriage tax penalty first out of the box in our efforts to bring fairness to the Tax Code. I am proud of that.

I again want to thank the gentleman from California for his leadership in organizing today's discussion.

Mr. HERGER. I thank the gentleman from Illinois (Mr. WELLER) for leading a similar evening last night on this very important issue. But I believe it really shows just how important it is, how important it is to the leadership of this Congress, certainly to us as Republicans, that we do the right thing as far as families are concerned; and certainly this is where we, I believe, should be beginning and where we are beginning in this legislative year.

I would like to yield again to my friend from South Dakota (Mr. THUNE).

Mr. THUNE. I thank the gentleman from California for yielding.

I would again also say to the gentleman from Illinois who just finished speaking, that he has been a leader in this effort for some time and has introduced legislation which I have cosponsored in previous Congresses, as was noted earlier; and I think this is significant earlier this year; but last year, I should say in 1999, we passed tax relief legislation that would partially reduce the marriage penalty.

Unfortunately, again, the President vetoed that legislation, and, as the gentleman from Pennsylvania pointed out, I think sometimes it takes awhile for the President to recognize a good idea. But when he does discover that there is an idea that resonates with the American people, he soon is pretty quick to try to co-opt it.

I noted the other night in his State of the Union speech he addressed in some fashion this whole issue of the marriage penalty. Unfortunately, his effort is not bold enough, not by the least.

If you look at the relief that the President's proposal provides, it averages about $210 in tax relief to married couples, providing relief again from the marriage penalty, and does not address in a very fundamental way the serious issues at stake here.

In fact, the President's proposal on the marriage penalty helps about 9 million American couples. The legislation that will be acted on tomorrow in the House Committee on Ways and Means will in fact help about 28 million American couples, and to the tune of about $1,400 on average per working couple in this country. So to suggest for a minute here that we have total agreement on this I think would be a mistake, because I do not believe we yet have the President to a position where he is ready to sign off on this.

But I agree again with what the gentleman from California suggested earlier, and that is the President will do the right thing, because it is the right thing. It is a basic matter of fairness. It is a matter of principle, and that is exactly the kind of thing that we want to be, at least I want to be associated with around here, and that is doing the right thing for people in this country, who work hard and pay their bills, who try to make a living, who are trying to raise their kids, who are trying to put aside for college education, trying to put a little bit aside for retirement. And this effort is critical in that regard, because it does get at the heart and the core of what is a fundamentally unfair provision in the Tax Code and one which is desperately long overdue for elimination.

As I mentioned earlier this evening in my remarks, this is a real issue. This is a human issue. This is a personal issue for people. The young couple that I alluded to in my State of South Dakota that came into my office and gave me their situation, who in this next year are going to be punished to the tune of $1,953 because they chose to get married, and they are both working, they are raising two children, and they file jointly. If they filed separately, were not married, they would save about $1,900. That is just flat wrong, and it is something that we need to change. It is long overdue. It is something we have been leading the charge on for some time, and, as I indicated earlier, we have run into roadblocks at various places in the process. Last summer it was the presidential veto.

I hope that this legislation, as we move it through the House, hopefully as well through the Senate, by that time the President will have come around and been persuaded that this is the right thing to do, it is the right thing to do for the country.

I know there is a general resistance and reluctance to do anything that would reduce taxes, you know, at the other end of Pennsylvania Avenue. The White House is generally, as the President laid out the other night, $343 billion of new spending, or about $3.8 billion for every minute of his 89 minute address, that is where he would like to see the surplus dollars go.

We believe, again, in a fundamental way, that after we set aside money to protect Social Security and Medicare and put in place a systematic program for paying down the federal debt, that the dollars left over ought to go back to the American people and not be spent here in Washington. That is a fundamental difference we have; and, frankly, that is a debate we are going to have.

But I hope just on the issue of fairness, fundamental fairness, that the President will be persuaded as he looks at this and as we get this legislation moved through the Congress and to the President's desk, that this is the right thing to do, he needs to sign it into law, he needs to bring relief to married couples across this country, families like the one I mentioned in South Dakota, like so many others across this county, who day in and day out are rolling up their sleeves and going to work and hoping that there is going to be enough at the end of the month to pay the bills; and yet every year the Federal Government is taking $1,400 on average out of their pocket, $1,400 that could be used for many other things, important things, like putting aside for college for their children, for retirement for themselves, car payments, school clothes, family vacation, so many other things, health insurance. Those types of things are ways in which these dollars could be put to work by the American people.

That is why it is so important that we get the surplus dollars out of Washington and we do it in a way consistent with our values and principles, and that is to take this burden off of married couples in this country, to encourage and promote marriage and staying together; and, as I said earlier this evening, we all know that marriage can be sort of an expensive proposition from the get-go. We certainly do not need to add to the cost of that in the Tax Code. We can bring some much needed relief on an annual basis, every year when people fill out their tax returns, by getting rid of this marriage penalty.

So, again, I credit the gentleman from California. The gentleman from Pennsylvania is here this evening to discuss this. Another colleague from California is on the floor and I am sure would like to comment on this as well.

So I will yield back to the gentleman from California, and appreciate the opportunity to share in this discussion and to hopefully draw additional attention and to highlight what I think is an egregious example of an overreach by the Federal Government to tax people for the benefit and privilege of being married in this country.

□ 1815

Mr. HERGER. I thank the gentleman from South Dakota (Mr. THUNE). As the gentleman mentioned part way through his talk was that the marriage penalty is flat wrong. I think that really says it. It is wrong. It is something that should have been corrected long ago.

We are encouraging the President and our colleagues on the other side of the aisle to work with us, it will be before the Committee on Ways and Means tomorrow, and to pass and to correct this.

At this time I would like to introduce a good friend of mine, my neighbor from northern California, an adjoining congressional district, the gentleman from California (Mr. OSE).

Mr. OSE. Mr. Speaker, I thank the gentleman from California (Mr. HERGER) for yielding me this time. The gentleman from California (Mr. HERGER) has been a leader in this.

I wanted to come down and visit briefly today on this particular subject, that being the marriage tax penalty. As has been recited very eloquently, the numbers and the facts and the figures of what this existing tax law provision causes, I want to talk about what the consequences of this $1,400 per year in added costs is to married couples. I happen to think that most young people, whether they be planning to get married or having been married planning for their family or their future, typically confront a month-to-month or week-to-week situation where their resources are constrained.

They struggle in many cases to make their ends meet, and to have the opportunity to send to the Federal Government an extra $1,400 a year by virtue of having become married certainly is a privilege that they probably regret having. So I would like to come down and add my voice to those that argue for changing that particular provision of law.

Now, the President has come forward very eloquently this past week suggesting at long last $45 billion worth over the next 10 years of tax relief for married couples, but I want to be clear in my comments that that really is a drop in the bucket. The President's proposals generally boil down to a doubling of the standard deduction and an across-the-board application of that, but he does not delve into the subject of the deductions that are available for married persons when their aggregate income exceeds a certain threshold.

It is there we differ with the President in large measure because we, in fact, on this side of the aisle are attempting to bring equity across the board to married persons, regardless of their situation.

Let me just highlight a few instances where that $1,400 comes into play, that annual $1,400 difference. That is a little bit over $110 a month. That is a night out for mom or for dad or for the two of them, after a long week of taking care of the kids. That is a new car, the difference between being able to make the payment or not make the payment. Perhaps that is the cost to add a room to their house if they have a new child. That is $1,400 a year into their retirement program that they otherwise might not have to make. $1,400 over a lifetime's career is a huge amount of money for retirement security. These are just a couple of the different consequences of providing this tax relief to married persons, and it comes at no cost to unmarried persons. It, in fact, is the same benefit unmarried persons enjoy today.

So what I want to do, what I came down to do, was to back up the arguments that my good friend from northern California makes, and my good friend from Pennsylvania and so many of us make on a day-to-day basis; the arguments that I made when I campaigned for this office, that we ought to have a tax code that treats person

number one the same as person number two, regardless of marital position. It should not make any difference. Those who are married should not be punished for being married. Those who have the privilege of being married should be treated equitably, without discrimination, and yet embedded in our Tax Code is this discrimination to the tune of potentially $1,400 per year that adversely impacts their finances.

I for one strongly urge the President and this Congress to change the Tax Code to allow for an across-the-board equitable treatment of people, regardless of whether they are married or not. That is what the American theme has always been, and I encourage this body to take it up as soon as we can.

I look forward to tomorrow's committee hearing; and, as always, it is a pleasure to be here with my good friend from the north.

Mr. HERGER. Well, I thank my good friend from California (Mr. OSE) for his comments.

The gentleman from California was alluding to some of the comparisons of the two bills of President Clinton's and the House Republican bill, and I would just like to continue that, if I could, for a moment. The President's marriage penalty plan would give relief of $45 billion over 10 years. Our legislation would give relief of $182 billion, about four times more, in tax relief over those same 10 years. The President's plan doubles the standard deduction over 10 years. Our plan doubles the standard deduction by next year, within one year as opposed to 10. The President's plan does not expand the 15 percent income bracket. The Republican plan starts expanding 15 percent income bracket in 2003.

The President's plan provides up to $210 in tax relief per couple per year. Our plan provides up to not $210 but $1,400 in tax relief per couple. The President's plan would help only nonitemizers. So those people who owned a home, who are itemizing, would not be affected by the tax relief. Our plan would help families who itemize deductions, homeowners and nonitemizers.

The President's plan would help 9 million American couples. The Republican plan would help up to 28 million American couples.

So, again, I think the comparison is there. I do want to commend the President for at least becoming involved, for recognizing that there is a problem. I just feel that the President's plan does not go nearly far enough. We need to erase this horrible tax on American couples, and we need to work to do it completely.

At this time I would like to recognize again my friend, the gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. Mr. Speaker, I thank the gentleman from California (Mr. HERGER) for yielding me this time.

Mr. Speaker, just to follow up on this, the one point I want to mention again and make specifically clear, the President has agreed to double the standard deduction, but he is not going to double it for 10 years. It is going to take 10 years so one is going to get a little bit more next year and a little bit more the next year. Even though that is only one piece of the overall fix to this, he is going to string it out for 10 years.

Why would he do that? Because it is going to have very little impact in this year's budget, and this is the last budget he is concerned about. He wants to spend that money. He does not want to give it back to the married couples of America.

If one listened to the President the other night, it was issue after issue that he spent $20 billion, $30 billion, $10 billion. If I had had an adding machine, I am not so sure I would not have run out of paper because every time he switched gears it was another spending proposal and many people wondered what the figure would really be.

Now, when he came to some issues, I was pleased to hear him talk about defense for the first time and defending this country, making it safe, but he did not give any numbers. He just said we need to make this country safe and we need to strengthen defense, but on many of his issues he gave large numbers of increases. I think a lot of that is about election year politics, too.

Why are people opposed to cutting taxes? They want to spend the money. It has been my view watching Congress for many years that Congress was elected on what they were willing to give the American public, and the American public bought that because they did not stop to think that every new benefit they received that they had to pay for it.

So the Federal Tax Code, as complex as it is, gives us annual tax increases without legislative authority because as our incomes grow, as we sell and buy and do business, we pay taxes.

So it was interesting for over a decade of the eighties and into the nineties, our government growth was three times the rate of inflation. When we stop and think about that, that is three times faster than the growth of our economy.

Now, if the Federal Government continued to grow at that rate it would soon consume everything, because we cannot have one part of our economy growing at three times the rate of inflation without it just taking over.

We have been able to slow that down, and we have been able to stop deficit spending now for 2 years. It is time that we look for some fairnesses in the Tax Code and this is one of the fairness issues, just being fair.

I am sure if we would put the $182 billion on the table over 10 years, or let us talk about a 1-year figure, $18.5 billion is what it will cost each and every year for the next 10 years, that figure, if we were willing to replace that with another tax I am sure the President and the Vice President would both be right down here saying let us do it because they would still have the money to spend, because that is how they hope to get elected in November by offering the American public some more goodies.

What people need to learn is that when they send money to Washington they do not get it all back. Recently in education, I have noticed that from my State less than half of the education dollars ever get back into the classrooms at our schools. So is it wise to send money to Washington and get 40 some cents on the dollar back at our school districts?

We fund this huge bureaucracy over at the Education Department. The State bureaucracies are basically funded with Federal dollars, and we fund regional bureaucracies in every region of the State called intermediate units. In different States they are called different things. In some that is what they are called. All by Federal dollars, but only less than half of the money gets back.

This shell game has been going on in Washington here for a long time, and I do not think the President has learned that the American public basically do not want more government. They do not want to pay more taxes, and if we do not cut taxes they will be paying more taxes because of the complexity of our Tax Code.

Let us just share what some people say about this. Marriage taxes can impose a nearly 50 percent marginal tax rate on second earners, most of whom are wives and mothers. This is a State-sponsored discrimination against women, the unintended consequence of which is to discourage women from entering the labor force. If Congress is sincere in improving the lives of American women and their families, it will eliminate the tax loopholes that choke their paychecks, Independent Women's Forum, Barbara Ledeen, Executive.

From Center for Enterprise and Opportunity, since women still make up the preponderance of secondary earners in married households, these quirks and kinks of the system hit working women hardest. They force married women into a competitive disadvantage since their tax considerations necessarily affect their professional choices. We welcome the marriage tax elimination introduced today by representatives so and so. This bill can be a first step in recognizing in law that the family is the first church and the first school, the first government, the first hospital, the first economy, the first and most vital mediating institution in our culture. In order to encourage stable two-parent, marriage-bound households we can no longer support a Tax Code that penalizes them. That is the Catholic Alliance.

Current law forces many married Americans to pay a higher tax bill than if they remained single and had the same combined income so what we really do is tax the two incomes as if it was one, when it is really two Americans earning an income.

Such a double standard is wholly at odds with the American ideal that

taxes should not be a primary consideration in any individual's economic or social choices. That is from the National Taxpayers Union.

Government, by taxing married couples at higher rates than singles, has far too long been a part of the problem. At a time when family break-ups, and think about this, are so common, in most family break-ups that I know there are financial considerations. They are having difficulties meeting their budget. Congress should pass legislation to encourage marriage and ease the burden of families trying to form and stay together.

This legislation places government on the side of families, from the Christian Coalition.

The list goes on of all the organizations that support this.

□ 1830

Most of them are organizations that are on the side of the taxpayer and on the side of families. If we do not get back to supporting families in this country, this country's future will be bleak.

All of the problems that we deal with, from Columbine on down, are the deterioration of the American family. We have overtaxed the American family and penalized the holy marriage, and that needs to stop in this country. We need to support families. We need to support marriage. I know that if all Americans understood this issue, it would not be 80 percent of them supporting, it would be 100 percent.

Mr. HERGER. I thank the gentleman from Pennsylvania. I think those are points that are very well taken. I thank him for his participation and his help with this this evening on this very important issue.

I again yield to my good friend, the gentleman from California (Mr. OSE).

Mr. OSE. Mr. Speaker, I thank the gentleman from northern California for yielding to me.

Mr. Speaker, this past Saturday I had a great opportunity. I was in Sacramento. I went to the Sacramento Hispanic Chamber of Commerce dinner.

I had what I consider to be the privilege to sit with two young men. One was named Moses, one was named Nils. They worked at Intel. Moses is 20, Nils is 25. As I sat with those young men, both of them unmarried, we talked about what do they do at Intel and how is their compensation level, do they participate in the retirement programs, and what have you.

I must say that we have some remarkable young people working in this country. Let me just tell Members a little bit about these two fellows. Both were enrolled in the retirement program. Nils stays in the house owned by Moses. Moses is 20 years old. He has worked at Intel for 3 years.

They are both quality engineers. In other words, what the chip makers produce comes to their shop, and then they check it for quality control. Then, as they both described, they tend to have to send it back to the chip engineers, as they described the flaws.

The substance of the conversation was that both of these young men are enjoying remarkable success in a competitive world environment. Both of them at some point in the coming years, being 20 and 25, will consider the question of whether or not to enter into marriage. These are fellows that have taken the time to gain the skills to give them the opportunity to compete in the employee workplace and enjoy the benefits therefrom.

They are going to confront the question of whether to get married. They are smart, make no doubt about it. There is no doubt about it, these kids are smart. They are going to run through the numbers, as they should in any analysis, and they are going to ask, why is it, when I come home from a long day's work, when I take my money on Saturday and Sunday and I go out and buy real estate or I buy automobiles or I support the communities, the charities in the communities in which I live, why is it that if I get married to another engineer at Intel or a successful young woman in her own business, why is it when we aggregate our income together, so that the total exceeds a certain threshold, why is it that we suffer a discount to the deductions we would otherwise get by virtue of our investments?

Why is it that once we pass this threshold, that the money we pay for property taxes no longer is worth dollar for dollar on our income tax returns? Why is it that the money we pay for maintenance on real estate or investment advisory fees no longer is worth dollar for dollar on our income tax returns what we paid for it?

That is at the heart of the marriage tax penalty. That is, when two people get together in marriage and their incomes exceed a certain level, then the expenses that they confront, whether it be for education or home ownership or investment for their retirement security or what have you, charity, what have you, those contributions, if you will, something that we support, education, investment, real estate ownership, those contributions no longer enjoy the same valuation as someone who is below that income level, that threshold.

What we need to do is to bring equity to that situation. That is what this is all about is giving not only those two young men but every young man and woman in the country who is considering their prospects for the future and the reality that at some point or another they are going to meet Mr. Right or Ms. Right and they are going to get married, that is what this is all about is giving those young people the opportunity to get together and enjoy all those things that at least my wife and I have enjoyed and hundreds of thousands of other couples have, too, and to have no financial disincentive for doing it.

It is not the role of government to place financial disincentives in the way of young people looking to get married, or those who already are. That is why I support this so wholeheartedly. That is why I encourage Members' votes. That is why I applaud the President for coming at least as far as he has, and I encourage him to come all the way.

The gentleman from California (Mr. HERGER) has done great work for bringing this to this point. I thank the gentleman for the opportunity to come down here and visit with him.

Mr. HERGER. Mr. Speaker, I thank the gentleman from California (Mr. OSE) for his work on this, and I thank him for his articulate statements. I thank him very much for joining us.

Mr. Speaker, this is really, I believe, what it is all about: Are we as Americans going to allow a tax that basically tells a young couple, a man and a woman who want to get married, that we are going to penalize them an average of $1,400 for just getting married?

What are we telling them? Are we really encouraging them, to say if they are not married and they live together, they are not going to pay this? Is this the message we want to send them? It certainly is not.

Mr. Speaker, tonight we have laid out the reasons why the marriage tax penalty must be reformed. This tax unfairly penalizes married couples, particularly those with low to average incomes. Providing marriage tax relief could result in up to $1,400 in savings per family currently affected by this tax.

I say that this is something we need to do. Last year Congress passed marriage penalty relief. Regrettably, President Clinton chose to veto our tax relief bill.

Mr. Speaker, we are offering it again. We will be hearing it in committee, marking it up, H.R. 6 tomorrow. We are urging President Clinton to do the right thing. Just last week the President indicated a willingness to work with Congress on the marriage tax penalty issue. Mr. Speaker, we welcome this commitment and look forward to working with the President on this issue, one that should go beyond party politics. It is an issue of common sense and fairness for American families, the backbone of this great Nation. If we can change our Tax Code to make their lives better, then it is our obligation to do so.

Mr. Speaker, I want to thank all of my colleagues who joined me here tonight to express their commitment to passing the marriage penalty relief.

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HERITAGE AND HORIZONS, THE AFRICAN-AMERICAN LEGACY AND THE CHALLENGES OF THE 21ST CENTURY, AN IMPORTANT THEME FOR BLACK HISTORY MONTH

The SPEAKER pro tempore (Mr. REYNOLDS). Under the Speaker's announced policy of January 6, 1999, the gentleman from Georgia (Mr. LEWIS) is recognized for 60 minutes.

Mr. LEWIS of Georgia. Mr. Speaker, I yield to the gentleman from South Carolina (Mr. CLYBURN).

Mr. CLYBURN. Mr. Speaker, I want to thank the gentleman so much for yielding to me.

Mr. Speaker, today is February 1, the first day of Black History Month. We thought it will be a good time for us to open up some discussion of what we consider to be a very, very important theme for this year's celebration. The theme for the year 2000 is heritage and horizons, the African-American legacy and the challenges of the 21st century.

Mr. Speaker, as I think about this theme, I think about two quotations, the first written by George Santayana, who wrote that ''Those who cannot remember the past are condemned to repeat it.'' I think all of us remember the past of this great Nation. It is a past that is very checkered.

All of us are aware of the history of the African-American experience in these United States, having arrived here as a people in 1619, at a time when they were considered to be property and brought against their will to serve out an existence of 244 years in slavery. That is ten generations.

In 1863, our Nation brought an end to that institution. So for the past 137 years, African-Americans have lived an existence in our Nation as free people, albeit at one point upon the institution of freedom we were only counted as three-fifths of a person.

When I think about that 137 years since 1863, Mr. Speaker, I think about another quotation that I want to use to lay the foundation for what I would like to say here this evening. It is a quotation from Winston Churchill, who says that, ''If we open up a quarrel between the past and the present, we shall find that we have lost the future.''

So we come tonight not to open up a quarrel between our past and our present. Instead, we come to celebrate a very appropriate theme. We come to understand and appreciate and embrace our past. Just as importantly, we must acknowledge and celebrate the accomplishments of today, and address the challenges which we face in this new century, in this new millennium.

As we prepare for African-American history month celebrations, I would hope that we will focus on critical issues that cry out for solutions. I would hope that all of us as Americans will look to the future with renewed hope.

Mr. Speaker, I am proud to celebrate a portion of South Carolina in this august body. South Carolina has engraved on its great seal the Latin words ''dum spero spiro.'' Translated, that means ''As I breathe, I hope.'' It is with that sort of hope that I come tonight to call upon our citizens the Nation over to think about the challenges that we face as a people, as a Nation, as we celebrate this great history, this great legacy that African-Americans have in our Nation.

I want to mention a couple of things before yielding the floor to my good friend, the gentleman from Georgia (Mr. LEWIS), that I would hope that we will begin to think about as we think about this legacy.

One of the challenges I think that we face this year as we lay the groundwork for this new millenium has to do with the judiciary. We still have in our Nation a problem with fair and proper representation of African-Americans in the judicial arena.

For instance, South Carolina is located in the Fourth Circuit Court of Appeals.

□ 1845

It is one of five States, the other four being North Carolina, Virginia, West Virginia, and Maryland. There are 14 or 15 judges that sit on that court. And as I speak, there are four vacancies on that court. One of those vacancies has been there since 1991, 9 years. And in that 9-year period, we have had four nominations of African-Americans to that court. Four nominations, three different African-Americans. In all four instances, those nominations have not been considered by the other body.

Now, four vacancies, four nominations, no consideration. That might not be all that important but for one thing. That is in the long history of this great Nation there has never been an African-American to sit on the Fourth Circuit Court of Appeals. There is something wrong with that picture. I do not think one has to be a rocket scientist to figure out what is wrong.

As I speak, there is a nomination pending in the other body. It has been there for more than a year, yet no consideration being given to that nomination.

We think that this year will be a good time for us to break with that past. This year would be a good time for us to shut down the quarrel that currently exists between our past and our present so that we will not run the risk of losing our future.

Mr. Speaker, if we look beyond the symbolism of judicial appointments and look at the meting out of justice, we find other threats to the credibility of our judicial system. One of them is something we call mandatory minimums.

Now, the problem I have with mandatory minimums, and the challenge that it offers for the future, is the fact that many of the offenses that carry the most egregious mandatory sentences are offenses that have historically been looked upon as being those offenses that are more often the antisocial behavior of African-American offenders. Now, the problem with this, Mr. Speaker, is that in an instance such as drug crimes, if we look at the drug of cocaine, we will find that crack cocaine carries a 100-to-1 disparity in sentences over powder cocaine.

The scientists have told us that there is no scientific difference between the two. So then the question must be asked why is there such a big difference in the sentences for the two?

All the studies have indicated that there is only one difference between these two drug offenses. One of them is that in the instance of crack cocaine, it is more often African-Americans, and powder cocaine, more often white Americans.

Here is the problem with that. If we were to look at the penalties for 5 grams of powder cocaine, one will get a probationary sentence and be charged with a misdemeanor. But 5 grams of crack cocaine is a 5-year mandatory jail sentence and a felony.

Now, what has been the result of this discrepancy? As I stand here tonight, in the States of Alabama and Florida over 31 percent of African-American males have permanently lost the right to vote. Permanently, over 31 percent. In five other States, that figure is over 25 percent. And in six other States, 20 percent. Some of the experts have predicted by the year 2010 at the rate we are going, 40 percent of African-American men in this country will be permanently without the right to vote.

We think that the time has come and one of the challenges for us this year in this new century, this new millennium, is for us to revisit this issue and remove this impediment to citizenship because it is unfair and we ought to correct it forthwith.

Mr. Speaker, let me give one other example about this, and then I will yield the floor to the gentleman from Georgia (Mr. LEWIS). Let us take the instance of a 16-year-old who makes the mistake and is arrested for possession of 5 grams of crack cocaine. Even if that 16-year-old pleads guilty to avoid, as happens so often, a jail sentence, he or she has just pled to a felony and will have permanently lost the right to vote in at least 17 of our states. Which means that at 36, 20 years later, if this young man grows up and for 20 years lives an impeccable life, generally regrets the mistake, attempts to raise a family and raise children, at 36 in 17 of our states he or she will not be able to vote and would not be able to be a full citizen ever again under our current laws.

We think there is something wrong with that. One of the challenges that we must face up to this month, this year during African-American History Month, is to look at these kinds of discrepancies.

We have these kinds of discrepancies in the health care field as well. We have them in housing and education, employment and the census. And I call upon all Americans, as we pause this month to celebrate African-American History Month, let us not use it for vacations. Let us not use it to recite poetry, though poetry is great. Let us not use it solely to celebrate the great heritage, the great past that so many have left to us. But let us use this month to accept the challenges that are out there ahead of us.

Let us join hands, black and white, young and old, rich and poor, of all

walks of life and let us celebrate African-American History Month of the year 2000 by accepting these challenges and doing what we can to get these challenges that form so many impediments to a full quality of life for so many of our citizens removed from our national psyche.

Mr. Speaker, with that I yield the floor now to the gentleman from Georgia (Mr. LEWIS), whose history we all are proud to celebrate, but whose service here in this body and whose future I think is worth all of our participation.

Mr. LEWIS of Georgia. Mr. Speaker, let me thank my friend, the gentleman from South Carolina (Mr. CLYBURN), a wonderful human being, a great leader as head of the Congressional Black Caucus, for helping to organize this special order tonight. We thank the gentleman for his very kind words, as well as the other participants.

Mr. Speaker, I want to take a brief moment as we celebrate and commemorate African-American History Month to pay tribute to a group of young people. Mr. Speaker, on this day 40 years ago, history was made. February 1, 1960, four young black men, Joseph McNeil, Ezell Blair, Franklin McCain and David Richmond, all freshmen students at North Carolina A&T College, took seats at an all-white lunch counter in a little 5 and 10 store in downtown Greensboro, North Carolina. They ignited what became known as the sit-in movement. They changed our Nation forever.

The sit-ins spread across the south like wildfire. In Nashville, Tennessee, we had been having what we called test sit-ins for several months. We had been studying the philosophy and discipline of nonviolence. We would go into a store and ask to be served, and if and when we were refused, we would leave. We would not force the issue. We would not cause a confrontation. We would go to establish the fact that we would be denied service because of the color of our skin.

Every single day during the month of February for many of us as young black college students, we would sit in or sit down at lunch counters in an orderly and peaceful fashion. Doing our doing our homework. Not saying a word. Someone would come up to us and put a lighted cigarette out in our hair or down our backs, pour hot water, hot coffee or hot chocolate on us. Beat us and pull us off the lunch counter stools. We did not strike back because we had accepted the philosophy and the discipline of nonviolence.

The number of students who wanted to participate in the sit-in grew. Most of them had not prepared as we had, so it was my duty and my responsibility as one of the students to draw up the basic ''do's and don'ts'' of the sit-in movement that read like: Do not strike back if abused. Do not lash out. Do not hold conversations with floor walkers. Do not leave your seat until your leader had given you permission to do so. Do not block entrance to stores outside and aisles inside.

□ 1900

It went on to say, ''Do show yourself friendly and courteous at all times. Sit straight. Always face the counter. Report all serious incidents to your leader. Refer information seekers to your leader in a polite manner. Do remember the teachings of Jesus, Gandhi, and Martin Luther King, Jr.: Love and nonviolence is the way.''

These were the do's and don'ts of the sit-in movement that every student that got arrested in Nashville, Tennessee, on February 27, 1960, had a copy of. The fact is that no matter how well you had prepared, no matter how much you planned what you would do and would not do, in the end you had to hand it over to what we called the spirit. You just had to let the spirit take control. That is why the song came along during the height of the movement, the song we would sing over and over again during this sit-in movement and later, ''I am going to do what the spirit says do. If the spirit says sit in, I am going to sit in. If the spirit says march, I am going to march. If the spirit says go to jail, I am going to jail. I am going to do what the spirit says do.''

During the sit-in movement in 1960, in February, 40 years ago, so many young people, 16, 17 and 18 years old, grew up. They grew up while sitting down on lunch counter stools by sitting in, by sitting down, and by standing up for the very best in American tradition.

As we celebrate African American history month, we pay tribute to the hundreds and thousands of young people that changed America forever. Tonight, Mr. Speaker, we pay tribute to the young people, young students, black and white, who were born only with a dream, who had the raw courage to put their bodies on the line. We all salute them tonight for their work, for their commitment and for their dedication to bringing down those signs that I saw when I was growing up in the American South that said white men, colored men; white women, colored women; white waiting, colored waiting.

We live in a different America, in a better America because these young people, these young children made history. So tonight, Mr. Speaker, I would like to take the time to yield time to the gentleman from the great State of Illinois, the city of Chicago (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I thank the gentleman. I was just thrilled to listen to him give that history, that great and glorious history of which he was such an integral part and provided so much of the leadership for.

I could not help but smile, both internally and externally, thinking about how meaningful that period was to those of us who were indeed teenagers at the time, to those of us who had the opportunity to simply take an idea, not really knowing where it was going to take us or what would happen as a result of the action, but simply an idea that, as the gentleman indicated, four freshmen college students would sit down, and because of the fact that they sat down, America ended up standing up.

So I just want to commend the gentleman from Georgia (Mr. LEWIS) for being a part of the leadership of that movement, but then never stopping and understanding that it was the movement that undergirded him and prepared him for the continuation of the great work that he has done for the rest of his life. I am just pleased to be associated with him, and with my other colleagues who kick off Black History Month, African American History Month, in this manner.

I also want to reinforce the comments that were made by the chairman of the caucus, the gentleman from South Carolina (Mr. CLYBURN), whose leadership has been impeccable during this past year. And as he begins this year talking about the unfulfilled dreams, the unmet needs, I was listening to his wise counsel as he suggested to all of us throughout America that in addition to looking at the past, in addition to reflecting in the accomplishments that have been made, that in addition to just looking at the great academicians, athletes, entertainers, builders and developers and other heroes of African American life, those who have contributed so richly and so greatly to this country, that in addition to looking at that, in addition to looking at what Frederick Douglass taught us, that struggle, struggle, strife and pain are the prerequisites of change, rather than just talking about it, that we really need to use this month to be engaged in it.

We really need to be making sure that all people who are not registered to vote in African American life make absolutely certain that, in honor of Black History Month, that in honor of Martin Luther King and Medgar Evers, that in honor of Jim Farmer, all of the others, that we make absolutely certain that during the month of February we make sure that we are registered to vote and that all of those who will receive census forms, rather than reciting the creation that James Weldon Johnson wrote, or rather than talking about the great portrait of Langston Hughes, or rather than just reminiscing about the tremendous music of Duke Ellington, that in addition to that, we make absolutely certain that everybody fills out their census form and sends it in so that each and every person in our community will in fact be counted, so that nobody can be missed, so that we will never be three-fifths of a person again.

So it is just a joy, it is a pleasure, and it is a delight to be here with the gentleman from Georgia (Mr. LEWIS) and the rest of my colleagues who use this evening to be so didactic, to be so informative, to be so inspirational, and

to be so accurate and correct as we kick off the beginning of Black History Month, and I thank the gentleman and yield back to him.

Mr. LEWIS of Georgia. Mr. Speaker, I thank my friend and my colleague for those very moving words and thank him for his participation, and I thank him for keeping the faith and for keeping his eyes on the prize.

Mr. DAVIS of Illinois. Well, we have had some great role models. My father is 87 years old, and we just moved him to Chicago from Arkansas, where he was living alone. And we were chatting the other day, and he said to me that in spite of how far we have come, we still have a long way to go. And I think he was absolutely correct. So I thank the gentleman.

Mr. LEWIS of Georgia. There is still history to be made.

Mr. Speaker, what I would like to do now is to yield to my good friend and colleague, the gentleman from the great State of North Carolina, from the city of Charlotte (Mr. WATT).

Mr. WATT of North Carolina. Mr. Speaker, I thank my colleague, the gentleman from Georgia (Mr. JOHN LEWIS), and what I thought I would like to do in tribute to this Black History Month celebration and in tribute to the wonderful four gentlemen who sat in at the Greensboro lunch counter is to read some excerpts from a publication called ''Weary Feet, Rested Souls.''

Before I do that, I just find it so ironic that we could be here in the chamber with people like the gentleman from Georgia (Mr. LEWIS) and kind of take for granted that he is our friend and our colleague and never really think of him as a hero, yet understand how heroic the things that he did to make our being here possible, how historic and heroic those things are.

I feel much the same way about my good friend Franklin McCain. Franklin McCain and I have been good friends for a long time. I did not know him when he was one of the four participants at the Woolworth sit-ins in Greensboro, North Carolina; but not long after I moved back to Charlotte in 1970–71, I met Franklin McCain. We turned out to be in the same fraternity, and our friendship has grown. His wife and my wife both worked in the school system there in Charlotte. We never think of Franklin McCain as a hero either, but we know that the things that he and the three colleagues of his who started the sit-ins in Greensboro, North Carolina, did were heroic, and we pay tribute to him. And I would like to do it in this way, by reading some excerpts.

On February 1, 1960, after a late-night discussion, four black freshmen from North Carolina A&T University decided to try to get served in the sprawling Woolworth store. A half hour before it closed, they bought a few small items then sat down at the counter and waited. One asked for a cup of coffee. There was no violence, no arrest, no media, and no service. When the store closed, they got up and walked out, peacefully, just like the gentleman from Georgia described earlier in his comments.

Just as the somber-faced foursome left the building, a Greensboro News and Record photographer took the only surviving photograph of this historic event. The first three of these four had been members of the NAACP youth group in Greensboro, which had been active since the 1940s. On the left was David Richmond, wearing a beret. Next to him was the person that I now know as a friend and colleague, not as a hero or a superhero, next to him was Franklin McCain, the tallest of the group.

And Franklin I would characterize as a gentle giant. He is about 6–4, 6–5, but he is about as nice a guy as a person would ever want to meet. He would not harm a fly.

Wearing a soldier's cap, Ezell Blair, Jr., was carrying a paper bag in one hand. And Joseph McNeil from Wilmington, North Carolina, wore a white coat.

From the beginning, the Greensboro sit-ins electrified those who looked for a way to demonstrate discontent with segregation outside the courtroom.

□ 1915

The following day, on February 2, 23 men and women, mostly from North Carolina A&T University, visited the Woolworth's store with similar results to the day before. The next day the sit-ins had filled 63 of the 66 seats at the counter.

Dr. George Simkins, a former constituent of mine until they changed my congressional district and again a person who I never think of as a hero but as a wonderful person and constituent now, was the President of the Greensboro NAACP and he called on CORE for advice about how to keep the campaign going.

With CORE's help and the media spotlight, news of the sit-ins spread like concentric ripples on a still pond. Floyd McKissick, who later headed CORE, led sit-ins in Durham on February 8. ''CORE has been on the front page of every newspaper in North Carolina for 2 days'' exulted an organizer traveling to colleges and high schools in Greensboro, Raleigh, Chapel Hill, and High Point.

Lincoln's birthday brought the first demonstrations in South Carolina, led by 100 students in Rock Hill. The next day, CORE led a sit-in in Tallahassee, Florida. By the end of March, the sit-ins had spread to 69 southern cities. Woolworth's national sales showed a 9 percent drop from the previous March as a result of the boycott and the commotion caused by the sit-ins. These efforts produced the first wave of agreements to integrate not just Woolworth's itself but all the main downtown stores.

By July, Greensboro and 27 other border State cities had adopted integration in some form. By spring 1961, 140 had come around. Pledges to desegregate hardly brought calm to Greensboro. In spring of 1963, more than a thousand protesters led by North Carolina A&T student council president Jesse Jackson, again a person that we know and respect but never think of as a hero, marched each night, raising the arrest totals to more than 900.

On May 19, CORE president James Farmer held a march of 2,000 to the Greensboro Rehab Center, then serving as a makeshift jail. Swayed by these massive turnouts and boycott of Greensboro businesses, the city agreed to a bi-racial commission and marches were suspended. Greensboro was slow to implement changes, however, prompting 500 exuberant students to occupy the area in front of city hall.

The following week, 50 Greensboro restaurants, motels, and theaters abolished the color line in exchange for an end to street demonstrations.

I bring this to a conclusion with this kind of fitting note.

Woolworth's closed its doors here in Greensboro in 1993. The final meal at the counter was attended by all four original protesters, and the management reverted to its 1960 menu prices as a ''tribute'' to the four of them. Today plans are afoot for a three-floor museum created by a nonprofit group called Sit-in Movement, Inc. A portion of the counter, now shaped like four successive horseshoes, ringed with turquoise and pink vinyl seats, will remain on street level in the back. Portions of the original counter are in the Greensboro Historical Museum as part of an exhibit, but one section of the original remains in the store.

Outside on the sidewalk are bronze footprints of the four original protesters, people that we never think of as heroes but who laid the groundwork for us to be able to sit at lunch counters and share, in an integrated setting, food and camaraderie and in a special way pave the way for us to be here as Members of this body and pave the way for me to be here as the representative of the part of Greensboro North Carolina where these sit-ins commenced 40 years ago today.

Mr. Speaker, I thank the gentleman from Georgia (Mr. LEWIS) for leading this special order. And more so, I thank him and Franklin McCain and people that we never think of as heroes for the heroic actions and steps that they took to make it possible for us to be here and make this tribute today.

Mr. LEWIS of Georgia. Mr. Speaker, I say to my friend and my brother, the gentleman from North Carolina (Mr. WATT), I think it is so fitting and appropriate for him to be standing here as a representative of the great State of North Carolina because so much did take place in North Carolina, not just the sit-ins in Greensboro that got spread throughout the State and around the South, but a few months later in Raleigh, North Carolina, at Shaw University the founding of the Student Nonviolence Coordinating Committee, where many of the young

people gathered under the leadership of Martin Luther King, Jr., where we really did come together to learn more about the philosophy and the discipline of nonviolence.

Mr. WATT of North Carolina. Mr. Speaker, if the gentleman would continue to yield just for an afterthought. Because on the Martin Luther King holiday, we had a wonderful tribute in Charlotte in which I read part of Lincoln's words to the backdrop of our Charlotte symphony orchestra; and during the reading, they were showing on a television screen kind of excerpts from the sit-ins, and later that night as I was taking my mother home, she said, You know, I saw your brother in those clips that they were showing. I said, You saw my brother? What do you mean you saw my brother? It turned out that my oldest brother, who was about the same age as Franklin McCain, was a student at Johnson C. Smith University and participated in the original sit-ins in Charlotte, and he was right in the front of the sit-in clippings that were shown on that evening.

I certainly never thought of my brother as a hero of sorts. But it is amazing the heroic steps that people like my colleague and Franklin McCain and even my brother took in those trying times. And we of the younger generation that have a little bit more hair than the gentleman from Georgia (Mr. LEWIS) thank him so much for everything that he did.

Mr. LEWIS of Georgia. Mr. Speaker, I thank the gentleman for his kind words and thank him for participating in this special order.

Mr. Speaker, what I would like to do now is to yield to my friend and colleague from the great State of Brooklyn, New York (Mr. OWENS).

Mr. OWENS. Mr. Speaker, I thank the gentleman from Georgia for yielding to me. I, too, would like to congratulate him on launching Black History Month in the very appropriate way that he is launching it.

For years we have seen Black History Month take on different meanings for different people and great emphasis has been on the factual reciting of various achievements by blacks, people of African descent because of the fact that in history books and in the popular culture all of the facts of our positive achievements have been left out, and in the schoolbooks they have been left out.

I, as a librarian in the Brooklyn Public Library, working with many teachers to try to get together a united effort to get the Board of Education of the great City of New York to have a more inclusive curriculum with respect to black history, just to get the facts out was always so difficult.

Facts are just the beginning. And, of course, the facts are very important. The details of some of the kinds of things that the gentleman from North Carolina (Mr. WATT) has just recited are still unknown. The details of the development of the whole movement is not known.

I did not know that 400 to 500 students eventually sat down in Greensboro and made the whole city of Greensboro respond across the board, the hotels and stores, everybody. I did not know that fact, and I followed it pretty closely.

The important thing that I would like to add to the dialogue tonight is the fact that what those students did and what the gentleman from Georgia (Mr. LEWIS) did as a member of the Student Nonviolence Coordinating Committee did was to set in motion a process which was the real legacy of the civil rights struggle and of the people of African descent in the United States that ought to be highlighted and carried forward during every Black History Month, and that is the legacy of resistance, you know, resistance to oppression.

The victims resisted and they resisted nonviolently and they resisted en masse. And there was a whole chain reaction of events that led to successful resistance that the whole world now has copied. We do not realize how unique it was.

I was born in Memphis, Tennessee, raised in a city right between Arkansas and Mississippi. The brutality of the oppressive class at that point, the oppressive white leadership at that point, the brutality that you confronted when you tried to do anything, the danger of being lynched, the danger of being brutalized was so very real until most people do not realize what those students did when they went up against established order.

They had to summon up a great deal of courage, and my colleague, of course, repeatedly had to summon up a great deal of courage against very violent attacks. The violence and the brutality was such that when I graduated from Morehouse College in 1956, I left the South defeated, feeling that nothing much was ever really going to change.

I am so happy that those who came after us just 4 years later in 1960 were proving that that was not the case, that if students stood up, they could set in motion a whole series of events which not only electrified a mass movement in Greensboro, in Nashville, all over the South, but it came north.

I was an old man with kids in 1963, but as a member of Brooklyn CORE, we led a movement which had 800 people get arrested protesting discrimination in the employment industry. And of course, it went all over the country. And beyond that, we must realize it went all over the world, that when the Berlin Wall fell, they were singing ''We Shall Overcome'' in the streets of Berlin. When the Czechoslovakian people celebrated the withdrawal of the Soviet troops, they were in the street are singing ''We Shall Overcome.''

The whole pattern and whole message has gone out to the whole world. Victims do not have to accept it. The victims can resist. The victims can resist with nonviolence, and they can organize in such a way to prevail. That is the greatest legacy that the descendants of the American slaves have left to the world, the legacy that the victims can resist, the victims can overcome.

Singing ''We Shall Overcome'' is quite appropriate. When we do it with nonviolence, when we resist, we are able to overcome. I salute the gentleman and all of my colleagues for getting this Year 2000 celebration of Black History Month off to a great start, emphasizing that legacy which is so important and which we have contributed not only to ourselves and to this Nation but to the entire world. We shall overcome.

Mr. LEWIS of Georgia. Mr. Speaker, I thank the gentleman from New York (Mr. OWENS), my colleague and associate, so much for his leadership. I thank him for all he did as head of CORE in Brooklyn and for being here tonight to participate in this special order.

It is appropriate for him to mention the theme song of the movement ''We Shall Overcome.'' After the 1960 effort, 5 years later, the President of the United States, President Lyndon Johnson, came and spoke to a joint session of the Congress when he introduced the Voting Rights Act and he said, ''We Shall Overcome'' several times. He said it to the Congress, but he said it to the nation, ''We Shall Overcome.''

So we have come a distance, we have made a lot of progress since February 1, 1960.

It is now, Mr. Speaker, my pleasure and delight to yield to the gentleman from New Jersey (Mr. PAYNE), my good friend from the city of Newark.

Mr. PAYNE. Mr. Speaker, let me first of all commend the gentleman from the great State of Georgia (Mr. LEWIS) for calling this special order highlighting the Greensboro sit-in that began on February 1, 40 years ago. I rise to join my colleagues in honoring this very important and historical day in history.

□ 1930

Let me begin by asking, What is a patriot? Usually the term ''patriot'' evokes images of our first President, George Washington. As a young boy, every class that I went to in my elementary and secondary schools in Newark, New Jersey, had a picture of George Washington. He was the patriot, he was the father of our Nation.

If you were to ask me what a patriot is, however, I would certainly say George Washington was one, but I also would think of the four particular young men who we have been talking about tonight in 1960: Ezell A. Blair, now Jibreel Khazan; Franklin E. McCain; Joseph A. McNeil; and David L. Richmond. These were young men who were patriots, also, because they sparked an American revolution of their own. As we think of these two images, they may seem unrelated, but they are in fact joined by the underlying principle of their actions, liberty, freedom and fairness.

These young men were in search of more than just food and beverages. Their hunger and thirst was much deeper. They wanted to drink from the fountain of equality and freedom and were therefore attacking the social order of the time. The first day there were four; the second day 20. What ensued was that thousands started. As they say, ''If you start me with 10 who are stout-hearted men, then I'll soon give you 10,000 more.'' Of course today we have to be gender sensitive, so I would paraphrase it by saying, ''Start me with 10 who are stout-hearted men or women and I'll soon give you 10,000 more.''

They used to say, ''It is better to build boys than to mend men.'' We have a difficult time making it fit, but I say men and women, too. But let me say that these four young men started a revolution.

So in a world full of images and symbols, I can think of nothing more powerful than the idea of these four young men, because it is said that nothing is as important as a dream whose time has come. As these men sat silently and calm at Woolworth's lunch counter in Greensboro, North Carolina, in 1960, it showed the courage and image that embodied a movement that changed the face of America.

As I conclude, Frederick Douglass once said, in 1857, ''Those who profess to favor freedom and yet deprecate agitation are men who want crops without plowing the ground. They want rain without thunder and lightning. They want the ocean without the awful roar of its waters. Power concedes nothing without a demand. It never did and it never will.''

I conclude again by saying that we are thankful for those young men at that time. I also participated in Newark by us supporting them in those days, picketing Newark's Woolworth's store. I know recently Woolworth's announced the closing of 500 or so stores. I was just wondering whether that lunch counter in Greensboro, North Carolina, was one of those that finally closed.

Mr. LEWIS of Georgia. Mr. Speaker, I would like to thank my friend and colleague, the gentleman from New Jersey, for those kind and moving words.

I yield to my friend and colleague from the great State of Iowa (Mr. GANSKE).

Mr. GANSKE. I thank my friend from Georgia for yielding.

Mr. Speaker, between 1882 and 1968, thousands of black men and women and children were hanged, burned, shot or tortured to death by mobs in the United States. Of those crimes, only a handful ever went to a grand jury. In New York City at this moment, there is a photo exhibition in which 60 small black and white photographs are on display. The name of this exhibition is Witness. It is at the Roth Horowitz Gallery. I am looking on page 17 of the latest New Yorker Magazine which shows one of the photographs from this exhibit. It shows two men, James Allen and John Littlefield, two black men, who in August 1930 were lynched. It shows them hanging from a tree. It shows a large crowd at their feet. There are 13- and 14-year-old young girls in this crowd. Some of them hold ripped swatches of the victims' clothing as souvenirs. This photograph became a souvenir and 50,000 of these postcards were sold at 50 cents each.

I thank the gentleman for having this special order tonight. Here in Washington, we have a Holocaust museum. It would be my sincere hope that this photographic exhibit of 60 small photographs comes to Washington and travels around the country. I think every American should see this as part of a very tragic part of our American history.

Mr. LEWIS of Georgia. I want to thank the gentleman from Iowa for bringing that to our attention. I have seen the exhibit. I have seen the book. It is very, very moving. It makes me very sad sometimes to think that in our recent history that our fellow Americans would do this to other Americans. Some of these photographs makes me want to really cry. It is very painful to see. I think that is a wonderful suggestion, to bring this exhibit to Washington, let it travel around America, because we must not forget this part of our history. Just maybe we will never ever let something like this happen again in our own country.

Mr. Speaker, I want to thank all of my colleagues for participating in this special order.

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THE INTERNATIONAL GLOBAL ECONOMY AND PATIENT PROTECTION LEGISLATION

The SPEAKER pro tempore (Mr. SHERWOOD). Under the Speaker's announced policy of January 6, 1999, the gentleman from Iowa (Mr. GANSKE) is recognized for 60 minutes.

Mr. GANSKE. Mr. Speaker, tonight I want to talk about two issues. First I want to talk about the international global economy, and then I want to say a few words about patient protection legislation, just so I will not disappoint any of my colleagues.

While the international global economy is no longer a vision of the future, it is here, it is a reality, we are now establishing the rules that govern this economy; and the outcomes of these debates will have a direct impact upon my State of Iowa as well as on the country as a whole.

Our country and my State have benefited greatly from the growing international marketplace and American efforts to reduce tariffs and trade barriers. For example, my home State of Iowa's exports increased nearly 75 percent over 5 years to $5 billion in 1998. Export sales from Des Moines alone totalled nearly half a billion dollars in 1998. This growth was a two-way street. My State has attracted more than $5 billion in foreign investment. This level of international trade and investment supports thousands of jobs in Iowa and across the country, and it greatly benefits our economy in general.

Over the past 30 years, we have made significant progress in breaking down barriers to trade. The General Agreement on Tariffs and Trade, or GATT; the World Trade Organization, or WTO; and the North American Free Trade Agreement have been effective in promoting the development of free trade. Yet we need to do much more. I have a book in my office published each year by the Office of the U.S. Trade Representative entitled ''National Trade Estimate Report on Foreign Trade Barriers,'' not exactly something that you want to read if you want to stay awake late at night. The 1999 edition is more than 400 pages long, but those 400 pages detail the impediments that still exist to fully achieving a free international economy. America as the largest economic force in the world will benefit greatly if we eliminate those barriers.

So tonight I want to talk about some of the trade issues Congress may be addressing this year and how they tie into the goal of expanding market access and promoting free trade.

One of the first things Congress could do is to enact sanctions reform. The United States uses trade sanctions to apply economic pressure against countries to force them to modify their policies. Our trade sanctions against Cuba are an example. Often, these sanctions prohibit the export of food and medical products. These sanctioned markets currently buy $7 billion in agricultural commodities each year from the international community. That is $7 billion in agricultural commodities that they are not buying from us. The Department of Agriculture estimates that rural communities lose $1.2 billion in economic activity annually as a result of these unilateral sanctions. For this and other reasons, we need to end unilateral sanctions on food and medicine, except in cases of national security.

First, they do not work. Our allies freely supply these products to the sanctioned states, undermining our efforts and taking away potential markets. Second, withholding food and medicine from civilians because we disagree with their governments' policies, in my opinion, is less than civilized. And, third, these unilateral sanctions punish America's farmers and further depress commodity prices by denying access to significant international markets. When our Nation's farmers are struggling for survival, that is not acceptable. By exempting agricultural and medical products from unilateral sanctions, we can provide our farmers with additional market opportunities and provide a humanitarian service to people living under those oppressive regimes.

Another tool we can implement to promote free trade is fast-track negotiating authority. Fast track allows the

President to negotiate international trade agreements and then bring those agreements to Congress for an up-or-down vote without amendments. This authority is authorized for limited periods of time. Beginning in 1974, fast track was extended several times, until its most recent expiration in 1994. Armed with that fast-track authority, Presidents were able to assure our trading partners that they have the necessary authority to negotiate trade agreements and that Congress will not change the conditions of those agreements.

It was under such authority that two multilateral trade agreements were reached under GATT, including the Uruguay Round which produced great dividends for U.S. farmers, U.S. interests and established the WTO, the World Trade Organization. Fast track also helped America reach free trade agreements with Israel in 1985 and Canada in 1988, as well as the North American Free Trade Agreement, or NAFTA, in 1993. But in 1994, authorization for fast track expired; and it has not yet been reauthorized.

Now, last year President Clinton announced in his State of the Union address that he would again seek renewed fast-track authority. Unfortunately, that was followed by a rather anemic and unsuccessful effort by President Clinton in 1998. So today, we still do not have fast-track authority.

I believe that if we wish to continue making substantial improvements and advances in promoting free trade and if we want to shape or have input in the current negotiations of WTO, we need to reauthorize fast-track authority. In this year's State of the Union address just last week, President Clinton spoke about nearly everything, except fast-track authority.

□ 1945

I hope the President and Vice President put full White House support behind an effort to reauthorize fast track, and I hope we in Congress can pass it before we adjourn this fall.

While sanctions reforming fast track will help America's efforts to enhance free trade and market opportunities for our industry and farmers, we must also engage other nations in multilateral agreements if we hope to get anything done. This can be done most effectively through international trade organizations.

The system that has received the most attention lately is the World Trade Organization, the WTO. Everyone is aware of the events that took place in Seattle with the tear gas and the rioting in the streets. The Republican presidential primary candidates have been debating the merits of U.S. participation in WTO.

Despite some of the concerns being expressed, I fully support U.S. membership in WTO and other international trade organizations. Opponents of trade organizations like to focus on the apparent negative effects of an international market. In the current international economic system, nations are looking for competitive advantages. The United States, for example, has great technology and we have an agricultural surplus, so we seek to promote these for our benefit. Others do for their particular industries.

Many have argued that international agreements threaten to weaken other segments in our economy and should therefore be avoided. Some argue that we should not participate in these agreements because they threaten our national sovereignty.

Well, I understand the concerns about opening our markets to other nations and the need to secure ourselves from threats against our sovereignty, and we must never relinquish control over our own destiny. However, these opponents fail to consider that these agreements in which we are involved were reached with our input. The rules of these organizations exist to ensure fair treatment from market to market and to reduce tariffs and restrictions, concepts that have greatly benefited America.

One of the most effective agreements America has brokered is NAFTA. NAFTA has had a significant impact on Iowa's economy since it went into effect in January 1994. The agreement set a schedule for reduction and eventual limitation of tariffs between the United States and our neighbors, Canada and Mexico. This has resulted in a terrific growth for North American trade, greatly increasing our export market.

For example, my home state of Iowa. Exports to Canada and Mexico nearly doubled in NAFTA's first 4 years. In 1998 alone, Canada and Mexico imported $2.3 billion in Iowa products, more than 44 percent of Iowa's export total. This growth supports thousands of jobs and has brought substantial economic benefits to our businesses and agricultural communities.

NAFTA serves as a model for the international community. It reduces barriers, it promotes trade, and it capitalizes on America's advantages. The goal of the World Trade Organization is ''to help trade flow smoothly, freely, fairly, and predictably.'' I believe the WTO has significantly improved the international economy.

The Uruguay Round which produced the WTO established a system of rules for member nations to ensure fair market treatment. In addition, it established a process by which member nations could seek redress for their grievances without resorting to immediate trade retaliation. That action helps prevent disruptions in international markets, and the result has been a global lowering of tariffs, an easing and elimination of import quotas and an overall more free system of trade. These are essential components to future prosperity for America and our trading partners.

Of significant importance to our Nation's agricultural trade was the implementation of the Sanitary and Phytosanitary Agreement, or SPS. This states that a nation or trading block cannot impose restrictions on the import of agricultural or food products based on a health concern unless that concern can be backed by scientific evidence.

This strikes at the heart of many of the barriers that other nations have erected to keep out our American agricultural products. It helps open markets that have traditionally been closed to our farmers.

But I want to talk for a minute about the role of WTO in resolving trade disputes, because it is this function that is at the heart of many of the criticisms of WTO. The set of rules by which members must abide were agreed to by all of the members. However, nations sometimes violate those rules, despite their commitments. When this happens, the WTO dispute settlement process offers a forum through which nations can seek solutions to their differences without immediately imposing trade barriers.

When a member files a complaint, a WTO-appointed commission reviews the case and issues an opinion. Countries have the ability to appeal those findings. After the appeals process is exhausted, the loser of the case must modify their policies to comply with the rules to which they themselves agreed.

Now, the WTO does not have enforcement authority, but it does have international opinion and the collective will of the members of the organization in an enlightened way and enlightened self-interest to encourage nations to comply with World Trade Organization rules. Thus, the WTO is only as strong as the commitment of its member nations. But the collective will of the international market is a significant factor in reducing barriers to trade.

The current round of WTO trade negotiations must address the issue of compliance while seeking to further reduce barriers to trade. If the European Union, one of the largest members of WTO, continues to violate the rules of the agreement, the future of WTO is in jeopardy.

The future of WTO will be determined in the next couple of years, determined by the new round of negotiations and determined by the potential accession of China to the World Trade Organization.

I was very disappointed with events in Seattle at the end of last year. I believe this new round is a terrific opportunity for us to expand our role in the international economy by improving market access for Iowa's products. For the opening session to be disrupted in the way it was was very unfortunate, to say the least. This round will determine the future effectiveness of the World Trade Organization, and the United States should use the WTO to make significant advances in the reduction of barriers to America's goods.

An issue that may change the international market significantly is the

prospect of China joining the WTO. The United States and China a few months ago reached a bilateral agreement on China's accession to the World Trade Organization. This agreement looks very promising, and I would like to point out a few details that may interest you.

Overall, China agreed to cut tariffs from an average of 24.6 percent in 1997 to an average of 9.4 percent by the year 2005. For U.S. priority products, tariffs will be cut to 7.1 percent. That is a 62 to 71 percent drop in tariff rates on most imported goods. In addition, China agreed to phase out most import quotas by the year 2005, making these new tariff rates applicable to most products, regardless of quantity.

China also agreed to give American companies more control of the distribution of their products at both the wholesale and the retail levels. American suppliers will no longer have to go through state trading enterprises or Chinese middlemen. American companies will be allowed to provide maintenance and services for their products, something particularly important, for instance, with automobiles.

In agriculture, China agreed to lower the average tariff on American agricultural products from nearly 40 percent to 17 percent. In addition, it will set tariffs on U.S. priority products, such as pork, beef and cheese, at 14.5 percent. That is a significant concession.

The agreement also establishes tariff rate quotas which represent the maximum level of imported product for which lower tariffs are applied. The goal of trade negotiations are to increase those quotas and eventually eliminate them, thus producing the greatest possible benefits for the exporting nation.

For example, China agreed to eliminate oil seed quotas by the year 2006 and to increase the quota for corn to 7.2 million metric tons by the year 2004. By comparison, China currently imports only 250,000 metric tons of American corn.

China also agreed to abide by the Phytosanitary Safety Agreement and to accept the U.S. Department of Agriculture certification that American meat and poultry is safe. What this means is that China will now open its market to U.S. pork, beef, and poultry, access which has been denied because of China's claim that American meat is not safe enough for consumption.

I can guarantee you, America's meat is safe for export. I go overseas to Third World countries. Let me tell you, on most any given day, I would rather have an American piece of meat.

In addition, China pledged not to provide export subsidies for its agricultural products. Let me repeat that. China pledged not to provide export subsidies for its agricultural products. So they are opening up their market, they are reducing their quotas, they are reducing their tariffs, and they are also agreeing not to subsidize their own producers, giving them an unfair or uncompetitive advantage. These agricultural concessions are very attractive and they hold forth the promise of significant growth for our nation's farmers.

We passed the Freedom to Farm Bill here a few years ago. I think overall moving away from restrictions on planting and giving farmers freedom to plant the crops that they want is a good move, but part of the bargain of that bill is also that we work hard to remove export barriers and import barriers in other countries. This is part of what we are doing with the accession agreement with China.

Another component of the agreement of interest to our nation is in the area of financial services. Currently foreign insurance companies are allowed to operate in only two cities in China. This bilateral agreement will remove all geographic limitations for insurance companies within 3 years. Within 5 years, foreign insurers will be able to offer group, health and pension insurance, which represents 85 percent of all premiums sold.

Foreign firms will be allowed under this agreement 50 percent ownership for life insurance and will be allowed to choose their own joint venture partners. Non-life insurance companies will be allowed to establish local branches, hold 51 percent ownership upon accession, and form wholly-owned subsidiaries within 2 years.

In addition, China agreed to lower tariffs on American automobiles to 25 percent from the current rate of 80 to 100 percent, and American financing programs for these cars would also be available. Tariffs on information technology like computers and Internet-related equipment would be eliminated by the year 2005 and banks and financial institutions would have unprecedented access to the Chinese population. China promised to conduct business in a fair, non-discriminatory manner, and in accordance with WTO rules.

The United States also ensured that its existing anti-dumping protection provisions and product safeguard programs will remain in place for the next 12 to 15 years.

Well, despite the apparent benefits of this agreement, I still think we need to be careful. China does not have a great track record in complying with trade agreements. Currently our trade relationships with China continue to be tilted in favor of China. Despite continued engagement and extension annually of normal trade relations or most-favored-nation status, the U.S. trade deficit with Beijing has increased from $6.2 billion in 1989 to $56.9 billion in 1998.

In 1992, we signed a memorandum of understanding to improve market access between the United States and China.

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The Chinese Government has failed to reduce significant trade barriers to U.S. products. In addition, our bilateral agreement is not the final document concerning China's membership in the World Trade Organization.

China must now complete bilateral agreements with the European Union, with Canada and with other trading partners. These agreements will then be combined into a comprehensive, multilateral package, that would be presented to Congress. Congress must then decide whether to grant China permanent Most Favored Nation status, or normal trade relations.

A year ago, I opposed a 1-year extension of NTR to China. I did so for several reasons, the unfair balance of our trade relationship; the 40 percent import tariffs that China puts on our agricultural products, I do not think that is fair; China's violations of our national security; their disregard for human rights and their threatening posture towards their neighbors.

Additionally, I did not feel that past extensions of NTR had greatly benefited America's interests. Rather, despite NTR, China's actions jeopardized our national and economic security. However, this bilateral accession agreement could open a tremendous market for American and Iowan products, if, and this is the big if, China actually complies with the provisions of the treaty.

The unprecedented access for international businesses would expose Chinese society to outside influences like never before. While the jury is still out, the fine print has not yet been made available for review, I expect the President will request Congress to waive the Jackson-Vanick amendment which requires annual extension of NTR for China and ask us to improve permanent NTR status.

This is going to lead to a vigorous and energetic debate on this floor of the House of Representatives. The stakes are very high. This may sound like an arcane subject. Maybe it is not as personal as the patient protection legislation that I am going to be talking about in a few minutes, but I can say what we decide on the floor of this Congress on this treaty could have significant impact on each and every one of us in this country in terms of how our economy is going to do.

If Congress approves permanent normal trade relations for China and abandons the annual review requirement, do we risk losing valuable leverage in future negotiations? If we grant permanent NTR, will we actually experience significant reform in the Chinese markets, or will China renege on its promises as it has in the past?

If we do not grant permanent normal trade relations, will we be watching from the sidelines as other nations take advantage of new market opportunities to 1 billion people? These are some of the questions that Congress will have to ask this session. I look forward to the debate, and I am learning more about the fine print of this agreement.

In summary, I think the United States must pursue free trade whenever possible. This includes reforming our sanctions policies to provide American food and medicine to needy civilians. It involves granting the President fast track negotiating authority to ensure our place in global trade negotiations. It involves participating in international trade organizations to open new and expanding markets. It involves reducing trade barriers in order to spur further economic growth for our economy, but we must remain aware of the implications such action may have on our security, and we must make those decisions appropriately.

At this time, I am leaning towards a yes vote on permanent normal trade relations with China, and I am looking forward to the debate.

PATIENT PROTECTION LEGISLATION

Mr. GANSKE. Mr. Speaker, I want to say a few words about patient protection legislation, particularly in response to what I consider to be a rather inaccurate publication that has been sent to Congress, all Members of Congress recently, by the HMO industry.

Before I go any further, I want to be crystal clear what my position has been throughout this long debate. As we have developed patient protection legislation, I have always believed that any entity, whether a doctor, a health plan or a business, that makes decisions on medical necessity must be held responsible for those decisions. Moreover, I find it reprehensible that there are those who would promote the argument that an entity should be able to wrongfully cause the death of a patient and be shielded from legal responsibility.

Currently, doctors are held responsible for the medical decisions they make, but health plans and even employers can dodge such responsibility through the ERISA preemption clause. Recognizing that plan sponsors and some employers do make these decisions, the Norwood-Dingell-Ganske bill, the Bipartisan Consensus Managed Care Improvement Act of 1999, erases this unintended shield by making those plans responsible for any decision they make regarding medical necessity.

Of those lawsuits that are brought, most would not be against employers or plan sponsors because they are generally not involved in the medical necessity decisions that could lead to a personal injury or death. Therefore, our bill protects health plans and employers by ensuring that they can only be sued if they decide to do more than offer health insurance. In a recent communication entitled Health Plan Liability, What You Need to Know, the American Association of Health Plans makes a number of dubious assertions about the Norwood-Dingell-Ganske Bipartisan Consensus Managed Care Improvement Act of 1999. I would advise my colleagues to take this with a grain of salt. In fact, my colleagues may want to take it with a whole truckload of salt that is currently cruising the streets here in Washington.

To begin with, the AAHP implies that supporters of the Norwood-Dingell-Ganske bill are promoting lawsuits, but the supporters of the Norwood-Dingell-Ganske bill believe that patients should have an opportunity to pursue internal and external review in a timely fashion before they are harmed. It is the appeals process with an independent review panel that will improve quality of care and ensure that patients receive necessary health care, but as Governor Bush says, ''at the end of the day, HMOs must be responsible for their actions.''

Then AAHP claims that HMOs already can be sued under ERISA. Well, again, take that characterization with a huge grain of salt, because it is true that under ERISA HMOs can be sued but only for the costs of treatment denied. Now, how is that a just outcome for a child that has already lost his hands and his feet or somebody else who has lost their life? It is a travesty that many of these people and their families find that their legal remedy, under ERISA, through their employer plan, for their loss, is only the cost of treatment denied.

That is an unfair burden on patients. It was never the congressional intent and the Norwood-Dingell-Ganske bill provides appropriate liability and external appeals process protections for patients and their families.

Next, the American Association of Health Plan little manual says, ''The current medical malpractice system demonstrates that making correct decisions does not preclude lawsuits,'' but under the Norwood-Dingell-Ganske bill the external appeals panel makes a determination on the appeals that are brought before it. If the health plan does not abide by the panel's decision, then the patient and his family have the ability to pursue liability action. However, if the plan abides by the independent panel's decision, then it is protected under our bill, the bill that passed this House by a vote of 275 to 151, it is protected from the punitive damages that the health plans are so concerned about.

On this point, an additional claim that our bill, ''requires external review to be completed in all cases before an individual can sue the plan. Therefore, few claims will ever reach court,'' AAHP then states that the Norwood-Dingell-Ganske bill would, ''allow enrollees to bypass external review when an enrollee claims that he or she had been harmed before an external review is initiated.''

AAHP fails to point out that the Norwood-Dingell-Ganske bill allows them to go directly to State court only, I repeat only, if they have suffered personal injury or wrongful death. After a patient has already been killed, seeking any further treatment or an appeal is absurd. On external review AAHP says that we say, ''expanded health plan liability is necessary because plans may not adhere to the decisions of the external review even at this time.''

AAHP states that, ''There is no evidence demonstrating that in States that have a binding external review system, health plans do not adhere to the decision of external review entities.''

However, in the House Committee on Commerce, we heard testimony from Texas that refutes this statement by the HMO industry. That lawsuit, Plocica versus NYLCare is a case in which the managed care plan in Texas did not obey the law, and a man died. This case exemplifies why we need accountability at the end of the review process.

Mr. Plocica was discharged from a hospital suffering from severe clinical depression. His treating psychiatrist informed the plan that he was suicidal and required continued hospitalization until he could be stabilized. Texas law requires an expedited review by an independent review organization, one of those IROs that Governor Bush speaks about. Prior to discharge, such a review was not offered to the family by the plan, by the HMO.

Mr. Plocica's wife took him home. During the night he went to his garage. He drank half a gallon of antifreeze and he died a horrible, painful death.

This case shows that external review and liability go hand in hand. Without the threat of legal accountability, HMO abuses like those that happened to Mr. Plocica will go unchecked.

The lesson from Texas also is that there will not be an avalanche of lawsuits. In fact, when HMOs know that they will be held accountable, there will be fewer tragedies like those that happened to Mr. Plocica.

A couple of Sundays ago, just before the Iowa caucuses, AARP, the American Association of Retired Persons, ran a one-hour infomercial on TV. They interviewed all of the Presidential candidates on their positions on a number of issues interesting and of importance to senior citizens. One of the questions that they asked was, what is your opinion on patient protection legislation? And they had quotes from all of the candidates, both Republicans and Democrats.

I want to read a transcript of what Texas Governor George W. Bush had to say about this issue. These are Governor Bush's words. ''As governor of Texas, I have led the way in providing for patient protection laws when it comes to managed care programs. I am proud to report that our State is on the leading edge of reform. People who are in managed care programs in the State of Texas have the right to choose their own doctor so long as it does not run up someone else's premium. People in my State are able to take advantage of emergency room needs and yet be covered by managed care. Women have direct access to OBGYNs. Doctors are not subject to gag rules.''

Governor Bush continued. ''We have information systems now that are made available for consumers who are in managed care programs. We have

done a good job of making the managed care systems in our Texas consumer friendly, as well as provider friendly.''

Governor Bush continued. ''I have also allowed a piece of legislation to become law that allows for people to take disputes with managed care companies to an objective arbitration panel called an independent review organization.''

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''It is a chance for the insurance provider and for consumers to resolve any disputes that may arise.''

Here is the important part of this statement. These are in Governor Bush's words. This is from the Texas experience.

''If after the arbitration panel makes a decision, and if the HMO ignores that decision, i.e., in this gentleman's case where he drank half a gallon of antifreeze case and died because of that HMO's medical necessity decision, then consumers in the State of Texas will be able to take the HMO to a court of law to be able to adjudicate their dispute.''

George Bush finished his statement by saying, ''I believe this brings accountability to HMOs, and I know it gives consumers the opportunity to take their case to an objective panel. This law is good for Texas. I believe this law will be good law for America, as well.''

Mr. Speaker, the bill that we passed here a few months ago, the Bipartisan Managed Care Consensus Reform Act of 1999, the Norwood-Dingell-Ganske Act, was modeled after the Texas laws. Let me give some examples.

The Norwood-Dingell proposal on utilization review, when a plan is reviewing the medical decisions of its practitioners, it should do so in a fair and rational manner. The bipartisan consensus bill lays out basic criteria for good utilization review: physician participation in development of review criteria, administration by appropriately qualified professionals, timely decisions. All of these things, and the ability to appeal those decisions, are in the Norwood-Dingell bill.

Guess what, this became law in Texas in 1991. These provisions that were in the Norwood-Dingell bill were enhanced in Texas law in 1995.

How about internal appeals? The bill that passed the House says, ''Patients must be able to appeal plan decisions to deny, delay, or otherwise overrule doctor-prescribed care and have those concerns addressed in a timely manner. Such an appeal system must be expedient, particularly in situations that threaten the life and health of the patient, and conducted by appropriately credentialed individuals.''

What is the situation in Texas? In 1995, these internal appeals were promulgated by regulations by the Texas Department of Insurance.

How about external appeals? In the Norwood-Dingell-Ganske bill, individuals must have access to an external independent body with the capability and authority to resolve disputes for cases involving medical judgment. The plan must pay the costs of the process. Any decision is binding on the plan. If a plan refuses to comply with the external reviewer's determination, the patient may go to court to enforce the decision. The court may award reasonable attorneys' fees in addition to ordering the provision of the benefit.

What is the Texas law? The same thing. It became law in 1997. Since it has been enacted, 700 patients plus have appealed their health plan's decisions, with 50 percent of the decisions falling in favor of the patients and 50 percent of the decisions in favor of the health plan. The Texas external appeals process is being challenged in court. It could be overturned unless we act here in Congress.

How about insurer accountability? In the Norwood-Dingell-Ganske bill, health plans are currently not held accountable for decisions about patient treatment that result in injury or death under ERISA.

Currently, the Employee Retirement Income Security Act preempts State laws and provides essentially no remedy for injured individuals whose health plan decisions to limit care ultimately cause harm. If the plan was at fault, the maximum remedy is the denied benefit. The bipartisan consensus bill would remove ERISA's preemption and allow patients to hold health plans accountable according to State law.

However, plans that comply with the external reviewer's decision may not be held liable for punitive damages. That is those $50 million or $100 million awards. Additionally, any State law limits on damages or legal proceedings would apply. What is the situation in Texas? The same thing. It became law in 1997. Since that time, only three lawsuits are known to have been filed as a result of the Texas managed care accountability statute.

Mr. Speaker, this missive that we need to take with a truckload of salt put out by AHP says, oh, yes, but there are a bunch of cases out there in Texas that have not been filed, so we do not really know. I would point out that Texas is tracking suits filed, not decided. In Texas, there is a 2-year statute of limitations on bringing suits. If those suits were out there, we would know about them because they would have to be filed. It simply is not happening.

Before Texas passed this law in 1997, the insurance industry, the HMOs, said the sky would fall, the sky would fall. There would be a plethora of lawsuits. Instead, we have seen three filed. However, we have seen probably over 1,000 of those disputes resolved before an injury occurred. That is what we want to do.

Choice of plans, the provision that is in the Norwood-Dingell-Ganske bill, the same thing in Texas, became law in 1999.

Provider selection provisions, those regulations have already been promulgated by the Texas Department of Insurance in 1995. Women's protections that are in the bipartisan consensus bill became law in Texas in 1997. Access to specialists in the Norwood-Dingell-Ganske bill, the bipartisan bill, were promulgated by regulation in Texas by the Texas Department of Insurance in 1995.

Drug formulary, prescriptions. The provisions that are in our bill that passed this House with a vote of 275 became law in Texas in 1999.

Mr. Speaker, maybe Governor Bush and for that matter Senators MCCAIN and HATCH, Senator LOTT, the majority leader, the gentleman from Texas (Mr. ARMEY), and presidential candidate Gary Bauer are also aware of the December poll by the Harvard School of Public Health and the Kaiser Family Foundation which found that nearly 70 percent, let me repeat that, 68 percent, to be precise, of Republican respondents, that is two out of three, more than two out of three Republicans, said that they would favor patients' rights legislation that included the right to sue their health plans.

It is awfully hard for somebody to argue that an industry which is making life and death decisions should have a shield from liability that no other industry in this country has. Do automobile makers have a shield from liability if they make a car that explodes? Do medical manufacturers have a shield from liability if their product causes a patient to die? No. I do not know of too many Americans that think they should.

When each and every one of us is not only a purchaser but a participant in this health system, when we know that a member of our family or a friend or a colleague at work has been mistreated by their HMO and denied medically necessary care, that is why about 85 percent of the people in this country think that this Congress ought to pass strong bipartisan patient protection legislation.

I sincerely hope that we move in that direction before the end of this session. I look forward to working with my colleagues on both sides of the aisle to try to effect a bill that we can get on the President's desk, get it signed into law, that handles the medical necessity issue and that provides an effective enforcement mechanism.

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AMERICA'S PROBLEMS WITH ILLEGAL NARCOTICS AND DRUG ABUSE

The SPEAKER pro tempore (Mr. SIMPSON). Under the Speaker's announced policy of January 6, 1999, the gentleman from Florida (Mr. MICA) is recognized for 60 minutes.

Mr. MICA. Mr. Speaker, I am pleased to return to the floor in really the second half of this session of Congress to renew my continued efforts to bring to the attention of the Members of this body and the American people the problem that we as a Nation face in our

tremendous problem of illegal narcotics and drug abuse that have ravished our land.

Tonight I will probably begin my 20-something special order of the 106th Congress by first of all reviewing a little bit of what has taken place in some of the omissions of the President in his State of the Union Address, particularly in regard to the threat we face as a Nation from illegal narcotics.

Then I would like to focus a bit on a General Accounting Office report that I requested last year which is on drug control. It was released a few weeks ago, the end of the last year, in December. It is entitled ''Assets That DOD Contributes to Reducing the Illegal Drug Supply Have Declined.'' I will speak about that particular report that I requested, along with one of my colleagues from the other body.

Tonight again I think it is important that I cover and the Congress pay attention to items relating to illegal narcotics and drug abuse that were not mentioned by the President of the United States, and as this problem affects our state of the Union.

Just a few days ago, last week, the President took the podium behind me and he gave only glancing lines, one or two lines, a sentence or two, in a very lengthy presentation to the Congress and the American people on the State of the Union, and in particular, with regard to illegal narcotics and drug abuse. I will try to fill in some of the gaps in what really is probably the most serious problem facing us as a Nation, the most difficult social and judicial problem that we face, and one that I have a small responsibility in trying to develop a policy for in the Congress, particularly in the House of Representatives, as chair of the Subcommittee on Criminal Justice, Drug Policy, and Human Resources.

I think that anyone who just takes a few minutes to look at social problems facing us has to be struck by the sheer magnitude of the illegal narcotics problem. Since President Clinton took office in 1993, and he did not mention these figures, nearly 100,000 Americans have lost their lives as a direct result of illegal narcotics, overdoses and activities related to illegal narcotics and drug abuse. That is only the tip of the iceberg because there are many, many tens of thousands of other deaths related to illegal narcotics that are not even reported in statistics and in the numbers that I have cited.

Just in the most recent reporting period, over 15,900 Americans lost their lives as a result of narcotics in our land. The problem is not diminishing, the problem is in fact growing. That is confirmed by just about every statistical report our subcommittee has received, and also by the sheer facts that we see in picking up our daily newspapers, whether it is in our Nation's Capital, Washington, D.C., or throughout this land.

This problem we did not hear the President talk about has resulted in the incarceration of an unprecedented number of Americans, with over 1.9 million Americans in jail today. It is estimated 60 to 70 percent of those individuals behind bars are there because of drug-related offenses.

The toll goes on and on. The most recent statistic cited in this GAO report has identified $110 billion in costs to our economy.

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And if all the costs related with this social problem are added up, it could be as much as $250 billion a year.

So the cost is dramatic. The cost in dollars is dramatic, but the cost in destroyed lives across this land is absolutely incredible.

Mr. Speaker, it is something to talk to parents who have lost a young life and drugs, illegal narcotics particularly, impact our youth population. But to try to understand the agony of people that must deal with addiction, the agony of people that have young or adult individuals in their family hooked on illegal narcotics, the ravages that this has done to our economy and what could otherwise be productive lives is just untold.

So we have a problem that has been swept under the table. It was not mentioned by the President in his address, but again except a glancing and I think talking briefly about aid to Colombia, and I will talk about that very shortly.

But we got into this particular situation not by accident, I believe, because in the 1980s under the leadership of President Ronald Reagan and President George Bush, we began a decline. At that point we had a cocaine epidemic and drug epidemic in the early 1980s that we were beginning to get under control. If we look at the statistics, we see clear evidence that, in fact, drug use and prevalence of drugs, particularly among our young people was on the decline. That there was, in fact, a war on drugs in the 1980s and the beginning of 1989.

Mr. Speaker, that multifaceted and comprehensive program was, in fact, dismantled beginning in 1993 with the Clinton administration taking office. Very purposefully, the President began dismantling that effort. Some of that dismantling is detailed in this report that I requested. And, again, not my statistics, but actual statistics compiled by and information compiled independently by the General Accounting Office we will go over a bit tonight.

But the first thing that was done was the dismantling of the drug czar's office which was slashed from 120 staffers to 20 staffers. I ask, how can we conduct a war or a concentrated effort against narcotics, against the scourge of drugs by slashing the command structure? I say that is impossible, but that was the very first step in this process.

The next step, and I brought these charts up before, but let me just bring them out again, was dramatic declines starting in 1992–93, here we see dramatic declines in drug spending for international programs. Now, many people might wonder what international programs are. International programs would be stopping drugs at their source.

So this war on drugs or fighting a war on drugs is not really rocket science. It does not take somebody years and years to develop a strategy, because we know that 100 percent of the cocaine that is produced, I will say 99.5 percent of it that is produced, there might be a little bit somewhere else, but we know that it is produced in Bolivia, Peru and Colombia. Again, not rocket science.

We know that it is very cost-effective for a source country eradication program to deal with the problem. We tried it and if we eliminate drugs where they are grown, coca that produces cocaine in a limited area of the world where it can be grown, we do not have a lot of cocaine production. Simple.

We also know that today some 65 to 70 percent of the heroin produced in the world that is on our streets, and we know factually that it is on our streets from the fields of Colombia, comes from, in fact, Colombia. We know where the heroin comes from that is spilling over in unbelievable quantities on our streets and throughout our communities.

The reason that we have incredible supply of drugs in this country is basically because in 1993–1994, during the Clinton administration and a Democrat-controlled Congress, they made a very direct decision to cut these cost-effective eradication crop alternative and drug programs in source countries.

Actually, this chart shows the 1995–96, the period the new majority and Republicans took over, that we have begun to restore funds. If we use 1992 dollars in 1999, we are just about back to the 1995 levels.

The same thing happened in interdiction. Let me put this chart up if I may. Again, we are going to stop and think about this. It is a common sense approach. If they cannot produce drugs and we stop them at their source, we have stopped some of the supply. Now, the next most cost-effective way to stop illegal narcotics and a huge supply from reaching our streets is simple. It is to stop it as it is leaving the source where it is produced. That can be very cost-effectively done, as the Reagan administration demonstrated and the Bush administration, with interdiction programs.

We brought the military into the process in the 1980's, not for our military to be law enforcement officers, not for them to conduct combat against illegal narcotics traffickers, but to provide surveillance intelligence information.

Now, first of all we have to realize that our military is conducting this around the world all the time. I must admit some of our resources have been strained to the limit because this President has deployed more forces in

various deployments throughout the world than probably any President in the history of the Nation. But in any event, we have in this arena for the most part military, and we have resources in this area. So what they have been supplying is intelligence, surveillance, and information. That is the interdiction program heart and soul.

Now, again, using the military in this fashion, again, 1993, we see a dramatic reduction. In fact, a 50 percent slash. This GAO report which I will cite tonight details even more what took place. It is pretty startling what took place about taking the military and our assets out of this effort.

Again, if we look back here in the Republican administration actually, the Republican control of the House of Representatives and the other body in 1995–96, we began to restore the funds. And, again, because of 1992 dollars versus 1999 dollars, we are just about back at those levels. But, in fact, it has been very difficult to put together those resources. Again, in interdiction programs also with a Department of Defense, which this report outlines that has not really been willing to cooperate, and an administration, starting with the Commander in Chief who has not wanted to conduct a real cost-effective and targeted war on illegal narcotics.

So, again, stopping drugs at the source is most cost-effective, and then the second most cost-effective thing is getting the drugs as they are coming from the source. What is interesting too is that practice, and what I am talking about in interdiction really does not require forces of the United States to go after these. These would be primarily giving intelligence and working in a cooperative international effort with countries like Bolivia, Peru, and Colombia where the heroin and cocaine is produced. We then allow them, and they have, except where the administration has blocked the information and the intelligence, gone after the drug traffickers, in some cases shot them down or had the information and the surveillance fed to them so that they could cost effectively go after drugs as they came from the source but before they reached our border.

Now, this administration has picked the least cost-effective way of going after the war on drugs in my opinion. In 1992 or 1993, they began an effort to, in fact, put most of our war on drugs in the treatment category. Most of the expenditures from the Congress were dedicated or redirected towards treatment. Now, treatment by itself is very necessary, but alone it will not solve the problem. And it is very costly and sometimes fairly ineffective, particularly public sponsored treatment programs which have a 60 to 70 percent failure rate.

I compare this a little bit, if one is going to conduct a war, they target the source, which was not done by the Clinton administration. Then one tries to get at the target as the destruction comes from the source, which is interdiction. This method of the Clinton administration has been pretty much just treating the wounded in the battle, and that is those who were afflicted by illegal narcotics.

In fact, we have almost doubled since 1993 the amount of money for treatment. Now, the President also came up with his 100,000 cops on the street and put the Congress in a bind to fund those. We have funded those. I submit tonight that that is probably one of the most costly approaches to fighting this war on drugs. And we can continue to put cops on the street, it can be effective. Tough enforcement can be very effective. But it is a costly way of doing it, as opposed to putting a few dollars at the source country to stop drugs before they ever get to the street.

The difficulty is once they reach our borders, illegal narcotics, it is almost impossible for all the law enforcement agencies at every level, whether it is local, State or national, to get all the drugs; particularly in the huge quantities that are coming across our borders, again, because the drugs have not been stopped at their source.

So there has been, in my estimation, a major flaw in the whole strategy of the Clinton administration and really a misappropriation of resources in this effort. The results are pretty dramatic. In fact, let me leave this interdiction chart up here. Let me show here the long-term trend and lifetime prevalence of heroin use. As we see in the Reagan and Bush administration, there is some activity here and a decline, activity, and a decline. With the institution of the Clinton-Gore policy in 1992–93 here, this is where it would take effect, we see a dramatic rise in the prevalence of heroin use.

It is amazing how this chart, if we took it and had an overlay of the previous two charts, would show, again, the failure of the current drug policy of this administration.

□ 2045

That is probably why President Clinton did not want to talk about it the other night when he came before the Congress. We see here a slight decline, and that is with the advent of a Republican-controlled policy and the beginning of our trying to get resources back in place.

One of the problems we have here is the Clinton administration blocking assistance to Colombia. It was their policy that got us into a situation where the President next week is going to make a request to the Congress for $1.5 or $1.6 billion. Now, he sort of mumbled over the situation in Colombia, but Colombia, in his term of office, has become the major producer of cocaine and heroin.

Again, in 1992–1993, there was almost no coca production in Colombia. Almost no heroin production. Almost zip in Colombia. And what the President did through very direct actions, and I will be glad to detail them for the House of Representatives, he actually began the increase of heroin and cocaine production in Colombia.

The first step was in 1994. And having served in the House of Representatives during the 1993–1994 period, let me detail what took place. I served on the committee that oversaw drug policy. I was in the minority at that time. I personally requested and had 130-plus Members, Republicans and Democrats, request a hearing on this change that the Clinton administration had made, on the Clinton's so-called drug policy, the changes that were made. Because I saw then the beginning of a disaster. That request was ignored. One hearing was held. One hearing specifically on the drug policy. There were cursory hearings on the budget items.

In contrast, when the Republicans took control of the House of Representatives, we held dozens and dozens of hearings, both under Mr. Zeliff, who chaired the subcommittee with drug policy responsibility, and then under the gentleman from Illinois (Mr. HASTERT), who is now the Speaker of the House and former chairman who was involved in restarting most of the anti-narcotics effort in the Congress, and particularly in the House of Representatives as chair of that subcommittee.

But the first step in this disaster and how we were going to end up, the taxpayers of this country, with a $15.5, $1.6 billion next week, is that on May 1, 1994, the sharing of drug trafficking intelligence and information with the governments of Peru and Colombia ceased. This was a, and I am sorry to put this into the RECORD, but a cockamamie plan and decision by the administration and out of the Department of Defense under the Clinton administration, that we would cease sharing intelligence information with Colombia.

Actually, this raised the ire on both sides of the aisle. And I remember meeting the President at the Hemispheric Conference in Miami. He was inundated by protest from Members on both sides of the aisle, and in a closed-door meeting he said he did not know that this had taken place. In fact, the administration fought us in trying to restart this effort, claiming they needed additional legislative authority.

And I might say that the House of Representatives and the Congress did act. And a GAO report in May of 1994 said the decision of the administration to not share this information with Colombia made life easier for drug traffickers. But Congress did step in, passed a law that would require the administration to provide intelligence and information. And even then, after that took place and the damage that was done from that, the administration continued to block aid and assistance to Colombia.

Incidentally, in January of 1995, under heavy pressure from both Democrats and Republicans, the intelligence

sharing was resumed. The problem was again in actions by the administration, this administration, to cut off assistance to Colombia so it could effectively bring a halt to narcotics trafficking and narcoterrorism in its country.

In 1995 to 1996, I remember writing a request to the administration and to others to try to get aid to that country. In 1997, critically needed law enforcement assistance, such as helicopters, to replace those shot down; defensive ammunition and ballistic protective equipment was delayed by the Department of Defense.

I also brought, and was able to find, a letter dated August 25, 1994, asking the then drug czar to respond to Mr. Clinger about information, intelligence sharing, with the governments of Colombia. And this was in response to protests from Congress about the policy that the administration had adopted dealing with providing that needed intelligence information to Colombia. I just thought it was interesting that we have good documentation of showing exactly how this administration and various agencies thwarted every attempt of the Congress and request of the Congress to get needed critical equipment to Colombia.

Unfortunately, the policy of decertifying Colombia as not participating in the war on drugs was inappropriately handled by the administration. Having dealt in the development of that law in the 1980s, there is a provision in decertification law to allow the President, when they consider whether a country should be eligible for aid and assistance, to grant a national interest waiver so that assistance, such as counter-narcotics aid, can get to that country. The administration failed to implement the waiver and kept any type of assistance in the war on drugs from reaching Colombia during a critical period.

So first we take away information sharing up to 1995, and then from 1995 into 1998 we decertify Colombia and not make it eligible in a manner that could be done with a waiver to get aid and assistance so they could find narcoterrorism and drug production and trafficking in that country. The results are absolutely incredible.

As I said, now we have 65 to 75 percent of the heroin that enters the United States coming from Colombia. We have a majority of the cocaine produced in Colombia today. And again, some 6 or 7 years ago Colombia was not even in the production business of either of these hard narcotics.

Tonight I wanted to focus on a report that I requested, and requested it last year with the Senate caucus chairman on International Narcotics Control, the Honorable CHARLES GRASSLEY. This report, prepared by the GAO, details exactly what we suspected about this administration's policy. The GAO report is entitled ''Assets DOD Contributes to Reducing the Illegal Drug Supply Have Declined.''

The report details some of that decline, and again the Clinton administration's dismantling of anything that could be termed even close to a war on drugs. The report states, in fact on page 4, the number of flight hours dedicated to detecting and monitoring illicit drug shipments declined from approximately 46,000 to 15,000, or a 68 percent decline from 1992 through 1999. Likewise, the GAO report says that the number of shipped days declined from about 4,800 to 1,800, or 62 percent over the same period.

Again, this report details a dismantling of any type of an effort that might even be termed close to a war on drugs. The decline in DOD assets that DOD uses to carry out its counter-drug responsibility is, according to this report, due to a lower priority assigned to the counter-drug mission and, secondly, they say, to reduction in defense budgets and force levels.

Now, I might say that most of the reductions, and we looked at the interdiction, most of the reductions to the war on drug effort were instituted in 1993–1994 by a Democrat-controlled Congress. Only in the last several years have we been able to up the spending in the defense category. And even some of the money that we have appropriated for anti-narcotics efforts has been diverted, according to this report. And even some of the assets have been diverted to other deployments, according to this report, such as Kosovo, Haiti, and other activities directed by the President.

The GAO report also is very critical of DOD's really basic activities or commitments in the war on drugs. It says that DOD has failed to develop measures to assess the effectiveness of its counter-drug activities and recommends that such a system of measuring the effectiveness of its counter-drug activities be instituted.

DOD officials noted that the level of counter-drug assets will continue to be restrained by DOD's requirement to satisfy other priorities. So basically, drugs have not become a priority.

It is also interesting to see the results of the change in policy by the administration. And again I just want to show what has taken place since 1980 with Ronald Reagan and the long-term trend in lifetime prevalence of drug use. In the 1980s we see the beginning of a decline down through the end of President Reagan's term, and on down to a bottom when President Bush left office. The policy adopted by this administration, back again in 1993, with the election of President Clinton and Vice President Gore, shows a steep return to the prevalence of drug use. And this is lifetime drug use.

If we took this chart and just showed our youth, the statistics are even more dramatic.

□ 2100

Now, this report that again I bring before the House tonight, the GAO report on the decline of our military assets in the war on drugs, has some startling information and comments. I want to take them right out of the report.

According to General Wilhelm, and General Wilhelm is the general in charge of SOUTHCOM, SOUTHCOM is the Southern Command, which is in charge really of this surveillance operation, the detection and interdiction effort. According to General Wilhelm, the Southern Command commander, the Command can only detect and monitor 15 percent of key routes in the overall drug trafficking area about 15 percent of the time. And this is in the report, and I met with General Wilhelm during the recess and he confirmed this statement.

What is even of greater concern and should be a concern to every Member of Congress and every American citizen is not only have they closed down any semblance of the war on drugs and cost-effectively dismantled interdiction and we are down to this capability, but even as this report was written, we had the further damage done to this whole effort by the United States last May being dislodged from Howard Air Force base in Panama.

Almost all of the operations for forward surveillance and forward operating locations in the war on drugs is located at Howard Air Force Base in Panama. All flights ceased last May 1. So we have had an incredible gap left wide.

That is why we continue to see incredible amounts of heroin. And this is not the heroin of the 1980s that was 10 percent pure. This is the heroin of the 1990s that is now 70 and 80 percent pure. That is why we continue to see the death and destruction that we see.

I come from an area that has had heroin overdose deaths, particularly among its young people, that now exceed the homicides in Central Florida. And I represent one of the most prosperous, well-educated districts in the Nation. So we have seen an incredible number of deaths.

I met with local law enforcement officials and particularly the High Intensity Drug Traffic Area Group that I helped establish to deal with this problem of, again, drugs coming into our region in Central Florida. I met with them during the recess, and I was stunned to hear their commentary that the deaths have basically leveled out. We have still a record number of deaths but they have leveled out some. But the overdoses continue to explode.

The only reason that the deaths are not greater in my area and other areas is that medical emergency treatment has become better in helping save young lives and people who suffer from drug overdose. That is sort of a sad commentary that we have even more overdoses, and the only way that we are really making any slight progress is through additional and swifter and better medical treatment for overdose folks.

But if my colleagues want to know where the illegal narcotics are coming from, this basically says that the war

on drugs was closed down in 1993 by the Clinton administration. It does not paint a very pretty picture and I know that people are not happy to see this by the commander of our Southern Command who is in charge of that effort, but that basically is what has taken place.

The report is even more disturbing in that in this chart we conducted a hearing the morning of the President's State of the Union address on January 27 and had DOD, the Coast Guard, and U.S. Customs come in, whose activities are also detailed in this record, but we use this chart and it is taken right from the report again and it shows that in the blue here it shows the requested assets of the Department of Defense by SOUTHCOM.

So our commander who is in charge of the interdiction, the important part of keeping drugs from our shores, requested, and these are his requests in blue and part of the graph here in red is what asset he received from DOD.

So we see the requests here again in blue and the red is actually what he got. This is even more disheartening because Congress has put more money into defense and defense in this administration are providing fewer and fewer assets in the war on drugs.

Now, I take great exception to anyone who tells me that the war on drugs is a failure. Because the war on drugs, and I can bring back the chart of the Clinton administration and the Bush-Reagan administration, here, my colleagues, is the failure. It is very evident. This details exactly what took place. That is the failure. And how in heaven's name can Congress appropriate additional money to DOD, and we have appropriated some of the first increases since again the fall of communism and the Berlin Wall to defense.

Now, I know a lot of that has been diverted to Kosovo, Bosnia, Haiti, and Somalia, but even in this scenario it is just unbelievable that very few assets and the policy of this administration has diverted assets again from this effort.

Now they are coming forward with an emergency appropriation for Colombia. The situation in Colombia, as I said, was really generated by direct policy decisions of this administration, and we are now going to pay for them in a very big way with a very big tab. But this shows again the lack of putting any real cost-effective method of fighting illegal narcotics.

This chart, and I will hold it up for just a minute, shows the decline in the assets that DOD contributes to reducing illegal drugs. And in this chart, this center red here shows DOD decline. A little bit of the slack has been taken up since 1995 by the Coast Guard, which is in this line, I believe it is green, you are dealing with a color blind Member of Congress; and this blue line here is the total assets contributed.

So some of the slack has been taken up by the Coast Guard and also by U.S. Customs. That is the only reason things are not even worse today even with the commitment that the new majority has made since 1995 in the war on drugs.

And again this is the result of what we see today. And these are the latest statistics on heroin. This is provided to me by DEA, our Drug Enforcement Agency, and they can tell us because of scientific analysis, just like DNA analysis, where heroin is coming from. We know South America, and this is all Colombia, 65 to 70 percent is coming from there.

What is scary here is the chart I got from 1997 shows Mexico, which again in the early 1990s was a very very small producer of heroin, is now a 17-percent producer. And that is also I think directly as a result of this administration's policy of give Mexico every possible trade benefit, give Mexico every possible financial benefit, give Mexico access to our financial and international assistance programs, and get nothing in return.

And what we have gotten in return is an increase in heroin produced in that country. And then southeast Asia produces about 14 percent. But the bulk of the heroin that we have seen that is flooding into our streets and our communities, and we have to remember that this red portion would not even have appeared in the early 1990s has been as a direct result of not targeting, going after, the source of illegal narcotics and again in a very cost effective way.

Now, you may say can that be effective. Let me say, since 1995 when we took over, I went with Mr. Zeliff and then also with the gentleman from Illinois (Mr. HASTERT) who chaired this subcommittee into Peru and Bolivia. We met with President Fujimori, we met with Hugo Banzer Suarez and other leaders of those countries and asked what will it take to reduce cocaine production. And we got small amounts of money, it is almost insignificant in the amounts of money that we are spending and the impact on our economy, but somewhere between $20 million or $40 million out of $178 billion to those countries.

In 2 years of work and 2 years of planning, we have been able to reduce the cocaine production in Bolivia by 53 percent and by almost 60 percent in Peru, which is absolutely remarkable. So very little money has helped curtail that.

Now, there is one problem that we have seen, and in fact that is production of cocaine, and this is from one of the newspapers just a few days ago, January 19 in an Associated Press, ''Cocaine Production Surges in Colombia.''

Why is it surging in Colombia? Because the resources that Colombia has requested still have not gotten to Colombia, the resources that this Congress appropriated to Colombia. We appropriated $300 million to Colombia in the last fiscal year, which ended in December. We are into October in a new fiscal year.

To date, this administration has continued to block or bungle getting aid to Colombia. The record is just unbelievable.

Now, my colleagues may have heard that Colombia is now the third largest recipient of United States foreign assistance. Well, that would be all well and great and factual if they got that money. But, in fact, the record of this administration in blocking and thwarting and bungling getting aid to Colombia is just unbelievable.

Our hearing helped detail some of that. Our closed-door meetings with the Department of Defense, Department of State and other agencies indicated a horrible job and failure in getting assistance there.

Let us take a minute and look at what has happened with the $300 million that Congress appropriated in the past fiscal year. Where is that money? Less than $100 million, a third of that, is actually in Colombia today. Most of $100 million, or one-third of that, is in the form of three Blackhawk helicopters.

It is absolutely unbelievable. It is mind boggling. Every Member of Congress should be contacting the Department of State tomorrow and asking why those helicopters that we have given to and asked for for 3 or 4 years and finally gotten down to Colombia late last fall are still not flying because they do not have protective armor, they do not have ammunition to even conduct combat or participate in the war on drugs.

□ 2115

What an incredible bungling. We did not hear anything about that from the President when he spoke at the podium last week. We will not hear about that next week when the President asks for $1.5 or $1.6 billion of hard-earned taxpayer money. We will not also hear the incredible story, I do not have this totally documented but I am told by staff that during the holidays when everyone was concerned about the terrorist threat and everything, that the ammunition that was to be delivered years ago and requested and appropriated partly through the $300 million and even promised before that as surplus material for the war on drugs to Colombia, the ammunition was delivered to the back door loading dock of the State Department. This in fact is not only the administration that closed down the war on drugs, this is the administration that bungled the war on drugs. I do not mind putting whatever resource we can cost effectively into these countries to combat illegal narcotics. But what an incredible fiasco to find out that the helicopters that we paid for still are not conducting a war on drugs, to find out they are not armed, to find out they are idled, to find out that the ammunition we have requested time and time again cannot even be delivered to the country in an orderly and timely fashion.

And what do we see? Cocaine production surges in Colombia. Now, I wonder why.

This report also details an incredible story about a request from the United States Ambassador to Peru. Now, that would be a Clinton appointee. The U.S. Ambassador to Peru on page 17 and 18 of this report warned in an October 1998 letter to the State Department that the reduction in air support could have a serious impact on the price of coca and coca production in Peru. Here we put in place a very cost-effective and effective program and we have gotten a 60 percent reduction in cocaine and coca production in Peru. The Ambassador asked for assistance and warned that the reduction that is detailed here, the reduction that this administration has directed basically taking us out of this effort is going to result in additional coca production. I was stunned to learn by information provided to me at the Southcom briefing in Miami by our leaders down there that for the first time they are now seeing an increase in production of cocaine and coca in Peru again. It is incredible that we cannot get minimal resources and cost-effective resources to the source countries to stop illegal narcotics production and then get the drugs before they get to our shores, interdict them and at least provide the intelligence and surveillance information to countries that have the will like President Fujimora who instituted a shootdown policy. The drug dealers go up and they shot them down. Some people did not want us to provide that information to the government of Peru. Some people said that was cruel and unusual punishment on those drug dealers. I would like to take those who believe that and let them talk to the mothers and fathers in my district that have lost a young person to drug overdose. I would like to take them to the 15,900 Americans who just in 1 year to their families, the survivors who have lost a loved one and see what they think about this failed policy.

I think it is also important to see what this policy has wrought on this Nation of late. Just during the recess in the last few days, there was a report, and actually this is from last week, this is January 27, ironically the same day the President stood a few feet from where I am now standing and talked to us about the State of the Union. He did not talk about the State of the Union in this headline: Drug Use Explodes in Rural America. Not only have our urban centers been decimated by illegal narcotics, not only has now our suburban area, the other parts of the country, and I represent a suburban area that had really not been victim here, but now, thanks to this great policy and this great failure, we have managed to make our rural areas a killing fields. The statistics are unbelievable. The percent of eighth graders who said they used a drug at least once, the highest percentage of this use in marijuana, cocaine, crack, heroin and amphetamines is now in our rural areas. We did not hear the President talk about that. Nor did we hear him talk about this failed policy. And now we know why, because the legacy of this administration to address the most serious social problem we face in our Nation, that is again destroying countless lives, that again is impacting our youth in every part of our country, metropolitan, suburban and now rural, we see why we have gotten ourselves into this situation by again failed policies.

It is nice to talk about who failed, and I do not want to be partisan in that, but I think people must be held accountable. I should also report that the Republican majority has begun to put this effort back together. We have begun to restore the cost-effective programs, the one I described in stopping cocaine production in Peru and Bolivia. We would like to restart it in Colombia, but we need an administration that is capable of at least delivering the resources to our allies in this effort and restarting a real war on drugs where the drugs are produced, where the drugs are coming from. Additionally, we have brought the Coast Guard back and United States customs and provided additional funding and resources. We are back up to the 1992–1993 funding levels for that.

Now, we know that just restarting interdiction and source country programs is not the answer. I had proposed legislation that would require our media and particularly those broadcast media, because I know television, radio impact our lives and particularly our young people, influence their opinion more than just about anything today. But I had proposed that they devote more of their time. In fact, we mandate that that time, public airtime be given to drug messages and not just at odd hours but throughout prime time. The President, of course, has had a different approach, which was spending, and he proposed expenditure and purchase of those. The compromise, and, of course, we must deal in a compromise situation to get anything done here because we have a great diversity and a very narrow majority, the compromise was a plan that combined my plan with the President's plan, and we have $1 billion appropriated for 3 years for drug education, we are 1 year into it, and the other part of the compromise was to have at least a match in donated time. We are 1 year into it. I am not real pleased with the beginning. I thought it was not a good start. Hopefully we will have even more effective drug and antinarcotics ads, education ads for our young people and adults, because it is important that education along with eradication, interdiction, enforcement and also treatment be part of a multifaceted approach.

I look forward to working with my colleagues and bringing that multifaceted approach. I am pleased to report again on this issue to the Congress and the American people.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. JACKSON-LEE of Texas (at the request of Mr. GEPHARDT) for today after 12 p.m. on account of family matters.

Mr. LARSON (at the request of Mr. GEPHARDT) for January 31 on account of airport delays.

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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 Member (at the request of Mr. MCNULTY) to revise and extend his remarks and include extraneous material:)

Mr. KIND, for 5 minutes, today.

(The following Members (at the request of Mr. STEARNS) to revise and extend their remarks and include extraneous material:)

Mr. JONES of North Carolina, for 5 minutes, today and February 2.

Mr. SWEENEY, for 5 minutes, February 8.

Mr. METCALF, for 5 minutes, today.

Mr. SMITH of Michigan, for 5 minutes, today and February 2.

Mr. SCARBOROUGH, for 5 minutes, today.

Mr. KINGSTON, at his own request, for 5 minutes, today.

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ADJOURNMENT

Mr. MICA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 25 minutes p.m.), the House adjourned until tomorrow, Wednesday, February 2, 2000, at 10 a.m.

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EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

5923. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule—Technical Amendments to FDIC Regulations Relating to Rules of Practice and Procedure and Deposit Insurance Coverage (RIN: 3064–AC30) received December 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

5924. A letter from the Director, Office of Thrift Supervision, transmitting the annual report on the national flood insurance program, pursuant to Public Law 103–325, section 529(a) (108 Stat. 2266); to the Committee on Banking and Financial Services.

5925. A letter from the Secretary of Education, transmitting the annual report of the National Advisory Committee on Institutional Quality and Integrity for fiscal year 1999, pursuant to 20 U.S.C. 1145(e); to the Committee on Education and the Workforce.

5926. A letter from the Administrator, Environmental Protection Agency, transmitting a report on the quality of ground water in the nation and the effectiveness of state ground water protection programs; to the Committee on Commerce.

5927. A letter from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting the Administration's final rule—Irradiation in the Production, Processing, and Handling of Food [Docket No. 94F–0455] received December 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5928. A letter from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting the Administration's final rule—Medical Devices; Revocation of Cardiac Pacemaker Registry [Docket No. 85N–0322] received December 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5929. A letter from the Inspector General, Corporation for National Service, transmitting Results of audits conducted by the Office of Inspector General and the Corporation's Report of Final Action, pursuant to 5 app; to the Committee on Government Reform.

5930. A letter from the Office of the Chairman, Panama Canal Commission, transmitting the semiannual report for the period April 1, 1999 through September 30, 1999, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Government Reform.

5931. A letter from the Secretary of Education, transmitting the semiannual report of the activities of the Office of Inspector General for the period April 1, 1999 through September 30, 1999, pursuant to 5 app.; to the Committee on Government Reform.

5932. A letter from the Assistant Attorney General, Department of Justice, transmitting the report entitled ''Entry into the United States of Salvador Generals Jose Guillermo Garcia Merino and Carlos Eugenio Vides Casanova''; to the Committee on the Judiciary.

5933. A letter from the the Assistant Secretary of the Army, Civil Works, the Department of the Army, transmitting notification of plans to implement the project through the normal budget process; (H. Doc. No. 106–185); to the Committee on Transportation and Infrastructure and ordered to be printed.

5934. A letter from the the Assistant Secretary of the Army, Civil Works, the Department of the Army, transmitting notification of plans to implement the project through the normal budget process; (H. Doc. No. 106–186); to the Committee on Transportation and Infrastructure and ordered to be printed.

5935. A letter from the the Assistant Secretary of the Army, Civil Works, the Department of the Army, transmitting the authorization and plans to implement the project through the normal budget process; (H. Doc. No. 106–188); to the Committee on Transportation and Infrastructure and ordered to be printed.

5936. A letter from the the Assistant Secretary of the Army, Civil Works, the Department of Army, transmitting notification of plans to implement the project through the normal budget process; (H. Doc. No. 106–184); to the Committee on Transportation and Infrastructure and ordered to be printed.

5937. A letter from the Attorney-Advisor, Department of Transportation, transmitting the Department's final rule—Domestic Baggage Liability [Docket No. OST–1996–1340, formerly Docket 41690] (RIN: 2105–AC07) received December 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5938. A letter from the Attorney, Research and Special Programs Administration, Department of Transportation, transmitting the Department's final rule—Pipeline Safety: Gas and Hazardous Liquid Pipeline Repair [Docket No. RSPA–98–4733; Amdt. 192–88; 195–68] (RIN: 2137–AD25) received December 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5939. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class D Airspace and establishment of Class E Airspace; Dayton, Wright-Patterson AFB, OH [Airspace Docket No. 99–AGL–50] received December 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5940. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Alice, TX [Airspace Docket No. 99–ASW–23] received December 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5941. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Removal of Class E Airspace; Fulton, MS [Airspace Docket No. 99–ASO–22] received December 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5942. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Mineral Wells, TX [Airspace Docket No. 99–ASW–20] received December 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5943. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Georgetown, TX [Airspace Docket No. 99–ASW–18] received December 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5944. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Corpus Christi, TX [Airspace Docket No. 99–ASW–22] received December 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5945. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Falfurrias, TX [Airspace Docket No. 99–ASW–21] received December 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5946. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Standard Measurement System Exemption from Gross Tonnage [USCG–1999–5118] (RIN: 2115–AF76) received December 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5947. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—SPECIAL LOCAL REGULATIONS: BellSouth Winterfest Boat Parade, Broward County, Fort Lauderdale, Florida [CGD07–99–082] (RIN: 2115–AE46) received December 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5948. A letter from the The American Legion, transmitting the proceedings of the 81th National Convention of the American Legion, held in Anaheim, California from September 7, 8 and 9, 1999 as well as a report on the Organization's activities for the year preceding the Convention, pursuant to 36 U.S.C. 49; (H. Doc. No. 106–187); to the Committee on Veterans' Affairs and ordered to be printed.

5949. A letter from the Director, Statutory Import Programs Staff, Department of Commerce, transmitting the Department's final rule—Extended Production Incentive Benefits to Jewelry Manufacturers in the U.S. Insular Possessions [Docket No. 990813222–9309–02] (RIN: 0625–AA55) received December 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

□

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calender, as follows:

Ms. PRYCE of Ohio: Committee on Rules. House Resolution 412. Resolution providing for consideration of the bill (H.R. 2005) to establish a statute of repose for durable goods used in a trade or business (Rept. 106–491). Referred to the House Calendar.

□

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BILBRAY (for himself and Mr. LIPINSKI):

H.R. 3561. A bill to require disclosure under the Freedom of Information Act regarding certain persons and records of the Japanese Imperial Army in a manner that does not impair any investigation or prosecution conducted by the Department of Justice or certain intelligence matters, and for other purposes; to the Committee on Government Reform, and in addition to the Committee on Intelligence (Permanent Select), 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. MURTHA:

H.R. 3562. A bill to amend title 37, United States Code, to authorize the Secretary of Defense to set the rates for the basic allowance for housing for members of the uniformed services based on the costs to members for adequate housing and to remove the limitation on the total amount of all such allowances that may be paid in a fiscal year; to the Committee on Armed Services.

By Mr. BLAGOJEVICH:

H.R. 3563. A bill to prevent the theft of firearms from commercial carriers; to the Committee on the Judiciary.

By Mr. ISAKSON:

H.R. 3564. A bill to amend chapter 11 of title 31, United States Code, to include projected 3 percent cuts in the budget of each department or agency of the Government within the President's annual budget submission; to the Committee on the Budget.

By Mr. NETHERCUTT:

H.R. 3565. A bill to amend title 10, United States Code, to provide that covered beneficiaries under chapter 55 of such title shall not be required to pay a copayment for health care services received under TRICARE Prime; to the Committee on Armed Services.

By Mr. SHUSTER (for himself, Mr. OBERSTAR, Mr. BOEHLERT, and Mr. BORSKI):

H.R. 3566. A bill to provide off-budget treatment for the Inland Waterways Trust Fund and the Harbor Maintenance Trust Fund; to the Committee on Transportation and Infrastructure, and in addition to the Committee on the Budget, 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. EWING (for himself, Mr. STUMP, Mr. YOUNG of Florida, Mr. SPENCE, Ms. BALDWIN, Mr. ROGAN, Mr. LATOURETTE, Mr. SMITH of New Jersey, Mr. ABERCROMBIE, Mr. FRELINGHUYSEN, Mr. GALLEGLY, Mrs. MEEK of Florida, Mr. MURTHA, Mr. FOLEY, Mr. SHOWS, Mr. CRAMER, Mr. BOEHLERT, Mr. OBERSTAR, Mr. SPRATT, Mr. LARGENT, Mr. LAMPSON, Mr. HERGER, Mr. GIBBONS, Mr. DOYLE, Mr. DEAL of Georgia, Mr. JOHN, Mr. FRANKS of New Jersey, Mr. GUTIERREZ, Mrs. EMERSON, Mr. PACKARD, Mr. MCHUGH, Mr. MILLER of Florida, Mr. GOODE, Mr. SWEENEY, Ms. DANNER, Mr. WAMP, Mr. KENNEDY of Rhode Island, Mrs. MINK of Hawaii, Mr. OBEY, Mr. MICA, Mr. DIXON, Mr. JENKINS, Mr. HINCHEY, Mr. FORBES, Mr. RAHALL, Mr. FILNER, Mr. WALSH, Mr. PETERSON of Minnesota, Mr. ROHRABACHER, Mr. BACHUS, Mr. WEXLER, Mr. GOSS, Ms. ROYBAL-ALLARD, Mr. THOMPSON of California, Mrs. MORELLA, Mr. STEARNS, Mr. LUCAS of Oklahoma, Mr. LOBIONDO, Mr. SKELTON, Mr. TRAFICANT, Mr. LIPINSKI, Mr. BONILLA, Mr. BUYER, Mr. ROMERO-BARCELO, Mrs. JONES of Ohio, Mr. BILBRAY, Mr. HEFLEY, Mr. BORSKI, Mr. EVANS, Mr. BARTLETT of Maryland, Mr. UNDERWOOD, Mr. OXLEY, Mr. MCGOVERN, Mr. WATTS of Oklahoma, Mr. BAKER, Mr. PICKERING, Mr. CAPUANO, Mr. OWENS, Mr. PASCRELL, Mr. FROST, Mr. CUNNINGHAM, Mrs. NAPOLITANO, Mr. METCALF, Mr. BARRETT of Nebraska, Mr. RANGEL, Mr. MARTINEZ, Mr. COBLE, Mr. WEINER, Ms. KAPTUR, Mr. SHIMKUS, Mr. STENHOLM, Mr. FARR of California, Mr. CONDIT, Mr. GEJDENSON, Mr. POMEROY, Mr. MATSUI, Mr. SHAYS, Mr. BLAGOJEVICH, Mr. MASCARA, Mr. MEEHAN, Mr. SAM JOHNSON of Texas, Mr. TANCREDO, Mr. LAHOOD, Mr. RILEY, Mrs. KELLY, Mr. DINGELL, Mr. CONYERS, Mr. SMITH of Texas, Mr. KING, Ms. ESHOO, Mr. BILIRAKIS, Ms. BROWN of Florida, Mr. MOLLOHAN, Mr. VISCLOSKY, Mr. WOLF, Mr. LEACH, Mrs. CAPPS, Mr. TERRY, Mr. LEWIS of California, Mr. TOOMEY, Mr. STUPAK, Mr. COOKSEY, Mr. SAWYER, Mr. CASTLE, Mr. WAXMAN, Mr. NORWOOD, Mr. MCNULTY, Mr. HOBSON, Mr. PAYNE, Mr. MOORE, Mr. KINGSTON, Ms. GRANGER, Mrs. MCCARTHY of New York, Mr. HALL of Ohio, Mr. PICKETT, Mr. HANSEN, Mr. HORN, Mr. KUYKENDALL, Mr. MORAN of Virginia, Mrs. MYRICK, Mr. GREEN of Texas, Mr. SNYDER, Mr. HUTCHINSON, Mr. TAYLOR of North Carolina, Ms. CARSON, Mr. TALENT, Mr. MCINTYRE, Mr. INSLEE, Mr. DELAY, Mr. FORD, Mr. ARMEY, Mr. DELAHUNT, Mr. RYAN of Wisconsin, Mr. REYES, Mr. SCHAFFER, Mr. LUCAS of Kentucky, Mr. GUTKNECHT, Mr. SISISKY, Ms. HOOLEY of Oregon, Mr. PALLONE, Mrs. BIGGERT, Mrs. WILSON, Mr. DEMINT, Mrs. CLAYTON, Mr. THUNE, Mr. RUSH, Mr. MANZULLO, Mrs. NORTHUP, Mr. GREEN of Wisconsin, Mrs. FOWLER, Mr. HOYER, Mr. EHRLICH, and Mr. GEKAS):

H.J. Res. 86. A joint resolution recognizing the 50th anniversary of the Korean War and the service by members of the Armed Forces during such war, and for other purposes; to the Committee on Armed Services.

By Mr. JENKINS:

H. Con. Res. 245. Concurrent resolution to correct technical errors in the enrollment of the bill H.R. 764; considered and agreed to.

By Mr. KUYKENDALL:

H. Con. Res. 246. Concurrent resolution expressing the sense of the Congress regarding elimination of the portion of the national debt held by the public by 2015 or earlier; to the Committee on Ways and Means.

By Mr. WATTS of Oklahoma:

H. Res. 410. A resolution designating majority membership on certain standing committees of the House; considered and agreed to.

By Mr. FROST:

H. Res. 411. A resolution designating minority membership on certain standing committees of the House; considered and agreed to.

□

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 113: Mr. HALL of Texas.
H.R. 175: Mr. HASTINGS of Washington.
H.R. 355: Mr. KUYKENDALL.
H.R. 460: Mr. STUPAK and Mr. HINCHEY.
H.R. 531: Mr. GILLMOR.
H.R. 583: Mr. PRICE of North Carolina and Mr. SHOWS.
H.R. 623: Mr. WELDON of Florida and Mr. BOEHNER.
H.R. 670: Mr. HOEKSTRA and Mr. MOLLOHAN.
H.R. 688: Mr. TOOMEY.
H.R. 721: Mr. BURTON of Indiana and Ms. DELAURO.
H.R. 802: Mr. LAMPSON.
H.R. 809: Mr. MORAN of Virginia and Mr. WALSH.
H.R. 826: Mr. HOLT and Mr. LAFALCE.
H.R. 827: Mr. LAMPSON.
H.R. 860: Ms. DELAURO.
H.R. 900: Mr. DIAZ-BALART.
H.R. 923: Mr. MCINTYRE, Mr. SHIMKUS, and Mr. PALLONE.
H.R. 937: Mr. BAKER.
H.R. 959: Mr. WU.
H.R. 1032: Mr. KOLBE.
H.R. 1046: Mr. CROWLEY, Mrs. WILSON, Mr. PALLONE, Mr. MARTINEZ, Mr. EVANS, and Mr. GEJDENSON.
H.R. 1093: Mr. JOHN.
H.R. 1130: Mr. HALL of Ohio and Mr. THOMPSON of California.
H.R. 1172: Mr. FRELINGHUYSEN and Mr. CHABOT.
H.R. 1260: Ms. LEE.
H.R. 1304: Mr. SAWYER and Mr. RANGEL.
H.R. 1313: Mr. DEFAZIO, Mr. NADLER and Mr. CAPUANO.
H.R. 1387: Mr. EWING.
H.R. 1450: Mr. LAMPSON.
H.R. 1488: Mr. EVANS and Mr. HALL of Texas.
H.R. 1592: Mr. REYES, Mr. DINGELL, and Mr. GANSKE.
H.R. 1625: Mr. MATSUI, Mr. NADLER, Mr. MARTINEZ, Mr. CONYERS, and Mr. HALL of Ohio.
H.R. 1760: Mr. UPTON, Ms. DELAURO, and Mr. MCINTYRE.
H.R. 1793: Mr. BACA.
H.R. 1917: Mr. LAMPSON.
H.R. 1933: Mr. SHADEGG, Mr. SHAYS, and Mr. LIPINSKI.
H.R. 2059: Mr. HUTCHINSON, Mr. RAHALL, and Mr. METCALF.
H.R. 2166: Mr. ACKERMAN and Mr. NADLER.
H.R. 2192: Mr. KENNEDY of Rhode Island.
H.R. 2282: Mr. VITTER, Mr. DICKEY, and Mr. ISAKSON.
H.R. 2298: Mr. SABO.
H.R. 2345: Ms. LEE, Ms. RIVERS, and Mr. GUTIERREZ.
H.R. 2372: Mr. JENKINS.
H.R. 2463: Mr. UDALL of New Mexico.
H.R. 2620: Mrs. MALONEY of New York, Mr. SMITH of Texas, Mr. THORNBERRY, and Mr. KUYKENDALL.
H.R. 2631: Mr. CONYERS.
H.R. 2645: Mr. DAVIS of Illinois.
H.R. 2655: Mr. HEFLEY.
H.R. 2680: Mr. OLVER.
H.R. 2686: Mr. MORAN of Virginia.
H.R. 2697: Mrs. KELLY.
H.R. 2706: Mr. GUTIERREZ.
H.R. 2749: Mr. KUYKENDALL.
H.R. 2750: Mr. SALMON.
H.R. 2812: Mr. ENGLISH, Mr. PASTOR, Mr. MEEKS of New York, Mr. CLYBURN, and Mrs. CHRISTENSEN.
H.R. 2867: Mr. GALLEGLY.
H.R. 2870: Mr. MCDERMOTT.
H.R. 2945: Ms. LEE, Mr. PRICE of North Carolina, Mr. STARK, Mr. UPTON, Mr. CUNNINGHAM, Mr. GEJDENSON, Mr. BERMAN, Mr. DEFAZIO, Mrs. LOWEY, Mr. KENNEDY of Rhode Island, Mr. WYNN, and Ms. ESHOO.
H.R. 2947: Mr. MINGE, Mr. TIERNEY, Mr. WALDEN of Oregon, Ms. HOOLEY of Oregon, and Ms. BALDWIN.
H.R. 2966: Mr. RADANOVICH, Mr. BACHUS, Mr. BILIRAKIS, and Mr. WATT of North Carolina.
H.R. 2992: Mr. CAMPBELL.
H.R. 3103: Mr. MATSUI.
H.R. 3136: Mr. FARR of California.
H.R. 3144: Mr. BARCIA.
H.R. 3161: Mr. BOUCHER.
H.R. 3174: Mr. HOBSON, Mr. STUMP, and Mr. BURTON of Indiana.
H.R. 3180: Ms. RIVERS, Ms. WOOLSEY, Mr. LATOURETTE, Mr. GEJDENSON, Mr. EWING, and Mr. STRICKLAND.
H.R. 3193: Mr. INSLEE, Mr. OBERSTAR, Mr. KLECZKA, Mr. MOORE, Mr. DELAHUNT, Mr. FOLEY, and Mr. RANGEL.
H.R. 3195: Mr. WAXMAN, Mr. POMEROY, Mr. OWENS, Mr. ROMERO-BARCELO, Mr. HASTINGS of Washington, Ms. KILPATRICK, Mr. BENTSEN, Mr. KUCINICH, Mr. STENHOLM, and Mr. LAHOOD.
H.R. 3222: Mr. BLUNT.
H.R. 3278: Mr. PRICE of North Carolina and Mrs. MYRICK.
H.R. 3293: Mr. WEINER, Mr. PICKERING, Mrs. JOHNSON of Connecticut, Mr. QUINN, Mr. SKELTON, and Mr. CAMP.
H.R. 3329: Mr. LANTOS and Mr. FRANKS of New Jersey.
H.R. 3377: Mr. LATOURETTE, Mr. PALLONE, Mr. OLVER, Mr. MOAKLEY, Mr. MARKEY, Mr. UDALL of Colorado, Mr. GUTIERREZ, Ms. KILPATRICK, Mr. GEORGE MILLER of California, Mr. OWENS, Mr. NADLER, Mr. MCGOVERN, Mr. WYNN, Mr. KLECZKA, Mr. LEWIS of Georgia, Mr. CONYERS, Mr. DELAHUNT, Ms. MCKINNEY, Mr. BARRETT of Wisconsin, and Mr. CLAY.
H.R. 3405: Mr. TANCREDO, Mrs. MCCARTHY of New York, Mr. TIERNEY, Mr. GUTIERREZ, Mr. SPRATT, Mr. BORSKI, Mr. FROST, Mr. ACKERMAN, Mr. TRAFICANT, Mrs. MORELLA, Mr. BURTON of Indiana, Mr. PASCRELL, Mr. FOLEY, Mr. PORTER, Mr. HASTINGS of Florida, Mr. DOYLE, Mr. SALMON, Mr. DIAZ-BALART, Mr. MCNULTY, Mr. WAXMAN, and Ms. BERKLEY.
H.R. 3420: Mr. HUTCHINSON and Mr. BACA.
H.R. 3439: Mr. COSTELLO, Mr. LATHAM, Mr. PHELPS, Ms. BERKLEY, Mr. HILL of Montana, Mr. DICKEY, and Mr. GALLEGLY.
H.R. 3520: Mr. CASTLE.
H.R. 3525: Ms. DUNN, Mr. BILIRAKIS, Mrs. EMERSON, Mr. GREEN of Wisconsin, and Mr. GEKAS.
H.R. 3530: Mr. BONILLA, Mr. MCINNIS, Mrs. MYRICK, Mr. GREENWOOD, Mr. HUTCHINSON, Mr. SOUDER, Mr. MCHUGH, Mr. PITTS, Mr. TOOMEY, Mrs. NORTHUP, and Mr. LARGENT.
H.R. 3539: Mr. HEFLEY.
H.R. 3540: Mr. SHIMKUS, Mr. GUTKNECHT, and Mr. SMITH of Washington.
H.R. 3546: Mr. EHRLICH, Mr. GEORGE MILLER of California, Mr. GUTIERREZ, Mr. PASCRELL, Mr. BLUMENAUER, and Mr. MEEHAN.
H. Con. Res. 74: Mr. FARR of California and Mr. MARTINEZ.

H. Con. Res. 77: Ms. RIVERS.

H. Con. Res. 177: Ms. HOOLEY of Oregon, Mr. BERMAN, Ms. STABENOW, Mr. DAVIS of Illinois, and Mr. PRICE of North Carolina.

H. Con. Res. 209: Mr. FRANK of Massachusetts, Mr. TOWNS, Mr. GIBBONS, Mr. FILNER, Mr. OXLEY, and Mr. HOLT.

H. Con. Res. 226: Mr. SHOWS, Mr. LATOURETTE, Mr. RAHALL, Mr. CROWLEY, Mr. SANDERS, Ms. DANNER, Mr. STRICKLAND, Mr. TIERNEY, Mr. STUPAK, Mr. BACA, Mr. FOLEY, Mr. RANGEL, and Mrs. EMERSON.

H. Con. Res. 238: Mr. STUPAK, Ms. BALDWIN, Mr. LUTHER, Mr. BONIOR, and Mr. KLECZKA.

H. Con. Res. 240: Mr. FARR of California, Mr. STENHOLM, Mr. OLVER, Mr. KLECZKA, Mr. CLAY, and Mr. COYNE.

H. Res. 347: Mr. TANCREDO, Mr. STUPAK, and Mr. DINGELL.

H. Res. 388: Mr. TANCREDO.

H. Res. 406: Mrs. MCCARTHY of New York.

□

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 72: Mr. GALLEGLY.

□

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2005

OFFERED BY MR. CHABOT OF OHIO

AMENDMENT NO. 1: Page 2, strike lines 10 through 20 and insert the following:

(1) no civil action may be filed against the manufacturer or seller of a durable good for damage to property arising out of an accident involving that durable good if the accident occurred more than 18 years after the date on which the durable good was delivered to its first purchaser or lessee; and

(2) no civil action may be filed against the manufacturer or seller of a durable good for damages for death or personal injury arising out of an accident involving that durable good if the accident occurred more than 18 years after the date on which the durable good was delivered to its first purchaser or lessee and if—

H.R. 2005

OFFERED BY: MR. CHABOT

AMENDMENT NO. 2: 1. Paage 2, strike lines 10 through 20 and insert the following:

(1) no civil action may be filed against the manufacturer or seller of a durable good for damage to property arising out of an accident involving that durable good if the accident occurred more than 18 years after the date on which the durable good was delivered to its first purchaser or lessee;

(2) no civil action may be filed against the manufacturer or seller of a durable good for damages for death or personal injury arising out of an accident involving that durable good if the accident occurred more than 18 years after the date on which the durable good was delivered to its first purchaser or lessee and if—

2. Page 2, line 14, delete the ''.'' and insert ''; and''.

3. Page 2, insert after line 14 the following:

(3) subparagraph (a)(1) of this section does not supersede or modify any statutory or common law that authorizes an action for civil damages, cost recovery or any other form of relief for remediation of the environment as defined in section 101(8) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 as amended (42 U.S.C. 9601(8)).

H.R. 2005

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 3: Page 3, strike lines 15 through 19 and redesignate the succeeding subsection accordingly.

H.R. 2005

OFFERED BY: MR. TERRY

AMENDMENT NO. 4: Page 3, insert the following after line 14:

(4) PRODUCTS NOT STATE-OF-THE-ART.—This Act shall not apply in the case of a durable good that, at the time it was produced, was not state-of-the-art.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 106th CONGRESS, SECOND SESSION

Vol. 146 WASHINGTON, TUESDAY, FEBRUARY 1, 2000 No. 6

Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, You have created us in Your own image; forgive us when we return the compliment by trying to create You in our image, projecting onto You human judgmentalism. We evade Your judgment of our judgments. Our judgments divide us from one another. We condemn those who differ with us; we miss Your lordship by lording it over others. We need to be reconciled to You, Lord. Forgive any pride, prejudice, or presumption. Our Nation is deeply wounded by cutting words and hurting attitudes toward other religions, races, and political parties. We are divided into camps of liberal and conservative, Republican and Democrat, and from each camp we shout demeaning criticisms of each other. Forgive our arrogance, but also forgive our reluctance to work together with those with whom we differ. We confess that Your work in our Nation is held back because of intolerance.

We know that You are the instigator of our longing to be one and the inspiration of our oneness. Bind us together with the triple-braided cord of Your acceptance, atonement, and affirmation. In Your holy name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable GEORGE VOINOVICH, a Senator from the State of Ohio, led the Pledge of Allegiance as follows:

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

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator from Utah is recognized.

SCHEDULE

Mr. HATCH. Mr. President, today the Senate will immediately resume consideration of the bankruptcy bill under the previous order. Senator WELLSTONE will be in control of the first hour to debate his amendments regarding lifeline accounts and debt collection. There are other remaining amendments that will be debated and voted on throughout today's session with a vote on final passage expected to occur no later than tomorrow.

As a reminder, a cloture motion was filed on the motion to proceed to the nuclear waste disposal legislation during Monday's session, and by previous consent that vote will occur following completion of the bankruptcy bill during Wednesday's session of the Senate.

I thank my colleagues for their attention.

BANKRUPTCY REFORM ACT OF 1999

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 625, which the clerk will report.

The bill clerk read as follows:

A bill (S. 625) to amend title II, United States Code, and for other purposes.

Pending:

Wellstone amendment No. 2537, to disallow claims of certain insured depository institutions.

Wellstone amendment No. 2538, with respect to the disallowance of certain claims and to prohibit certain coercive debt collection practices.

Schumer/Durbin amendment No. 2762, to modify the means test relating to safe harbor provisions.

Schumer amendment No. 2763, to ensure that debts incurred as a result of clinic violence are nondischargeable.

Feingold modified amendment No. 2748, to provide for an exception to a limitation on an automatic stay under section 362(b) of title 11, United States Code, relating to evictions and similar proceedings to provide for the payment of rent that becomes due after the petition of a debtor is filed.

The PRESIDING OFFICER. Under the previous order, the time until 10:30 a.m. shall be under the control of the Senator from Minnesota, Mr. WELLSTONE, to speak on amendments Nos. 2537 and 2538.

The Senator from Nevada.

Mr. REID. Mr. President, a couple things before we get to Senator WELLSTONE.

It is my understanding, I say to the acting majority leader, Mr. HATCH, there will be no votes this morning and the first vote may occur after the caucuses.

I also ask unanimous consent that the Senator from Minnesota be allowed 1 hour rather than terminating his remarks at 10:30, that he should be entitled to 1 hour.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. If I may infringe on my colleague's time just for a minute——

Mr. REID. Does the Senator accept that unanimous consent request?

The PRESIDING OFFICER. Is the Senator objecting to the unanimous consent request?

Mr. HATCH. As I understand it, the unanimous consent request is that there will be no votes until 2:15, Senator WELLSTONE having the first hour.

Mr. REID. Yes, he gets an hour rather than being cut off at 10:30.

Mr. HATCH. Yes. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. The two WELLSTONE amendments, they have been filed, haven't they?

The PRESIDING OFFICER. They are pending.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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Mr. HATCH. Then I ask unanimous consent that the votes occur with respect to the pending amendments in stacked sequence beginning at 2:15 p.m. today and that there be 5 minutes for debate to be equally divided for closing remarks prior to the votes.

The PRESIDING OFFICER. Is there objection?

Mr. HATCH. I move to table both amendments.

I ask unanimous consent that it be in order for me to move to table each amendment.

The PRESIDING OFFICER. Is there objection to the unanimous consent request?

Mr. WELLSTONE. Mr. President, we are talking about tabling the amendments this afternoon; is that right—not now?

Mr. HATCH. No. When they occur, they will be tabled.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Minnesota.

AMENDMENTS NOS. 2537 AND 2538

Mr. WELLSTONE. Mr. President, first of all, I remind my colleagues of what I said last week about this legislation which I think, with all due respect to my colleague—I do have a lot of admiration for Senator HATCH—is still fundamentally flawed legislation. It contains numerous provisions which are unbelievably harsh toward those citizens who are most vulnerable in our society, and that troubles this Senator.

I think the entire concept of the bill is wrong. It addresses a crisis that appears to be self-directed. It rewards predatory and reckless lending by banks and credit card companies which fed the crisis in the first place, and it does nothing to actually prevent bankruptcy by closing economic security to working families. I reject the notion the Senate should assume that there are problems with the bankruptcy code because more people are going bankrupt.

Real bankruptcy reform would address the root causes of bankruptcy. It would address the concentration of financial markets which are increasing the clout and power of big banks and credit card companies to unprecedented levels. It would make working families more financially secure. It would address skyrocketing medical expenses. It would confront the economic balkanization in this country, the increasing schism between the wealthy and the rest of America.

This bill does none of these things. It imposes harsh penalties on families who, by and large, file for bankruptcy in good faith because it is the only option they have.

The two amendments I have offered to this bill—the payday loan amendment, which would curb a form of predatory lending which targets low- and moderate-income working families, and also the low-cost basic banking amendment, which would require big banks with more than $200 million in assets to offer low-cost banking services to their customers if they wish to be able to make claims against debtors in bankruptcy proceedings—would go a long way toward making this bill more fair and more balanced.

When I spoke last week, I said the bankruptcy crisis is over and it ended without Congress passing legislation. I cited the fact that bankruptcy proceedings actually fell last year—fell last year, I repeat—by 112,000 cases.

My good friend from Alabama came to the floor and said something that, actually, I think is true: This bill doesn't have anything to do with the number of bankruptcies. I think he was more right than probably any of us want to seem to admit. But the decrease in bankruptcy filings is significant, and let me explain why.

Ironically, the bankruptcy crisis probably ended because Congress has not passed a bill. The bean counters in the consumer credit industry realized that all of these bankruptcies were not good for profits, so they started lending less money. They were more careful about to whom they lent the money. In fact, overall consumer debt actually declined in 1998. And guess what. There were fewer bankruptcies. But if S. 625 becomes law, bankruptcy protection will be harshly rolled back. It will even be more profitable to overburden folks with debt, and the banks and credit card companies will fall over themselves trying to do it. But this time, America's working families are going to pay even more of a price.

This argument isn't purely historical or theoretical. Empirical data backs it up. I want to take my colleagues through a little bit of history. I want to read from an article published in the August 13, 1984, issue of Business Week. The article was entitled: ''Consumer Lenders Love the New Bankruptcy Laws.'' It was written in the aftermath of Congress' last tightening of the bankruptcy code in 1984. Here is how the article goes:

> It doesn't take much to get a laugh out of Finn Casperson these days. Just ask him the outlook for Beneficial Corp. now that the U.S. has a tough new bankruptcy law. ''It looks a lot rosier,'' says the chairman of the consumer finance company, punctuating the assessment with a hearty chuckle.

The article then explains what the banks and credit card industries got back in 1984:

> But when someone seems to be abusing the revised law, a judge can, on his or her own, throw a case out of Chapter 7, leaving the debtor to file under Chapter 13. And in Chapter 13, where an individual works out a repayment plan under court supervision, lenders now can get a court order assigning all of a borrower's income for three years to repaying debts . . .

Anyway, it goes on to say that the lender does not have to worry any longer and they can have these predatory practices and they can target people and they do not have to worry if there is no protection for people. But there is protection for them.

Does this sound familiar to my colleagues? These ''reforms'' —and I put ''reforms'' in quotes—are substantially similar to what the industry says are desperately needed now—that means to curb abusive filings. That is exactly what the Congress gave the credit card industry in 1984. But the question is, After we passed that bill in 1984, how did lenders behave after the ''strengthening'' of the bankruptcy code? That story will help us answer the question: If we give them this new, stricter, lopsided law in 2000, what will they do with it?

From the same 1984 Business Week article:

> Lenders say they will make more unsecured loans from now on, trying to lure back the generally younger and lower-income borrowers recently turned away.

Why not? We are giving them all the protection in the world. They can go about with all kinds of unscrupulous practices that I am going to talk about: Target poor people, target single parents, target young people, and not have to worry.

But that is exactly the problem. The consumer finance industry went after these folks with a vengeance post 1984. Lenders felt so protected by the new bankruptcy law that they eventually threw caution to the wind and began using the same aggressive, borderline deceptive and abusive tactics that are now common in the industry. That is exactly what we are going to do with this law—give them a blank check to continue with this deception.

In a 1999 Harvard Business School study entitled, ''The Rise of Consumer Bankruptcy: Evolution, Revolution, or Both?'' David Moss of the Harvard Business School and Gibbs Johnson, an attorney, lay out the case. They say—colleagues and staff listening to this debate, I think this is an important piece:

> It is conceivable, therefore, that the pro-creditor reforms of 1984 actually contributed to the growth of consumer (bankruptcy) filings. This could have occurred if the reforms exerted a larger impact in encouraging lenders to lend—and to lend more deeply into the income distribution—than they did in deterring borrowers from borrowing and filing.

Mark Zandi, in the January 1997 edition of the Regional Financial Review, writes:

> While forcing more households into a Chapter 13 filing, though an income test would raise the amount that lenders would ultimately recover from bankrupt borrowers, it would not significantly lower the net cost of bankruptcies.

I emphasize:

> Tougher bankruptcy laws will simply induce lenders to ease their standards further.

That is exactly what we are doing with this bill.

Again, we know this is exactly what happened. Credit card companies sent out over 3.5 billion solicitations last year. They use aggressive tactics to sign up borrowers. Is there anything in this ''reform'' legislation that holds them accountable? No. Once again, the big givers and heavy hitters and well-connected dominate. But when it

comes to the poor, when it comes to single-parent families, when it comes to senior citizens, when it comes to the people who are most vulnerable, we have unbelievable harshness in this legislation.

These credit card companies use aggressive tactics to sign up borrowers—and to keep you in debt once they get you. They also go after low-income individuals, even though they might not be good credit risks. Why? Because they are desperate for credit. They have a captive audience. Poor people can be charged exorbitant interest rates and fees. Despite the fact that there are hundreds of credit card firms targeting low-income borrowers, interest rates and terms on these cards have not been driven down by the supposed ''competition.''

For these borrowers, for low-income people, the market is failing.

In a June 3, 1999, interview in USA Today, Joe Lee, a respected bankruptcy judge for over 37 years in the Eastern District of Kentucky, placed the blame for the current high number of bankruptcies squarely on the backs of the banks and the credit card companies. There is not a word in this legislation holding them at all accountable for their unscrupulous practices; they all target people who are desperate for credit and have no other choice but to receive loans on horrible terms, the poor and the vulnerable.

When asked if he had seen many people file for bankruptcy who could afford to pay most of their debts, he said—because that is the premise of this legislation, that you have all this abuse—

> No. It's simply not true. Most of them are very poor, drowning in debt. The target (of bankruptcy reform) should be the consumer credit [card] industry and the laws governing extension of consumer credit. Instead they're robbing the poor to enrich the rich.

That is exactly what this legislation does. But these poor people are invisible. They have no clout. They have no power. They have no lobbyists. They are not the heavy hitters. They are not the big givers. They are left out.

USA Today also asked Judge Lee if he thought there was less stigma attached to bankruptcy than there used to be. He said:

> I've been on the bench now for 37 years, working on 38. I never have seen this business about debtors being cavalier about bankruptcy.
>
> Look at it from the point of view of the debtor. They have mothers and fathers. They go to church. They have neighbors. They have to walk into the office after filing for bankruptcy and explain it to other employees, and this is not easy to do. There's the additional stigma that bankruptcy remains on your credit report for 10 years. You have trouble getting credit other than at high interest rates. You have difficulty buying a home. You have lots of problems.

What Judge Lee is saying is borne out by the facts. Remember, as I stated last year, the vast majority of families who file for bankruptcy are not trying to beat the system. They file for a fresh start. That is what bankruptcy provides for them. It is the only way they can get out from crushing medical bills or other debts brought on by unforeseen circumstances. Only a very small percentage—perhaps 3 percent—of those who file for bankruptcy file abusively, according to the American Bankruptcy Institute. The American Bankruptcy Institute says about 3 percent of the people abuse this system. The Justice Department goes higher. For that, we have this wide, broad net that punishes the poor and the most vulnerable.

A constituent from Crystal, MN, wrote to my office in July to tell me about her experience with bankruptcy:

> What I want you to know specifically is that this one credit card company would not offer any reductions in the interest rate, demanded over one quarter of my entire monthly income, did not care if I could not meet my payments for the most basic requirements of human existence, suggested that I use a food shelf, and they refused to acknowledge that my child was suicidal and that their harassing phone calls to my house nearly caused her to overdose on the only nonprescription pain relievers that I could have for myself.

What was the reason for that? Her life was like ours. Actually, we make a lot more money than she made. She was a worker. She had a factory job. An injury forced her to leave the job. For all I know, it could have been a ruptured disk. I know what a ruptured disk is like. She worked multiple minimum-wage jobs for several years. Her marriage fell apart, and her daughter fell into deep clinical depression. No fault of hers; no fault of her daughter's. In the meantime, she enrolled in computer school so she could pursue a career that would give her some income and would also help her help her daughter. She purchased a computer on credit so she could spend more time working at home. In time the payments on the computer, her mortgage, and her daughter's medical bills became too much, and she fell behind on debt payments. When the creditors approached her, she tried to work out a repayment schedule she could meet, and then the quote I read is what happened to her. So she filed for bankruptcy.

She has begun to rebuild her life. She ended her letter by saying this:

> Please do not vote for Senate Bill 625 or any other bill that makes bankruptcy harder for people who find themselves caught in the unforeseen predicaments of life for which they have no control. It is not fair to pass a bill that helps the credit card companies by hurting people like me without forcing them to look at what they are doing and how they respond. They have many options that could be used without creating the emotional trauma that forces hard working people to choose the relief of bankruptcy.

I ask my colleagues, is there one thing in this piece of legislation that could have helped this woman head off bankruptcy, a Minnesotan? Absolutely not. This bill would simply have made it harder for her to get the relief necessary for her to take care of herself and her daughter. Why aren't we talking about what could have kept this woman out of bankruptcy? What does this bill have to do with helping a woman or a man educate themselves so they can do better for their family? The answer: Nothing. What does this bill do to help ordinary people who are overwhelmed by medical expenses? The answer is: Absolutely nothing. What does this bill do to promote economic stability for working families? Absolutely nothing.

I believe if my colleagues wanted to reduce the number of bankruptcies, they would focus more on providing a helping hand rather than removing a safety net. If my colleagues wanted to tackle bankruptcy, they would take on the credit card companies and their abusive tactics. No, we don't want to take on those interests. Unfortunately, my constituent's story, a woman from Minnesota, single parent, is becoming increasingly typical. All too often overburdened families, the vast majority of them single-wage-earner families headed by a woman, have to deal with these circumstances all the time.

This year more than a half million women-headed households filed for bankruptcy. Women-headed households are the poorest group of families in America. They are the largest group who have to file for bankruptcy. Ironically, the credit card industry has run advertisements—I cannot believe this—during debate on this bill talking about how friendly this piece of legislation is toward women and children. They have no shame. This is ridiculous.

I will read from a letter signed by approximately 70 scholars at our Nation's law schools who are opposed to this legislation.

I ask unanimous consent that this letter, along with a list of a variety of consumer, women, and union organizations be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NOVEMBER 2, 1999.

Re: The Bankruptcy Reform Act of 1999 (S. 625)

Hon. ORRIN HATCH,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.

Hon. PATRICK LEAHY,
Ranking Member, Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR SENATORS: In a letter to you dated September 7, 82 professors of bankruptcy law from across the country expressed their grave concerns about some of the provisions of S. 625. In a public letter dated September 16, two professors took the opposing view. One of the principal concerns of the 82 professors was that S. 625 ''may adversely affect women and children.''

Proponents of the bill—namely, the consumer credit industry—have responded to the concerns raised about the effects of the bill on women and children with a media blitz trumpeting the view that ''Bankruptcy reform helps women and children.'' A September 14 letter from consumer credit issuers proclaims that ''S. 625 vastly improves the position of women and children who depend on family support payments from an absent parent who has filed for bankruptcy.'' A full-page advertisement also

dated September 14 asserts, ''The truth is that bankruptcy reform gives much-needed help to single parents and their children who are dependent on family support payments.'' The advertisement cautions in large type: ''Distorting the facts about reform helps no one.''

The undersigned professors agree that ''distorting the facts about reform helps no one.'' The real distortion is the assertion that S. 625 would benefit women and children. The truth is that, notwithstanding the pleas of the bill's proponents, S. 625 does not help women and children. Thirty-one organizations devoted exclusively to promoting the best interests of women and children continue to oppose the pending bankruptcy bill. The concerns expressed in the professors' letter of September 7 regarding how S. 625 would hurt women and children have not been resolved—they have not even been addressed.

First, one of the biggest problems the bill presents for women and children was stated in the September 7 letter:

''Women and children as creditors will have to compete with powerful creditors to collect their claims after bankruptcy.''

This increased competition for women and children will come from many quarters: from powerful credit card issuers, whose credit card claims increasingly will be excepted from discharge and remain legal obligations of the debtor after bankruptcy; from large retailers, who will have an easier time obtaining reaffirmations of debt that legally could be discharged; and from creditors claiming they hold security, even when the alleged collateral is virtually worthless. None of the changes made to S. 625 and none being proposed addresses these problems. The truth remains: if S. 625 is enacted in its current form, women and children will face increased competition in collecting their alimony and support claims after the bankruptcy case is over.

Second, it is a red herring to argue, as do advocates of the bill in touting how the bill will ''help'' women and children, that it will ''Make child support and alimony payments the top priority—no exceptions.'' True enough—but, as the law professors pointed out in the September 7 letter: ''Giving 'first priority' to domestic support obligations does not address the problem.''

Granting ''first priority'' to alimony and support claims is not the magic solution the consumer credit industry claims because ''priority'' is relevant only for distributions made to creditors in the bankruptcy case itself. Such distributions are made in only a negligible percentage of cases. More than 95% of bankruptcy cases make NO distributions to any creditors because there are no assets to distribute. Granting women and children a first priority for bankruptcy distributions permits them to stand first in line to collect nothing.

The hard-fought battle is over reaching the ex-husband's income after bankruptcy. Under current law, child support and alimony share a protected post-bankruptcy position with only two other collectors of debt—taxes and student loans. The credit industry asks that credit card debt and other consumer credit share that position, thereby elbowing aside the women trying to collect on their own behalf. The credit industry carefully avoids discussing the increased post-bankruptcy competition facing women if S. 625 becomes law. As a matter of public policy, does this country want to elevate credit card debt to the preferred position of taxes and child support?

In addition to the concerns raised on behalf of the thousands of women who are struggling now to collect alimony and child support after their ex-husband's bankruptcies, we also express our concerns on behalf of the more than half a million women heads of household who will file for bankruptcy this year alone. As the heads of the economically most vulnerable families, they have a special stake in the pending legislation. Women heads of households are now the largest demographic group in bankruptcy, and according to the credit industry's own data, they are the poorest. The provisions in this bill, particularly the provisions that apply without regard to income, will fall hardest on them. A single mother with dependent children who is hopelessly insolvent and whose income is far below the national median income still would have her bankruptcy case dismissed if she does not present copies of income tax returns for the past three years—even if those returns are in the possession of her ex-husband. A single mother who hoped to work through a chapter 13 payment plan would be forced to pay every penny of the entire debt owed on almost worthless items of collateral, such as used furniture or children's clothes, even if it meant that successful completion of a repayment plan was impossible.

These two facts are unassailable: S. 625 forces women to compete with sophisticated creditors to collect alimony and child support after bankruptcy. S. 625 makes it harder for women to declare bankruptcy when they are in financial trouble. We implore you to look beyond the distorted ''facts'' peddled by the credit industry. Do not pass a bill to hurt women and children.

Thank you for your consideration.

Respectfully yours,

Sixty-nine (69) Professors

Charles J. Tabb, Professor of Law, University of Illinois College of Law; Peter A. Alces, Professor of Law, College of William and Mary School of Law; Peter Alexander, Professor of Law, The Dickinson School of Law, Pennsylvania State University; Thomas B. Allington, Professor of Law, Indiana University School of Law (Indianapolis); John D. Ayer, Professor of Law, University of California at Davis School of Law; Laura B. Bartell, Associate Professor of Law, Wayne State University Law School; Patrick B. Bauer, Professor of Law, University of Iowa College of Law; Susan Block-Lieb, Professor of Law, Seton Hall University School of Law; Douglass G. Boshkoff, Robert H. McKinney Emeritus Professor of Law, Indiana University School of Law (Bloomington); Amelia Boss, Professor of Law, Temple University School of Law.

Jean Braucher, Roger Henderson Professor of Law, University of Arizona, James E. Rogers College of Law; Ralph Brubaker, Associate Professor of Law, Emory University School of Law; Mark E. Budnitz, Professor of Law, Georgia State University College of Law; Daniel J. Bussel, Professor of Law, UCLA School of Law; Marianne B. Culhane, Professor of Law, Creighton University School of Law; Susan DeJarnatt, Assistant Professor, Beasley School of Law of Temple University; Paulette J. Delk, Associate Professor of Law, Cecil C. Humphreys School of Law, The University of Memphis; A. Mechele Dickerson, Associate Professor of Law, College of William and Mary School of Law; Samuel J.M. Donnelly, Professor of Law, Syracuse University College of Law; Scott B. Ehrlich, Associate Dean and Professor of Law, California Western School of Law; Thomas L. Eovaldi, Professor of Law, Northwestern University School of Law.

Jeffrey T. Ferriell, Professor of Law, Capital University School of Law; Wilson Freyermuth, Associate Professor of Law, University of Missouri-Columbia School of Law; Christopher W. Frost, Professor of Law, University of Kentucky College of Law; Nicholas Georgakopoulos, Professor of Law, University of Connecticut School of Law; S. Elizabeth Gibson, Burton Craige Professor of Law, University of North Carolina School of Law; Marjorie L. Girth, Professor of Law, Georgia State University College of Law; Karen Gross, Professor of Law, New York Law School; Matthew P. Harrington, Associate Dean for Academic Affairs and Director, Marine Affairs Institute, Roger Williams University School of Law; Joann Henderson, Professor of Law, University of Idaho College of Law; Richard A. Hesse, Professor of Law, Franklin Pierce Law Center; Ingrid Michelson Hillinger, Associate Professor of Law, Boston College Law School; Margaret Howard, Professor of Law, Vanderbilt University Law School; Ted Janger, Associate Professor, Brooklyn Law School; Lawrence Kalevitch, Professor of Law, Nova Southeastern University Law Center; Allen R. Kamp, Professor of Law, John Marshall Law School; Lawrence P. King, Charles Seligson Professor of Law, New York University School of Law; Kenneth N. Klee, Acting Professor of Law, UCLA School of Law; John W. Larson, Associate Professor of Law, Florida State University College of Law; Robert M. Lawless, Associate Professor of Law, University of Missouri-Columbia School of Law; Lynn M. LoPucki, Security Pacific Bank Professor of Law, UCLA School of Law; Lois R. Lupica, Associate Professor of Law, University of Maine School of Law; William H. Lyons, Professor of Law, University of Nebraska College of Law.

Bruce A. Markell, Professor of Law, William S. Boyd School of Law, University of Nevada, Las Vegas; Nathalie Martin, Assistant Professor of Law, University of New Mexico School of Law; Judith L. Maute, Professor of Law, University of Oklahoma Law Center; Jeffrey W. Morris, Professor of Law, University of Dayton School of Law; Spencer Neth, Professor of Law, Case Western Reserve University Law School; Gary Neustadter, Professor of Law, Santa Clara University School of Law; Dean Pawlowic, Professor of Law, Texas Tech University School of Law; Lawrence Ponoroff, Vice Dean and Professor of Law, Tulane Law School; Nancy B. Rapoport, Dean and Professor of Law, University of Nebraska College of Law; Doug Rendleman, Huntley Professor, Washington and Lee University School of Law; Alan N. Resnick, Benjamin Weintraub Professor of Law, Hofstra University School of Law.

Linda J. Rusch, Professor of Law, Hamline University School of Law; Charles J. Senger, Professor of Law, Thomas M. Cooley Law School; Charles Shafer, Professor of Law, University of Baltimore School of Law; Melvin G. Shimm, Professor of Law Emeritus, Duke University; Philip Shuchman, Weintraub Professor of Law, The State University of New Jersey, Rutgers School of Law (Newark); Marshal Tracht, Associate Professor of Law, Hofstra University School of Law; Bernard R. Trujillo, Assistant Professor, University of Wisconsin Law School; Valorie K. Vojdik, Assistant Professor of Law, Western New England College, School of Law; William T. Vukowich, Professor of Law, Georgetown University Law Center; Thomas Ward, Professor of Law, University of Maine School of Law; Elizabeth Warren, Leo Gottlieb Professor of Law, Harvard Law School; Jay L. Westbrook, Benno C. Schmidt Chair of Business Law, University of Texas School of Law; Michaela M. White, Professor of Law, Creighton University School of Law; Mary Jo Wiggins, Professor of Law, University of San Diego School of Law; Peter Winship, James Cleo Thompson Sr. Trustee Professor of Law, Southern Methodist University School of Law.

ORGANIZATIONS OPPOSED TO S. 625, THE ''BANKRUPTCY REFORM ACT''

Among the organizations that have voiced their opposition to S. 625 are:

AFL–CIO, Alliance for Justice, American Association of University Women, American Federation of Government Employees (AFGE), American Federation of State, County and Municipal Employees (AFSCME), American Medical Women's Association, Association for Children for Enforcement of Support, Inc. (ACES), Business and Professional Women/USA, Center for Law and Social Policy, Center for the Advancement of Public Policy, Center for the Child Care Workforce, Church Women United, Coalition of Labor Union Women, Communications Workers of America, Consumer Federation of America, Consumers Union, Equal Rights Advocates.

Feminist Majority, Hadassh, International Association of Machinists & Aerospace Workers (IAM), International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers & Helpers, International Brotherhood of Teamsters, International Women's Insolvency & Restructuring Confederation, Ralph Nader, National Association of Commissions for Women, National Black Women's Health Project, National Center for Youth Law, National Consumer Law Center, National Council of Jewish Women, National Council of Negro Women, National Council of Senior Citizens, National Organization for Women, National Partnership for Women and Families, National Women's Conference.

National Women's Law Center, Northwest Women's Law Center, NOW Legal Defense and Education Fund, Public Citizen, Union of Needletrades, Industrial & Textile Employees (UNITE), United Automobile, Aerospace and Agricultural Implement Workers of America/UAW, United Food & Commercial Workers International Union, United Steelworkers of America, U.S. Public Interest Research Group, Wider Opportunities for Women, The Woman Activist Fund, Women Employed, Women Work!, Women's Institute for Freedom of the Press, Women's Law Center of Maryland, Inc., YWCA of the U.S.A.

Mr. WELLSTONE. The letter begins:

In a letter to you, dated September 7, 82 professors of bankruptcy law from across this country expressed their grave concerns about some of the provisions of S. 625. In a public letter dated September 16, two professors took the opposing view. One of the principal concerns of the 82 law professors was that S. 625 may adversely affect women and children.

Proponents of the bill—namely, the consumer credit industry—have responded to the concerns raised about the effects of the bill on women and children with a media blitz. . . .

They have the money for a media blitz. These women and children don't have the money for that.

. . . trumpeting the view that ''Bankruptcy reform helps women and children.'' A September 14 letter from the consumer credit issuers proclaims that ''S. 625 vastly improves the position of women and children who depend on family support payments from an absent parent who has filed for bankruptcy.'' A full-page advertisement also dated September 14 asserts, ''The truth is that bankruptcy reform gives much-needed help to single parents and their children who are dependent on family support payments.'' The advertisement cautions in large type: ''Distorting the facts about reform helps no one.'' The undersigned professors agree that ''distorting the facts about reform helps no one.'' The real distortion is the assertion that S. 625 would benefit women and children.

You can pass this legislation but I am not going to let you get by with that claim.

The truth is that notwithstanding the pleas of the bill's proponents, this legislation does not help women and children. Thirty-one organizations devoted exclusively to promoting the best interests of women and children continue to oppose this pending bankruptcy bill. The concerns expressed in the professors' letter of September 7 regarding how S. 625 would hurt women and children have not been resolved—they have not even been addressed.

Reading from one other section of the letter:

We also express our concerns on behalf of the more than half a million women heads of household who will file for bankruptcy this year alone. As the heads of the economically most vulnerable families, they have a special stake in the pending legislation. Women heads of households are now the largest demographic group in bankruptcy and according to the credit industry's own data, they are the poorest. The provisions in this bill, particularly the provisions that apply without regard to income, will fall hardest on them. A single mother with dependent children who is hopelessly insolvent and whose income is far below the national median income still would have her bankruptcy case dismissed if she does not present copies of income tax returns for the past three years—even if those returns are in the possession of her ex-husband. A single mother who hoped to work through a chapter 13 payment plan would be forced to pay every penny of the entire debt owed on almost worthless items of collateral, such as used furniture or children's clothes, even if it meant that successful completion of the repayment plan was impossible.

I don't think the choice could be framed any more starkly. Here is the core question:

Will Senators be on the side of these women who are struggling to raise their families or do they see these women as the banks and the credit card companies do—as an economic opportunity, ripe for exploitation?

Mr. President, I hope my colleagues will recognize as they take a second look at this legislation that a vote for this bill is a vote against consumers; it is against women, it is against children, and it is against working families.

I believe our country and our society and this Senate should be judged by how we treat our society's most vulnerable members. By this standard, this is an exceptionally harsh piece of legislation. All the consumer groups oppose this bill; 31 organizations that are devoted to women and children's issues oppose this bill.

The two amendments I will speak to after I have given them context are my payday loan amendment, which would curb a form of predatory lending that targets low- and moderate-income and working families, and the low-cost, basic banking amendment, which would require big banks with more than $200 million in assets to offer low-cost, basic banking services to customers if they wish to be able to make claims against the debtors in bankruptcy proceedings. I think that would make the legislation at least a little bit more fair and balanced.

First, let me speak to my payday loan amendment. This is one that should have the vote of 100 Senators. This amendment would prevent claims in bankruptcy on high-cost transactions in which the annual rate exceeds 100 percent. That is what I am going to ask Senators to vote on. We would prevent claims in bankruptcy on transactions in which the annual rate exceeds 100 percent—such as payday loans and car title pawns. Now, these loans are marketed as giving the borrower a ''little extra until payday.''

Do you know what happens with these loans? It is incredible. You have hard-pressed people, poor people, senior citizens, women, people of color, people who live in our rural and urban areas, and they can't get the credit any other way, so they get a loan for $100, which will hold them over until they get their paycheck. They get charged these huge fees—15 percent or more. These credit companies, unscrupulous companies, can put a lien on their car and even require that they give them the key to the car, and then when they can't pay it back—which is often the case—they just keep rolling the loan over and over and over again. For example, a $15 fee on a 2-week loan of $100 ends up being an annual rate of about 391 percent because people ask for the loans over and over again. Rates can be actually as high as 2,000 percent per year, or they take title to the car.

This is absolutely incredible. Someone can take out a $100 loan, and the car might be worth $2,000, and these companies that we don't do a darn thing about—I know some of the national media has had some exposure, thank God. I just hope the Senate is sensitive to this question. They are hard-pressed people with nowhere to go for a $100 loan. Maybe there has been an illness in the family or the car broke down, or whatever the case is. They end up getting charged 300, 400, 500, 600 percent. Then they get harassed and they say: We have the check you made out to us. We are going to cash the check and you will be charged with writing a bad check and you can go to prison. These are unscrupulous practices. If the car is worth $2,000, they can basically repossess the car, sell the car, and in a lot of States they don't even have to give back to the owner anything that they make over what the owner owed them. Can you imagine that that goes on in this country? Why in this ''bankruptcy reform'' legislation have we not at least paid a little bit more attention to how we can protect some of our consumers?

Now, nobody needs to charge this type of interest rate for a loan. Indeed, this industry is grossly profitable as a result. Stephens Incorporated, one of our investors, says they can expect a return of 48 percent in 9 months to a year and can expect profit margins in excess of 30 percent. Stevens Incorporated reported that there were 6,000

storefronts making payday loans in 1999 across the country but estimates the potential ''mature'' market as being 24,000 stores nationwide generating $6 billion in fees. With these kinds of profits, only your conscience will keep you out of this business.

With these kinds of profits, only your conscience will keep you out of this business. It is amazing. You make these loans, you say you are going to help people, you charge them high fees, and you roll it over and over again. You end up charging way above 100 percent per year. You repossess their car. You sell the car. You don't even give them back the additional money you make beyond what they owed you. You do all this with impunity, and these are the poorest people, most vulnerable people who are targeted, and we don't have anything in this legislation to protect them. Let me tell you, Senators, if you want to protect them, you will and you should vote for this amendment.

I say to my colleagues that these sleazy debt merchants, expanding their tentacles into our cities and towns, are the mirror image of the retreat of our Main Street and mainstream financial institutions from the same communities. Some of my colleagues on the floor know this. When we had our community banks and smaller banks, they cared. They helped small businesses out and helped out hard-pressed people. They were willing to help out. But now that we have moved to these branch banks and all of this consolidation, they don't. So people have to rely on these kinds of loans.

According to an analysis by the brokerage firm Piper Jaffrey, as reported in the Washington Post, ''established customers'' of one payday lender engaged in 11 transactions a year and could end up paying $165 to $330 for a $100 loan.

This vote is going to be watched. This is one I think national media will pay attention to because we have had some horror stories. We know about what has happened to people. The question is, Whose side are we on? Are we on the side of vulnerable people or on the side of single-parent households headed by women, on the side of children, or are we on the side of these unscrupulous credit card companies?

The following June 18 New York Times piece is typical of the horror stories associated with payday lending:

> Shari Harris, who earns around $25,000 a year as an information security analyst, was managing money well enough until the father of her two children, 10 and 4, stopped paying $1,200 in child support. ''And then,'' Ms. Harris said, ''I learned about the payday loan places.'' She qualified immediately for a two-week $150 loan at Check Into Cash, handing it a check for $183 to include the $33 fee. ''I started maneuvering my way around until I was with seven of them,'' she said. In six months, she owed $1,900 and was paying fees at a rate of $6,000 a year. ''That's the sickness of it,'' Ms. Harris said. ''I was in a hole worse than when I started. I had to figure out a way to get out of it.''

Mr. President, here is where we are. If you have desperate customers—the most vulnerable—and these are the kinds of loans they are dependent upon, where the terms are outrageous—only somebody with no alternative would seek to borrow money at such scandalous rates.

The Consumer Federation of America noted in a September 1999 report entitled ''Safe harbor for Usury'' that, quote:

> Consumers who are desperate enough for credit to pay triple digit interest rates for two week loans have very little market power to bring rates down. The real costs of payday loans made in small sums for very short periods of time may not be clear to unsophisticated consumers. When lenders deny that their cash advances are 'loans' and fail to comply with Truth and Lending Act disclosures of Annual Percentage Rates, consumers do not have the key price tag needed to comparison shop for credit. If, as the industry claims, payday loan customers have nowhere else to go for small loans, rate regulation is necessary to prevent abuse of a captive market.

That is what is going on. The industry is saying to Senators: Oh, no, you can't do anything about this because these people are desperate and they come to us for loans and we perform a vital service. But does that justify scandalous fees? On the contrary, it justifies stringent regulation to protect the most vulnerable citizens. What are we about if we cannot at least extend this kind of protection?

If it is poor credit which drives a borrower to a payday lender, the borrower is likely to find himself in still deeper water after taking one of these high interest loans. For example, in Tennessee—the state with the highest bankruptcy rate in the country—payday lending is becoming an increasing problem for the bankruptcy system. As one Chapter 13 bankruptcy trustee, as quoted in the March 18th edition of The Tennessean put it, quote:

> I see them (payday lenders) as the last straw. I would certainly say they are compounding the problem. We are dealing with a bankruptcy filing rate that's through the roof. You are looking at one of the basic causes: lending to people who are not credit worthy and extracting exorbitant interest rates from them.

Why aren't we doing something about this? This amendment says if you have a 100-percent interest charge over a year, you are not at the table when it comes to bankruptcy, and the collections of these payday loans can be coercive.

For example, in September, the Cook County, Illinois State's Attorney filed suit against Nationwide Budget Finance, a St. Louis based payday lender, alleging multiple violations of Illinois Consumer Installment Loan Act and Consumer Fraud Act, charging that Nationwide threatened consumers with criminal charges and lawsuits when it had no intention of taking such action. The State's attorney stated, quote: ''Apparently, pay day loan businesses are so lucrative that it is more cost-effective to write off bad debts rather than to try and collect them, even though they harass and intimidate their customers.'' Additionally, the company required borrowers to list four references on the loan application. But the references weren't used for the loan approval, instead Nationwide would place harassing to the people listed if the borrower defaulted.

That is why this amendment amends the Fair Debt Collection Practices Act to prohibit coercive collecting tactics in lending transactions where deferred cashing of a check is involved.

I should also point out that, at the very minimum, if we are going to be talking about accountability and responsibility, why don't we make it a little more lenient with this piece of legislation? It takes two to tango. These unscrupulous credit card companies have something to do with bankruptcy.

Such loans are patently abusive. They should not be protected by the bankruptcy system. And because they are so expensive, they should be completely dischargeable in bankruptcy so that debtors can get a true fresh start, and so that more responsible lenders' claims are not ''crowded out'' by these shifty operators.

Consider that. Why should we penalize some of our good companies that are responsible lenders by letting these unscrupulous loan sharks be at the table? Why should unscrupulous lenders have equal standing in bankruptcy court with a community banker or a credit union that tries to do right by their customers? And lenders should not be able to take advantage of their customers' vulnerability through harassment and coercion.

That is what this amendment is about.

Mr. President, my amendment simply says: if you charge over 100% annual interest on a loan, and the borrower goes bankrupt, you cannot make a claim on that loan or the fees from the loan.

Colleagues, you have such a clear choice. There is no reason in the world that you should not vote for this amendment.

I grant you that I come to the floor today to speak for some people who haven't been included in the system. They are just poor and they are vulnerable, and therefore they are fair game for these companies.

I have just said to you that my amendment says if you charge over 100 percent as an interest rate and the borrower goes bankrupt, you cannot make a claim on that loan or on the fees on the loan.

Why don't we make the legislation just a teeny bit fairer? Why don't we have just a little bit more balance? Why don't we go after these unscrupulous operators?

The second amendment I've offered on this bill is my low cost, basic banking amendment. This important consumer amendment would require big banks with more that $200 million in assets to offer low-cost basic banking services to their customers if they wish

to be able to make claims against debtors in bankruptcy proceedings.

We have been talking about responsibility. What about the responsibility of the banks and the lending institutions to offer inexpensive means to conduct financial transactions and to save money for low-income people?

Right now, the minimum balance that people are supposed to have in their accounts and the high fees mean that for about 12 million Americans, they can't afford to open up an account; they can't afford to have a checking account. What happens when people can't afford to open up a checking account? They are forced to complete their financial transactions either through costly check-cashing operations or they carry around whatever sums of money they have when they go out to purchase groceries or to pay their rent. These are risks that people should not have to take.

For example, ACE Cash Express, a national check-cashing company, charges between 3 and 6 percent of a check's value to convert the check into cash. That is what poor people are forced to do. There would be a charge of between $15 and $30 on a paycheck of $500. While that may not seem to be much money to many of my colleagues, to many low- and moderate-income families who live paycheck to paycheck, that $30 could be a meal; that $30 could be a piece of clothing they could buy for their child; that $30 could mean they could go visit a doctor.

We have been passing legislation that has driven these small banks out, that has led to all of these mergers and acquisitions, with these huge branch banks making billions and billions of dollars. All I am saying is, why can't we at least say to them: You have some community responsibility; you ought to at least give people low-cost basic bank services. If you do not, then you are not at the table in bankruptcy proceedings against such a bank.

This amendment focuses on banks with more than $200 million. I want to be crystal clear that I am not talking about the smaller banks because the smaller banks have done a good job. Much of my work is in rural America. The smaller banks and the community banks have done a good job. They go out of their way to help. But the problem is that these small community banks that have been connected to Main Street have been connected by these huge financial conglomerates that are much more connected to Wall Street. They don't really know the people. They don't know them at all. They sure as heck don't go out of their way to help them.

Would this amendment present an unfair burden to these larger banks, as some of my colleagues may argue? Not according to a survey of the Consumer Bankers Association. According to the CBA, 70 percent of the institutions found that offering a basic bank account did not result in a financial loss for their bank or impose a burden on their operation.

What in the world is going to happen to seniors? What is going to happen to low-income elderly people? As the U.S. Government begins to make the shift to electronic distribution of benefits, pensions, and wages, consumers must have access to banking services. Now more than ever, the 6.5 million recipients of Social Security and SSI, the Supplemental Security Income program, who do not have a checking account, will face even a steeper uphill battle in their attempts to access these funds. They currently cannot afford the monthly fees, nor do they have the money to keep the minimum balance in their checking accounts necessary to complete these financial transactions.

What are we saying to senior citizens who in the future will need a bank simply to get their electronically transferred Social Security check? Let's not forget that it is not just the financial giants that are affected by this process of modernization. It is everyone. We should not try to close the door to low-income consumers who desperately need access to basic banking services. If we provide wider access to bank accounts, we will reduce bankruptcy, we will promote financial literacy, and we will reduce low- and moderate-income families' reliance on high-cost check cashers and payday lenders.

Why should bankers who are unwilling to promote the general good be given the same standing in bankruptcy court as those who do? I am tired of seeing the folks in the private sector who do the right thing being put at a competitive disadvantage because their competitors will not.

I will conclude by characterizing the debate this way: Over the past several decades, our economy has become more and more balkanized. We have, indeed, seen an economy that is booming. But I come from a State where we have had an economic convulsion in agriculture and our family farmers and our rural citizens are falling behind. The U.S. economy is becoming more and more balkanized. More wealth and more economic power is concentrated among a few. What we have been doing in the Senate over the past several years is passing legislation which provides the lion's share of benefits for those at the top of the heap, those with the big bucks. The two amendments I have introduced give us an opportunity, in a small way, to reverse this trend.

This bill is already an enormous giveaway to the financial services industry. It basically rewards lenders for their aggressive, irresponsible lending habits. I went over that already. So I say to colleagues, since we seem to be on our way to changing the rules for America's working families with this legislation, since we seem to be about to ratify the scandalous lending practices of the banking industry, let the Senate adopt several amendments that balances this legislation. Both of these amendments test whether we are serious about curbing bankruptcy. These two amendments, the payday loan amendment and the lifeline banking amendment, are antibankruptcy amendments. A vote for either of these amendments is a vote to promote responsible financial habits among consumers and responsible lending from the credit card companies—responsible lending from the credit card companies. A vote against these amendments sanctions the abandonment by big banks of poor people and, increasingly, the middle class, and ratifies the stranglehold that unscrupulous lenders have on low-income and moderate-income and working families. There is no doubt in my mind this is a flawed piece of legislation. It punishes the vulnerable and rewards the big banks and credit card companies for their own poor practices.

Earlier I used the word ''injustice'' to describe this legislation. That is exactly right. It will be a bitter irony if the creditors are able to use a crisis, largely of their own making, to convince Congress to reduce borrowers' access to bankruptcy relief. That is exactly what is going on.

I said at the beginning of my statement that real bankruptcy reform would address the concentration of financial markets, which are increasing the power and clout of the big banks and credit card companies to unprecedented levels. It would make working families more secure. It would deal with the crisis in agriculture and what is happening in rural America. It would address skyrocketing medical expenses. It would confront the economic balkanization of the country. It would confront the increasing chasm between the wealthy and the rest of America.

But instead of lifting up low-income and moderate-income and working-income families, this bill punishes them. I hope my colleagues reject this legislation. I strongly urge the Senate to at least provide some balance to this legislation and to accept my amendments.

I have also a document from the Department of Labor, written by an officer, Capt. Robert W. ''Andy'' Andersen, and I believe this was written to Senator LIEBERMAN. In this letter, he is talking about these payday loans. What he is saying is we have this problem in the military. We have our military people who are underpaid—we know all about this—so they end up having to rely on these payday loans, and the same thing happens to them, to men and women in the Armed Forces. We do not pay them enough, we don't reward their work, we don't provide them the salaries they and their families deserve—just like other low- and moderate-income people—and then they rely on these payday loans. They are desperate. They take out a loan for $100 which then gets rolled over and over and over again or have liens put on their car, they lose that car, they get charged interest rates of 300, 400, 500 or 600 percent a year, and it is a living hell for their families, because of the same practices by unscrupulous

lenders who are making billions of dollars. I think we ought to be on the side of these men and women in our military who are confronted with this.

But you know what, I am not going to use this as the big emotional argument in this debate. It is not just the military. It is low- and moderate-income people. It is men and women in the Armed Forces. It is a lot of single-parent families, I am sorry to say most of them headed by women. It is some of our senior citizens. Contrary to the stereotype, the income profile of elderly Minnesotans and elderly people in Utah and around the country is not very high. It is basically the most vulnerable citizens in our country.

I will speak to this payday loan. I would like to know why in the world there would be opposition to this amendment. We are saying if you are charging over 100 percent interest a year, you are not going to be at the table. I thought we were on the side of consumers when it comes to people being charged exorbitant fees and interest rates. It says you cannot use these coercive practices that the State of Illinois is going after these consumers on wherein they threaten people and tell them they are going to cash their checks and then they are going to end up going to prison.

I believe the vote on these amendments—and I am going to focus on the payday amendment—is a test case. This is a test case vote. Whatever you think about the overall bill—I have laid out my case against it—on this amendment this is a test case as to whether or not we can at least provide some protection to the most vulnerable citizens, whether or not we are on the side of the most vulnerable people, women and children, whether we are on the side of low- and moderate-income, working-income families, whether we are on the side of hard-pressed people, whether we are on the side of regular people, whether we are on the side of ordinary citizens, or whether we are on the side of unscrupulous loan shark companies that have no conscience and no soul and exploit people.

I urge my colleagues to support this amendment, and I yield the floor.

The PRESIDING OFFICER (Mr. HATCH). Who seeks recognition? The Senator from Iowa.

Mr. GRASSLEY. Mr. President, it is always a pleasure to listen to the Senator from Minnesota because whether he is right or wrong, he always speaks with a great deal of passion. I want people who have ideas to have passion for those ideas. Senator WELLSTONE is a person who speaks with a great deal of passion and conviction.

I disagree with a lot of the points he has made; otherwise, we would not have this legislation before us. On the other hand, on the subject of concentration, which he brought up, I have some sympathy for what he has said. The solution to the concentration problem is we should get this administration to vigorously enforce the antitrust laws both within the Justice Department and the Federal Trade Commission. There is a general feeling among people about whether the marketplace is working adequately and, consequently, support the antitrust laws. The antitrust laws are well written and have withstood a period of time, but enforcement is very much an issue.

We are not talking about concentration, and we are not talking about enforcement of the antitrust laws when we deal with bankruptcy. We have a very real problem. We have seen a dramatic increase in bankruptcies over the last 6 or 7 years. In 1993, we had 875,202 bankruptcies, and in 1998, it shot up to 1,442,549.

We have seen this dramatic increase in the number of bankruptcies during one of the most prosperous times in the history of our country. It has been the most prosperous for several reasons: One, information technology is helping to expand our economy and make it more efficient than ever before.

The globalization of our economy has also reduced consumer costs, giving consumers more money to expend on other things. We have seen Congress balance the budget in the last 3 years, and it worked toward that for the last 6 years and made considerable progress. Now we are paying down the national debt for the third year in a row. All that has contributed to it.

We are in the 18th year of economic expansion, which started in the second year of Ronald Reagan's administration. We had a turnaround in the economy after the stagflation of the seventies, and except for a 6-month period of time in 1992, we have had 18 years of economic expansion. During that period of economic expansion, we have had this very dramatic increase in bankruptcies.

Why? I wish I could say there is just one reason, as the Senator from Minnesota seems to imply; that it is credit being extended too easily, too many credit cards. I agree that is a reason, but that is only one of the reasons.

Another reason is we have a bankruptcy bar that has, quite frankly, encouraged bankruptcies. We have shown during previous debates on this bill where bankruptcy lawyers in California advertise in the media how to get out of paying alimony and child support by going into bankruptcy. These types of practices, obviously, are not ethical but are still being used.

We also have the bad example set by the Federal Government of 30 years of deficit spending. If Uncle Sam can borrow money into the trillions of dollars over a period of 30 years, isn't it all right for Mary Smith and Tom Jones or the people who are working in Anywhere USA to go into debt as well? Uncle Sam did not set a very good example. Congress, doing the fiscal policy for Uncle Sam, did not set a very good example. It says to others: Yes, it's OK for you to go in debt.

The Federal Government has turned that around in 3 years by balancing the budget and paying down some of the national debt and is on the road to paying down the national debt very dramatically over the next 10 to 15 years.

We also have a situation where somehow financial responsibility is not considered a personal responsibility anymore. In other words, it is OK to go into debt and not pay your bills. There used to be a certain amount of shame connected with bankruptcy that does not seem to be there now.

I gave four reasons—and there may be a lot more—of why we are probably in this situation where we have had 18 years of economic expansion since the second year of the Reagan administration and yet have a historically high number of bankruptcies, and during the best years of our economy, we have seen bankruptcies almost double in a period of 6 or 7 years.

Consequently, we have this legislation before us. I do not disregard the words of the Senator from Minnesota that there are some people who are vulnerable and for whom we need to be concerned, but I say to the Senator from Minnesota, we are not extinguishing the principle that has been a part of the bankruptcy law for the last 102 years, permanent bankruptcy legislation. There are segments of our population in bad financial trouble, through no fault of their own, who need the help of bankruptcy. That could be death, divorce, a lot of medical expenses, a natural disaster, for instance, if you are a farmer or some other small businessperson, or maybe even a homeowner who had a natural disaster that was not properly insured.

Our code says there are select groups of people who are in a bad financial situation, through no fault of their own, who should have a fresh start. I say to the Senator from Minnesota and all the other Senators who question this legislation, we keep that principle, but we also say this Congress has to send a clear signal to the 270 million people in this country that if you have the ability to repay some or all of your debt, you are not going to get off scot-free. There are large numbers of people who are getting off scot-free, albeit they may be a minority, but they are a significant minority, and it does not set a very good example for some people to be able to use the bankruptcy code as part of financial planning.

We are saying to those who can repay that they have to repay, but we are also sending a signal through this legislation to credit card companies that are willy-nilly sending out credit cards that encourage bankruptcy or even a lack of personal responsibility.

We are saying it has to be a new day. We want to discourage those people who maybe are low income, who should not have gotten, through their own fault, into debt, and are not in the classification of people who I say are entitled to a fresh start—that somehow they should think again about going into bankruptcy and only use bankruptcy as a last resort.

We find that the 1978 law, obviously, has contributed some to the big increase in bankruptcies. This legislation passed by a very wide margin. So I do not think it was intended that the 1978 law ought to make it easier to go into bankruptcy. But, obviously, it sent that signal to a lot of people in America, as we have seen that the number of bankruptcies in 1980 was only 331,000 and now 18 years later, in 1998, the figures are 1,442,000.

Something has happened recently. Again, I do not pretend to stand before the American people, or my colleagues in the Senate, and say passing a law is going to solve all these problems. I wish it would. It is going to be a combination of several things: the credit card companies or credit-granting companies to be more careful in who they grant credit to; a Congress to be financially responsible and, hence, set a good example for every taxpayer and citizen in this country that debt isn't OK; the bankruptcy bar to be a little more careful about encouraging people to go into bankruptcy and not to advertise that bankruptcy is OK as a way out; and then the law itself, by discouraging people who can repay to use the bankruptcy code for financial planning.

In this whole process, I hope we then enhance personal responsibility. By enhancing personal responsibility, then we can reduce these numbers of bankruptcies and then reduce the economic problem we have—because we are not talking about something that does not make an impact upon everybody.

Some people have put this at a $40 billion problem—$40 billion owed by those who go into bankruptcy and do not pay. Then every other consumer in America picks up part of that tab. We have no doubt about it, if you are shoplifting, the honest consumer, who does not shoplift, is going to pay the cost of shoplifting. This is somewhat the same. If you are a businessperson, and somebody does not pay their bills by declaring bankruptcy, the honest person buying goods from that same business is going to pick up the tab. And $400, on average, for a family of four, is what we pay for other people who do not pay.

We hope to enhance personal responsibility. We hope to help the economy in the process. But most importantly, this is something that must be dealt with, and I think this legislation deals with it.

That is the background for this legislation. I think it is necessary to give some of that background, as I respond to some of the specific issues that the Senator from Minnesota brought up.

First of all, he mentioned the point that there has been some decline in the rate of growth of bankruptcies in recent years. We think that is true. It is a little bit too early to make that judgment. I hope it is true. I think it is a direct result of Congress talking about this horrible economic problem we have of $40 billion and the lack of personal responsibility which goes with that economic problem. Perhaps it is sending signals to some of the consumers to think twice about whether bankruptcy is the right direction to go in. Maybe it sent a signal to some of the bankruptcy lawyers in America to counsel people not to go into bankruptcy.

I hope the leadership of this Congress over the last 3 years, in discussing this legislation—actually having passed it in the last Congress in both Houses, but not getting the final product to the President in time before adjournment—has done some good.

So we have had a very modest decline in bankruptcies in 1999 as compared to 1998. But if you take the historical look—and I have referred to some of those figures since 1980—Senator WELLSTONE's point that the bankruptcy crisis is going away turns out to be false. I have referred to the 330,000 bankruptcies we had in 1980, the year the new code went into effect. But that has gone up to just under 1.4 million in 1999. Unlike the Senator from Minnesota, I think 1.4 million bankruptcies per year is a real crisis.

In the past, in the middle 1980s, and even once during the 1990s, we have had some minor dips in the bankruptcy filings; but since then, as I have referred to, we have had this dramatic increase, almost doubling, in the last 6 or 7 years.

I ask unanimous consent to have printed in the RECORD a table of the total filings, business filings, nonbusiness filings, and the percentage of consumer filings of total filings.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. BANKRUPTCY FILINGS 1980–1998

[Business, Non-Business, Total]

Year	Totals filings	Business filings	Non-business filings	Consumer filings as a percentage of total filings
1980	331,264	43,694	287,570	86.81
1981	363,943	48,125	315,818	86.78
1982	380,251	69,300	310,951	81.78
1983	348,880	62,436	286,444	82.10
1984	348,521	64,004	284,517	81.64
1985	412,510	71,277	341,233	82.72
1986	530,438	81,235	449,203	84.69
1987	577,999	82,446	495,553	85.74
1988	613,465	63,853	549,612	89.59
1989	679,461	63,235	616,226	90.69
1990	782,960	64,853	718,107	91.72
1991	943,987	71,549	872,438	92.42
1992	971,517	70,643	900,874	92.73
1993	875,202	62,304	812,898	92.88
1994	832,829	52,374	780,455	93.71
1995	926,601	51,959	874,642	94.39
1996	1,178,555	53,549	1,125,006	95.46
1997	1,404,145	54,027	1,350,118	96.15
1998	1,442,549	44,367	1,398,182	96.92

Mr. GRASSLEY. The Senator from Minnesota also made reference to some changes in the bankruptcy code that were made by Senator Dole in 1984 which allowed judges to dismiss chapter 7 cases in cases of—these are the words from the statute—''substantial abuse'' of the bankruptcy code.

I spoke to this point a week ago. Obviously, the Senator from Minnesota did not have an opportunity to hear my remarks. But he would have heard me state, in detail, how the 1984 legislation has not worked at all, regardless of its good intentions. Because under the 1984 legislation, creditors are banned by law from bringing evidence of abuse to the attention of the judge.

Here we have a law that says if there is substantial abuse of the bankruptcy code, then the judge can determine that that certain bankrupt does not have a right to be in bankruptcy court. But then we have another section that says creditors who might know about this abuse cannot bring evidence of that abuse to bankruptcy court.

So it seems that the 1984 legislation was designed not to work. We correct that in this legislation by making it possible for people to bring evidence of such substantial abuse to the bankruptcy judge, for it to be considered, and if the judge agrees, then that person cannot continue to abuse the public at large by making misuse of the bankruptcy courts to get out of paying debt.

I also remember the Senator saying that tightening bankruptcy law will not reduce the costs of bankruptcy. All I can say is, the Clinton administration's own Treasury Secretary, Larry Summers, said in one of our hearings that reducing bankruptcies could help reduce interest rates. And what helps lower-income people more in America than reducing interest rates?

It really helps the very people the Senator from Minnesota speaks of as being vulnerable and as a class of citizens about whom we should all have concern, and I believe all do have concern.

I have an example of a vulnerable person at the other end, a person who has been substantially harmed by somebody who went into bankruptcy. It isn't just people who go into debt who are vulnerable and can be hurt by bankruptcy; there are a lot of other hard-working people who are hurt by other people who go into bankruptcy. I hope this body will remember that every abusive bankruptcy hurts scores of Americans.

I will read, without using names, from a constituent in Keokuk, IA, writing to me about the need for the passage of this legislation. She had read a headline in the local paper that said: The Senate may toughen bankruptcy laws.

''My son''—I will not use the name—''works for a local electric company as a meter reader full time during the day and then goes right to work nearly every evening and on Saturdays with his own growing washing, vacuuming business. He works so hard to do a good job for his customers. He takes his responsibilities as a father of five very seriously. During the last 3 to 4 months, he has been doing a job for an out-of-town gentleman.'' Then the last name is given. ''I believe he is in the Des Moines area. I have learned that he has several businesses and is known to be a crook.'' That is why I don't want to use the names; I don't know whether

he is a crook or not, but that is the writer's judgment.

''Of course—then she uses the name of her son—'' had no idea about this person's background, but he eagerly wanted the work and took the work. He felt especially good about it because one of his men is very poor, one of the workers he hires for his moonlighting business, and so he turned the job over to him so he could make extra money.

''The sorry ending of this story is, as you might have guessed, just last week Kenny called the original hiring company where Kenny works directly doing cleanup jobs. And before he could talk to the manager about not being paid by this gentleman from Des Moines, Mike told Kenny that he had just called to inform him that he had declared bankruptcy. He owed Kenny over $3,600. To him, this might as well have been $36,000 because of some new, very expensive equipment purchased to be able to handle the additional work.

''Something must be done to keep crooks from sticking hard-working people like my son, who associate with him in good faith, from dropping the hatchet—you know the numbers when it comes to poor management—and then take the easy way out at everyone else's expense.'' Then in capital letters: ''It is wrong and it should not be allowed.''

So there are hard-working mothers and fathers in America, I say to the Senator from Minnesota, who are vulnerable and hurt by other people who take advantage of them and go into bankruptcy.

On another point the Senator from Minnesota made, perhaps he isn't aware that the organization of prosecutors who enforce child support says this bill, S. 625, will help women and children who are owed child support. On this point, in fact, there is no point. Both parties have worked hard on this legislation in the compromises that have taken place over the last 2 or 3 years. We are not going to let people use the bankruptcy code to get out of paying child support. Yet we are still hearing, this very day, that old argument that may have had some credibility 2 or 3 years ago but that we had taken care of almost that long ago because it was a very important point raised. But those points are still being made.

So I ask my colleagues, as they consider that point made by the Senator from Minnesota, to whom are you going to listen: The people who actually collect child support—that is, the organization of prosecutors who enforce child support who say this is a good bill and will help women and children—or are you going to listen to Washington special interest think tanks that are using smoke and mirrors to say this bill will make it more difficult to collect child support? I think those who prosecute know the difficulty of collecting that. I hope my colleagues will listen to the prosecutors who get child support who say this bill will help women and children.

Finally, I wish the Senator from Minnesota had at least mentioned title II, subtitle A, which is entitled: Abusive Creditor Practices. We know creditors can be abusive, and we address that problem to make sure there is a level playing field between creditors and debtors when it comes to the bankruptcy courts. We have numerous new consumer protections. Understand, there are some customers who don't want to go into bankruptcy, and they try to negotiate with their creditor to avoid going to court. That is a good step we want to preserve and encourage. But if that customer then has to declare bankruptcy because of not being able to negotiate, then the creditor is severely limited in his ability to collect that debt. To me, this is real consumer protection that should not be forgotten as we vote on this legislation.

I will now turn to a specific amendment the Senator from Minnesota is offering as well and to oppose his amendment that is referred to as the payday loan. For those who don't know, this type of loan happens when a borrower gives a personal check to someone else and that person gives the borrower cash in an amount less than the amount of the personal check. The check isn't cashed if the borrower redeems the check for its full value within 2 weeks. The fact is that payday loans are completely legal transactions in many States. If a financial transaction is explicitly legal under State law, to me, it isn't wise that we use the bankruptcy code to try to undo that transaction.

First of all, using the bankruptcy code for this purpose leads to perverse results because the only people who will receive any benefit or relief will be those who file for bankruptcy. Then you have all those other people who are using payday loans who never file for bankruptcy. These people who have taken out loans but don't take the easy way out in bankruptcy court will still have to pay back their loan. So if this is a problem, it seems to me the Senator from Minnesota ought to work to help everybody, not only those who go into bankruptcy court. Then you also have the perverse result of people who don't have the money to file for bankruptcy who will have to pay the loan as agreed. Even if you share Senator WELLSTONE's distaste for payday loans, this amendment won't benefit the poorest of the poor because most of the poorest of the poor don't seek bankruptcy relief.

Earlier during the course of the debate, my colleague from Utah, Senator HATCH, sought to include language in an amendment that would have changed the Fair Debt Collection Practices Act. This act is in the jurisdiction of the Banking Committee. At that very time, the ranking Democrat on the Banking Committee, the Senator from Maryland, indicated that he would not consent to allowing changes to the Fair Debt Collection Practices Act on a bankruptcy bill. So to be fair, then, the portion of Senator WELLSTONE's amendment changing the Fair Debt Collection Practices Act should be stricken out in deference to the jurisdictional objections that have been lodged by the ranking Democrat on the Banking Committee. So I am asking Senator WELLSTONE to listen to the arguments of his fellow Democrat about jurisdiction and respect the jurisdiction of the particular committees.

If the Senator from Minnesota doesn't want to honor this objection, I think his proposed changes to the Fair Debt Collection Practices Act represent poor policy at least. His amendment would not say that lenders can't offer payday loans. His amendment would say that you aren't allowed to use State courts to collect the debt, even if the debt is completely legal under that same State law. In fact, the State of Minnesota specifically allows payday loans, as does my home State of Iowa. I don't think the Federal Government has any business telling State judges they can't enforce debts that are fully legal under the laws of that particular State. I would have confidence in my State legislature correcting this economic and social problem, if it is one in our State. I haven't studied it enough to know whether it is, but I have confidence that my State legislators would correct that. I hope the Senator from Minnesota has the same confidence that his State legislators know what is best for Minnesota, not those of us in the Congress of the United States.

I also think this amendment would have the effect of making it harder for the poor and those with bad credit histories to gain access to cash—the very people the Senator from Minnesota is so concerned about because, in his words, ''they are so vulnerable.'' People who use payday loans simply can't get loans through traditional sources because they are too risky, so a payday loan may be the only way they can get quick cash to pay for family emergencies or essential home and auto repairs.

I know the intentions of my good friend from Minnesota are honorable, but the effect of this amendment would be to make it harder for poor people to get help when they need that help the most. I hope this amendment by the Senator from Minnesota will be defeated.

I yield the floor.

The PRESIDING OFFICER (Mr. BURNS). The Chair recognizes the Senator from Utah.

Mr. HATCH. Mr. President, I rise to speak in opposition to the amendments offered by the distinguished Senator from Minnesota. His amendment is, in fact, two amendments—one to the bankruptcy laws and one to the Fair Debt Collection Practices Act.

The debt collection amendment would prohibit anyone, such as a grocery store or a hotel, who cashes

checks for a fee and defers depositing the check from notifying the writer of a check which is later bounced that they will seek civil or criminal penalties for that bounced check. It is important to keep in mind that under most State laws writing bad checks is a crime and many States allow for civil and/or criminal penalties against those who write fraudulent checks.

The other part of this amendment would disallow in bankruptcy claims arising from a deferred deposit loan—a so-called payday loan—if the annual percentage rate of the loan exceeds 100 percent.

Although well intentioned, this amendment is misplaced. So-called payday loans are made when a borrower writes a check for the loan amount plus a fee. The lender typically gives the borrower the loan amount and holds the check until a future date. In making payday loans, these lenders provide a vital service to the poorest borrowers. Because sometimes it is more convenient to go to a hotel, grocery store, gas station, or other similar businesses that may keep longer hours than banks, many consumers choose to cash a check at these types of places when they need small amounts of money to overcome an emergency.

With this check cashing service, borrowers can get the emergency cash they need without telling the boss they need a cash advance or giving up their televisions and furniture. This is a legitimate service that many honest consumers use and in which established businesses engage.

If adopted, this amendment may operate to the detriment of the very people it is intended to help. So I urge colleagues to vote against that amendment.

The lifeline account amendment would disallow the bankruptcy claims of certain banks and credit unions. In particular, it would disallow claims by larger institutions, such as banks with more than $200 million in aggregate assets that offer retail depository services to the public, unless they offer the specific services required by this amendment. First, these institutions would be required to offer both checking and savings accounts with ''low fees'' or no fees at all. Second, they would have to offer ''low'' or no minimum balance requirements for checking and savings accounts—and to any consumer, regardless of income level. Further, the ''penalty'' for not providing these particular services is the disallowance of the bank's claim in bankruptcy. That is a harsh penalty, indeed, and a windfall for bankrupts.

Let me explain what this means. It means someone with the resources of, let's say, Steve Forbes can walk into one of these banks, and if he is denied a ''low fee'' or no fee account, then any claim that bank has in any bankruptcy proceeding—not just Steve's bankruptcy—then the bank's claims are disallowed. I emphasize that any claim in any bankruptcy will be disallowed because the bank did not offer Steve Forbes a ''low'' or no fee checking account. Let me substitute Bill Gates' name for Steve Forbes here.

I should also note that this amendment does not describe what a ''low fee'' account is. Whose standard of low are we to base this dictated fee on? This is bad policy that would effectively dictate to banks the specific services they must offer, whether or not consumers need or want them. This is Government interference with free markets at its worse. Whenever such rules are forced on businesses, the offsetting costs inevitably occur. In other words, consumers will end up paying for mandated low fee or free checking in the form of higher prices for other services. Alternatively, other services by banks may be discontinued to offset the costs of these new requirements, not to mention the costs of the penalties. I don't believe this kind of regulatory interference with the markets is either warranted or wise. I urge colleagues to oppose this amendment.

Mr. LIEBERMAN. Mr. President, I thank the Senator from Minnesota for raising this important consumer issue. Seven weeks ago, I held a forum on payday lending to help educate myself and the public on this troubling consumer credit practice. At the forum, we heard from representatives of the payday industry, consumer advocates, state regulators, and a credit union representative. We also were fortunate to hear from two Navy servicemen, one a payday borrower and one a commander who provides financial counseling to his sailors. Their stories of military personnel caught in cycles of debt to payday lenders helped me realize the impact this issue can have on individuals' lives. For example, Captain Robert W. Andersen, commanding officer of Patrol Squadron 30 in Jacksonville, FL, testified that sailors who take payday loans are often victims of a ''snowball effect or financial death spiral they cannot recover from.''

For those who aren't familiar with payday lending, let me explain how it works. Someone who is short of cash can borrow money using his or her future paycheck as security. The borrower usually writes a check for the loan amount plus a fee, and then the lender agrees not to cash the check until after the borrower's next paycheck comes in.

Payday lenders commonly promote their product as quick and easy cash. But what they don't usually advertise is that this is one of the most expensive consumer credit products in existence. Interest rates on payday loans average about 500 percent annually, with some loans going well over 1000 percent APR. Among the frequent borrowers who pay these high fees are those with particularly limited ability to repay the loan, including enlisted military personnel, college students, and senior citizens on fixed incomes.

Despite the fact that payday loans are marketed as short-term credit, intended to help people get through one rough pay period, a disturbingly high number of payday borrowers apparently soon discover that they can't pay their loan off immediately, and so they end up rolling their loan over for another—and another, and another—term. According to a study by the Indiana Department of Financial Institutions, 77 percent of all payday loan transactions are rollover transactions, and the average annual number of renewals per borrower is over ten. As a result, consumers can end up paying amounts in interest and fees that dwarf their initial loans—and make it very difficult for them to repay the principal. One borrower in Kentucky, for example, ended up paying $1,000 in fees for a loan of only $150 over a period of six months—and the borrower still owed the $150. It is cases like these that has led the Consumer Federation of America to call payday lending ''legal loan sharking.'' As the American Association of Retired Persons (AARP) stated in written testimony provided for the forum:

> It is not difficult to see how a borrower could become mired in debt. A person so desperate for money that he or she is willing to pay a three-digit APR is not likely to have the cash—plus the fee—two weeks after taking out a loan. . . . Taking out a loan at 391% APR, with the obligation to repay the principal and interest charge in *two weeks*, is not going to help consumers who do not have the cash to cover the checks they write. (emphasis in original)

And that's not the worst of it: state efforts to control rollovers appear to be failing; lenders and customers find any number of ways to roll over a loan, even if rollovers are limited or prohibited. The Illinois Department of Financial Institutions has concluded that rollover rules have ''been ineffective in stopping people from converting a short term loan into a long term headache.'' At the forum, Mark Tarpey, Consumer Credit Division Supervisor with the Indiana Department of Financial Institutions, testified:

> The problem with renewals is that you have an incentive for the lender to continue to collect fees as long as the customer pays them. There is no incentive to limit renewals/rollovers. Even if you statutorily prohibit or limit renewals/rollovers, you have the problem of a customer coming in and paying cash and the lender then giving them the same funds back and calling it a new loan. There are other practices to conceal transactions from being deemed a renewal/rollover.

The industry acknowledges that loan renewal is a problem, although there is dispute over just how big a problem it is. Both of the trade associations represented at the forum I held in December have adopted ''best practices'' guidelines that attempt to address this issue, but because the borrower drives the decision to renew a loan, it would be difficult for the industry guidelines to succeed.

Equally disturbing are the practices that some in the payday industry have used to collect on delinquent loans—and I recognize and appreciate that the

amendment offered by the Senator from Minnesota addresses this problem. At the forum in December, Leslie Pettijohn, the Consumer Credit Commissioner in Texas, testified:

From a regulator's perspective, one of the most objectionable practices of these transactions is the threat of criminal prosecution against the consumer. When a check bounces, lenders frequently file charges against consumers with law enforcement officials and attempt to collect this debt by means of criminal prosecution. In a single precinct in Dallas County, more than 13,000 of these charges were filed by these kind of companies in one year.

As I mentioned, payday lending uses as security a live check that both the borrower and the lender know is no good at the time it is written. Just as we don't imprison people for failure to pay their credit card bills or meet their mortgage payments, I do not believe that a borrower—unless he committed fraud—should be subject to threat of such severe measures for failure to make good on a payday loan, particularly because the very premise of the loan was the borrower's willingness to write a bad check. The amendment offered by the Senator from Minnesota would prevent the misuse of these ''bad check'' laws, but it would still permit a fraud prosecution where appropriate. That is an important step.

Again, I thank the Senator from Minnesota for raising this important issue, and I look forward to working with him to address it further in the future.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ENZI). Without objection, it is so ordered.

The PRESIDING OFFICER. Under the previous order, the next amendment has 2 hours equally divided.

The Chair recognizes the Senator from Michigan.

Mr. LEVIN. I thank the Chair.

AMENDMENT NO. 2658

(Purpose: To provide for the nondischargeability of debts arising from firearm-related debts, and for other purposes.)

Mr. LEVIN. Mr. President, I call up amendment No. 2658.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Michigan (Mr. LEVIN) for himself, Mr. DURBIN, Mr. WYDEN, Mr. KENNEDY, Mrs. FEINSTEIN, Mr. LAUTENBERG, and Mr. SCHUMER proposes an amendment numbered 2658.

Mr. LEVIN. Mr President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 124, between lines 14 and 15, insert the following:

SEC. ___. CHAPTER 11 NONDISCHARGEABILITY OF DEBTS ARISING FROM FIREARM-RELATED DEBTS.

(a) IN GENERAL.—Section 1141(d) of title 11, United States Code, as amended by section 708 of this Act, is amended by adding at the end the following:

''(6) Notwithstanding paragraph (1), the confirmation of a plan does not discharge a debtor that is a corporation from any debt that is—

''(A) related to the use or transfer of a firearm (as defined in section 921(3) of title 18 or section 5845(a) of the Internal Revenue Code of 1986); and

''(B) based in whole or in part on fraud, recklessness, misrepresentation, nuisance, negligence, or product liability.''.

(b) AUTOMATIC STAY.—Section 362(b) of title 11, United States Code, as amended by section 901(d) of this Act, is amended—

(1) in paragraph (27), by striking ''or'' at the end;

(2) in paragraph (28), by striking the period at the end and inserting ''; or''; and

(3) by inserting after paragraph (28) the following:

''(29) under subsection (a) of this section, of—

''(A) the commencement or continuation, and conclusion to the entry of final judgment or order, of a judicial, administrative, or other action or proceeding for debts that are nondischargeable under section 1141(d)(6); or

''(B) the perfection or enforcement of a judgment or order referred to in subparagraph (A) against property of the estate or property of the debtor.''.

Mr. LEVIN. Mr. President, I yield myself 10 minutes.

Our amendment would change the bankruptcy code so that a firearm manufacturer or distributor who is found liable or may be found liable for negligence or reckless action cannot escape accountability by filing for reorganization in bankruptcy.

Our amendment has the endorsement of the National League of Cities, the U.S. Conference of Mayors, Handgun Control, Inc., which is Sarah Brady's organization, and the Violence Policy Center. The amendment is cosponsored by Senators DURBIN, WYDEN, KENNEDY, FEINSTEIN, LAUTENBERG, and SCHUMER, and I thank them for their persistence and their hard work on this important issue.

Under the current bankruptcy code, firearm manufacturers are able to ''take advantage of the system.'' Those are not my words. Those are the words of Lorcin Engineering Company, a manufacturer of cheap, semiautomatic handguns. Lorcin told Firearms Business, an industry publication, that it was ''taking advantage of the system'' by filing for chapter 11 bankruptcy protection in 1996. At the time, Lorcin was one of the chief producers of Saturday night specials or junk guns. Their semiautomatic pistol was number two on the Alcohol, Tobacco, and Firearms list of guns traced to crimes. Some of their cheaply constructed guns were made so poorly they did not meet basic safety requirements to be eligible even for importation.

Lorcin sought to evade responsibility for the damages caused by their negligence by filing for chapter 11. Other manufacturers are following their lead, seeking to evade accountability for their wrongdoing by filing in bankruptcy court. For instance, Davis Industries, another producer of poorly constructed semiautomatic firearms, has also sought refuge in bankruptcy court. The New York Times reported on June 24, 1999, that a spokesman for Davis Industries said, ''I'm sure other companies will do the same thing.''

On July 19, 1999, at a creditors meeting for Davis Industries, the owner was asked a few questions by the bankruptcy trustee about his chapter 11 bankruptcy petition.

Question: Now, the reasons for filing sounded to me like you're getting sued by all the municipalities in the United States. Is that pretty close to correct?

Answer: I think you hit the button on the nose.

Lorcin Engineering and Davis Industries found a loophole in our Federal bankruptcy law and the list of these companies grew and is still growing.

When the bankruptcy code was enacted, its primary goal was debtor rehabilitation, to provide a fresh start to ''honest but unfortunate debtors'' through the discharge of debts. The code gives debtors the opportunity to shed indebtedness, but there are exceptions. These exceptions to the discharge of a debtor's liability were based on public policy or wrongful conduct of the debtor. Currently, the bankruptcy code defines 18 specific categories of debt that are nondischargeable. These exceptions have been created because of an overriding public purpose.

A report issued by the National Bankruptcy Review Commission, an independent commission established by Congress to investigate and study issues relating to the bankruptcy code, says this about nondischargeability:

Debts excepted from the discharge obtain distinctive treatment for public policy reasons. Many nondischargeable debts involve ''moral turpitude'' or intentional wrongdoing. Other debts are excepted from discharge because of the inherent nature of the obligation, without regard to any culpability of the debtor. Regardless of the debtor's good faith, for example, support obligations and many tax claims remain nondischargeable. Society's interest in excepting those debts from discharge outweighs the debtor's need for a fresh economic start.

Among the debts that we exempt from discharge for public policy reasons are debts which arise from death or personal injury caused by the debtor's operation of a motor vehicle while intoxicated, debts incurred by fraud or falsehood, debts incurred by willful and malicious injury, family support obligations, taxes, educational loans, fines, and penalties payable to a governmental entity, et cetera. These exceptions reflect Congress' intent to carve out exceptions to dischargeability for important public interest policy considerations.

One category of debt that was added not too long ago to the code ensures that debtors cannot escape debts incurred by a debtor's operation of a

motor vehicle while intoxicated. This change, which was first introduced by Senators Danforth and Pell in the early 1980s, was considered part of an ''all-out attack on drunk driving.'' Congress was persuaded to amend the Federal bankruptcy code with respect to this important policy initiative. At the time, drunk driving accidents killed tens of thousands of Americans and disabled hundreds of thousands of people annually. Senator Danforth argued that drunk driving has caused insurmountable human suffering and economic loss, and in his words:

> We must assure victims and their families that if they win a civil damage award against the drunk driver, they need not fear that the offender will use Federal law to escape his debt.

We should do no less for victims of negligence and recklessness and wrongdoing of gun manufacturers and distributors.

Senator Danforth told us:

> It is a national scandal that 50,000 Americans are smashed and slashed to death on our highways and that 2 million people suffer disabling injuries in car accidents every year.

He went on to say:

> The greatest tragedy is that we have become desensitized to the meaning of these statistics. We have almost come to accept this carnage as the unfortunate price we must pay for the mobility we enjoy. However, if we look behind the mind-numbing statistics—if we ask why so many people are suffering—we will see over half of this bloodshed results from our unwillingness to put a halt to the most frequently committed violent crime in America: drunk driving.

The reduction of alcohol-related driving fatalities was an important public policy issue, and by making those debts nondischargeable, Congress acted wisely to protect victims of drunk driving and to deter drunk driving.

Congress acted against those endless tragedies and senseless deaths and human suffering by amending the bankruptcy code so a drunk driver could not escape his debt by going bankrupt. Like debts incurred by drunk driving, debts for death or personal injury and costs to communities resulting from the unsafe manufacture or distribution of unsafe firearms and their negligent distribution should also not be dismissed in bankruptcy. The public policy involved here is an overriding one, given the damage caused by the unsafe manufacture and distribution of guns.

Senator Danforth's plea to curb drunk driving is very similar to our people's plea to reduce gun violence. Week after week, Americans are lost to the senselessness of gun violence. Year after year, some 30,000 of us are lost to murder or suicide or unintentional shootings and tens of thousands of Americans are treated for firearm injuries. Many of these deaths and injuries are to children. When the carnage results from the unsafe manufacture or distribution of a firearm, we should not allow the manufacturer or distributor to evade the responsibility for its wrongdoing by reorganizing in bankruptcy.

Cities around the country and their residents are taking on this problem on their own. Thirty cities and counties have filed lawsuits alleging negligence, wrongdoing, unsafe practices on the part of gun manufacturers or distributors. New Orleans started in October of 1998, followed by Chicago; Miami; Dade County; Bridgeport, CT; Atlanta, GA; Cleveland, OH; Cincinnati, OH; Wayne County, MI; and Detroit, MI; St. Louis, MO; San Francisco, and others.

Citizens want the firearm industry to be accountable for unsafe actions on their part. They want firearm manufacturers to be held responsible for poorly constructed and unsafe products. Citizens want firearm manufacturers and distributors to be accountable for wrongful injuries resulting in public outlays for medical care, emergency rescue, and police investigative costs.

The PRESIDING OFFICER. The Senator's 10 minutes have expired.

Mr. LEVIN. I thank the Chair and yield myself an additional 3 minutes.

One way to deter such misconduct is to say that you cannot avoid that accountability by filing for reorganization in bankruptcy any more than you can evade a judgment for damages resulting from drunk driving.

Sound public policy also dictates that the debt incurred by a company's action should not be ducked by a company reorganizing under chapter 11 while the company goes on its merry way and the victims are victimized twice.

This amendment does not judge the merits of any lawsuit or the liability of any parties involved in these lawsuits. The amendment simply gives our citizens the assurance that if they win a civil damage award against a firearm manufacturer or distributor, the damages caused by the perpetrator cannot be evaded by being dismissed in bankruptcy court.

Mr. President, I ask unanimous consent that letters from the U.S. Conference of Mayors, the National League of Cities, the Violence Policy Center, and Handgun Control, which is chaired by Sarah Brady, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE U.S. CONFERENCE OF MAYORS,
Washington, DC, November 17, 1999.

Hon. CARL LEVIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR LEVIN: On behalf of the United States Conference of Mayors, I am writing to express our strong support for your amendment, No. 2658, to the Bankruptcy Reform Act of 1999 (S. 625).

For over 30 years, The U.S. Conference of Mayors has supported comprehensive efforts to promote gun safety and help keep guns away from kids and criminals. At our Annual Conference of Mayor in New Orleans this past June, we adopted a strong policy in support of broad gun safety legislation, and on September 9, over 50 mayors, 30 police chiefs and leaders from the interfaith community took our call for action to Washington on ''Gun Safety Day.''

During our New Orleans Annual Meeting we adopted an equally strong policy opposing any state or federal promotion of local government access to the court system on behalf of local citizens. To that end, gun manufacturers, distributors and dealers should not be allowed to use federal statute to evade legal claims for damages by filing for bankruptcy—which would amount to a de factor preemption of local rights to protect public safety and to recoup public revenues. The threat of this action is real with Lorcin Engineering Co., one of the chief manufacturers of ''Saturday Night Specials'' or ''junk guns,'' having filed for Chapter 11 bankruptcy in 1996, and several other gun manufacturers recently following the same course of action.

Currently, 18 categories of debt are nondischargeable under the Bankruptcy Code. The Code makes certain debts nondischargeable when there is an overriding public purpose. We believe that there is no higher public purpose than protecting public safety, and that your amendment will allow these judicial proceedings to continue without the improper use of federal law to preempt this important process.

Therefore, The U.S. Conference of Mayors strongly supports adoption of amendment No. 2658.

Yours truly,

WELLINGTON E. WEBB,
President,
Mayor of Denver.

NATIONAL LEAGUE OF CITIES,
Washington, DC, November 16, 1999.

Hon. CARL LEVIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR LEVIN: On behalf of our 135,000 municipal elected officials, the National League of Cities strongly supports your amendment, S. AMT. No. 2658, to the Bankruptcy Reform Act of 1999 (S. 625). In prohibiting manufacturers, distributors and dealers of firearms from discharging debts which are firearm-related, incurred as a result of judgments against them based on fraud, recklessness, misrepresentation, nuisance, negligence, or product liability, this amendment effectively stops an abuse of the bankruptcy system. More importantly, the measure helps insure that municipal lawsuits against the gun industry, are not undermined by firearms companies seeking to potentially avoid their culpability through the use of the bankruptcy code.

While NLC does not support some amendments to the Bankruptcy Reform Act (particularly the Ross-Moynihan Amendment, S. AMT. No. 2758) that would preempt state and local government interest rates that apply to Chapter 11 corporate repayments, we believe that this particular amendment helps cities and towns recover monies expended for numerous criminal investigations, litigation fees, health costs, and other resources needed to address incidents of gun violence. The National League of Cities has a long history of supporting legislation to reduce gun violence and gun-related criminal activity. Like debts incurred by drunk driving, Congress must send a clear and convincing message that it will not permit debtors to escape debts incurred by improper conduct. It is crucial that the federal government do all that it can to help local law enforcement effectively address gun violence with common sense legislation that curtails access to firearms including altering the bankruptcy code.

An unfortunate example of such abuse occurred in 1996 when Lorcin Engineering Co.,

a manufacturer of cheap handguns, filed for Chapter 11 bankruptcy protection. Lorcin was one of the nation's chief manufacturers of ''Saturday Night Specials'' or ''junk guns,'' and in 1998, their inexpensive semi-automatic pistol was number two on the list of guns traced to crime scenes by the Bureau of Alcohol, Tobacco and Firearms. Lorcin's low quality and unsafe firearms caused innumerable deaths in our nation's cities and towns because of their cheap construction and easy availability in urban areas.

Moreover, Lorcin's weapons were the basis of more than two dozen product liability lawsuits. Once Lorcin decided they could not defend their practices against the multiple liability claims filed against them, they decided to protect themselves by using the bankruptcy system to settle these lawsuits for pennies on the dollar and be exempted from an additional lawsuit filed by the city of New Orleans.

Senator Levin, we support this amendment, and strongly advocate its inclusion in any final bankruptcy reform measure enacted that does not undermine municipal finances. Additionally, you will find an enclosed resolution passed by the National League of Cities' Public Safety and Crime Prevention Steering Committee that supports your proposed amendment.

Sincerely,

CLARENCE E. ANTHONY,
President, Mayor, South Bay, Florida.

Enclosure.

PROPOSED RESOLUTION—PSCP #9—CITIES LAWSUITS AGAINST THE FIREARM INDUSTRY

Whereas, gun violence results in great costs to cities and towns, including the costs of law enforcement, medical care, lost productivity, and loss of life; and

Whereas, it is an essential and appropriate role of the federal government, under the Constitution of the United States, to remove burdens and barriers to interstate commerce and protect local governments from the adverse effects of interstate commerce in firearms; and

Whereas, firearm manufacturers, distributors, and retailers, and importers have a special responsibility to take into account the health and safety of the public in marketing firearms; and

Whereas, to the extent possible, the costs of gun violence should be borne by those liable for them, including negligent firearm manufacturers, distributors, and retailers, and importers; and

Whereas, the firearm industry has generally not included numerous safety devices with their products, including devices to prevent the unauthorized use of a firearm, indicators that a firearm is loaded, and child safety locks, and the absence of such safety devices has rendered these products unreasonably dangerous; and

Whereas, the firearm industry has potentially engaged in questionable distribution practices in which the industry oversupplies certain legal markets with firearms with the knowledge that the excess firearms will be potentially distributed not nearby illegal markets; and

Whereas, it is fundamentally the right of local elected officials to determine whether to bring suits against firearm manufacturers on behalf of their constituents to best serve the needs of their city or town; and

Whereas, across the nation, cities are bringing rightful legal claims against the gun industry to seek changes in the manner in which the industry conducts business in the civilian market in their communities: Now, therefore, be it

Resolved, That cities and towns be able to bring suits against manufacturers, dealers, and importers to determine their possible culpability for firearm violence; and be it further

Resolved, That the National League of Cities opposes any federal preemption that would undermine the authority of state and local officials to bring suits against firearm manufacturers on behalf of their citizens; and be it further

Resolved, That the National League of Cities urges better cooperation between firearm manufacturers and local elected officials to prevent firearm violence and ensure less firearm injuries and costs to cities and towns.

VIOLENCE POLICY CENTER,
Washington, DC.

DON'T LET GUN MANUFACTURERS ''TAKE ADVANTAGE OF THE SYSTEM''

SUPPORT THE LEVIN AMENDMENT TO THE BANKRUPTCY BILL TO HOLD GUNMAKERS RESPONSIBLE FOR DEFECTIVE GUNS

The Levin amendment to S. 625 will ensure that gun manufacturers cannot discharge debts incurred as a result of consumer lawsuits for defectively designed and manufactured firearms.

The Levin amendment is necessary to ensure that firearm manufacturers—which are exempt from federal health and safety regulation—remain accountable for civil liability to consumers injured by negligent or reckless industry behavior. Lack of health and safety regulation means that the civil justice system is the only mechanism available to regulate the conduct of gun manufacturers.

At least three major gun manufacturers have sought bankruptcy protection specifically to protect themselves from product liability claims.

Lorcin Engineering arrogantly stated in 1996 that it was filing for bankruptcy to protect the company from at least 18 pending liability suits. Lorcin officials stated to Firearms Business—a gun industry trade publication—that the company chose to ''take advantage of the system'' when it decided that it could not defend against liability claims. Furthermore, at a 1996 meeting of creditors, the U.S. Bankruptcy Trustee posed the following question to Lorcin's attorney, ''The triggering factor [of the bankruptcy] was the Texas lawsuit, but there were three or four others that could also be a problem?'' Lorcin's lawyer responded, ''Yep.''

In 1993, Lorcin was the number one pistol manufacturer in America, churning out 341,243 guns. Many of Lorcin's handguns are of such poor quality they are ineligible for importation under the Bureau of Alcohol, Tobacco and Firearms (ATF) ''sporting purpose'' test. Lorcin's .380 pistol regularly tops the list of all guns traced to crime by ATF.

Davis Industries, also motivated by pending product liability claims as well as lawsuits filed by U.S. cities including Chicago, New Orleans, Miami, Atlanta, Cleveland, Los Angeles, and Detroit filed for bankruptcy protection in May 1999. Davis manufactured nearly 40,000 guns in 1997, the last year for which figures are available.

Sundance Industries also sought bankruptcy protection in August 1999. As a result, the Superior Court of California enjoined the City of Los Angeles from pursuing Sundance in the city's lawsuit to recover costs inflicted on the city as a result of gun violence.

Many more gun manufacturers may soon choose to follow in the footsteps of Lorcin, Davis, and Sundance to escape responsibility for suits filed recently by U.S. cities.

More than 25 cities and counties have filed lawsuits against the gun industry. These lawsuits allege that firearm manufacturers have produced and sold defectively designed firearms, and engaged in negligent marketing and distribution practices resulting in countless deaths and injuries in America's cities. The NAACP has filed a similar lawsuit. Lawyers for the cities are very concerned that bankruptcy will become a common gun industry defense tool.

Many other consumer lawsuits are pending against gun manufacturers.

For example, Glock is the defendant in a case recently certified as a nation-wide class action. The class includes individuals and police officers injured by unintentional discharges of Glock handguns. The suit alleges that Glock handguns, including those used by many police departments, contain design defects long known to the manufacturer.

Gun manufacturers must not be allowed to use bankruptcy to escape accountability when their reckless or negligent conduct causes death and injury. Vote to protect victims of gun violence. Support the Levin amendment to S. 625.

HANDGUN CONTROL,
Washington, DC, November 9, 1999.

Hon. CARL LEVIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR LEVIN: I am writing in support of the amendment to S. 625, the Bankruptcy Reform Act of 1999 sponsored by Senators Levin, Durbin, Wyden, Kennedy, Feinstein, Lautenberg, and Schumer. This amendment would prevent firearm manufacturers, distributors and dealers from filing for Chapter 11 bankruptcy protection to evade wrongful death and personal injury lawsuits caused by their dangerous products.

As you know, several cities and their residents have filed suits against the gun industry to recover some of the costs of gun violence and to attempt to encourage more responsible conduct by the industry in the future. These suits attack two basic problems caused by irresponsible practices of the gun industry. One is the failure to make guns as safe as possible and failing to include many simple, live-saving safety devices in their guns. The other is the irresponsible distribution of guns which enables and fosters the criminal use of guns.

Gun manufacturers, distributors, and dealers should not be able to evade these legitimate claims for damages by filing for bankruptcy. In 1996, Lorcin Engineering Company, one of the chief manufacturers of ''Saturday Night Specials'' or ''junk guns'' filed for Chapter 11 bankruptcy to protect itself from multiple product liability lawsuits. Other gun manufacturers, like Davis industries and Sundance Industries, have followed Lorcin's lead and have filed for bankruptcy to avoid liability. We must not allow other firearms companies to take advantage of the bankruptcy system.

I urge you to support this important amendment.

Sincerely,

SARAH BRADY,
Chair.

Mr. LEVIN. My friend from Illinois is not here, so I simply yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Utah.

Mr. HATCH. Mr. President, I rise to speak in opposition to the amendment offered by the Senator from Michigan. This amendment makes debts owed by a corporation on account of firearms non-dischargeable in a chapter 11 reorganization bankruptcy proceeding if the debt arose out of an action for fraud, misrepresentation, negligence, nuisance, or product liability. In addition, this amendment excepts such

debts from the automatic stay protection provided in a bankruptcy proceeding.

This amendment effectively singles out both gun manufacturers and those who legally transfer guns, including major retailers who sells guns in compliance with all laws, and prevents them from successfully reorganizing under the bankruptcy laws, if they should need such reorganization. If a large product liability suit succeeds against a gun manufacturer, this amendment virtually ensures that the companies affected will be driven out of business and its workers will lose their jobs.

In addition to being just bad policy, the amendment is also self-defeating. Here is why: it effectively assures that only a fraction of the judgment against the affected company will be paid, if at all. That is because those manufacturers that could pay off the judgment over time will not be able to do so, and will be forced into liquidation. This is neither good for the lawful business, nor for those other investors or creditors with legitimate claims against the company.

I also want to point out to my colleagues that as a matter of longstanding bankruptcy policy in the United States, it has been universally recognized that if a company with manufacturing expertise suffers an unexpected financial setback—whether from a huge products liability judgment or business reverses—everyone is better off if it can at least try and restructure the business to preserve its legitimate business lines. Workers can save their jobs and creditors can be paid off over time from the operating revenues of the restructured company, receiving much more than they would from liquidation. It is not as if this amendment, much to the dismay of its supporters, will wipe out the second amendment's protection to bear arms. What this amendment will do is ensure that the manufacture of legal arms, and the corresponding jobs it creates, will move overseas.

Longstanding bankruptcy policy in this country has been that bankruptcy laws should apply to all lawful products and industries in a similar fashion; not pick and choose between unpopular, but legal, industries. This amendment unfairly singles out one industry for unfavorable treatment, and does so in an unprecedented fashion. In my view, Congress should be loathe to single out companies that legally manufacture or sell lawful products for unfavorable treatment, simply because they are unpopular. Which industry will be targeted next?

We should not be setting the precedent that lines of business that are unpopular with some in the Congress, but legal, will be denied the ability to reorganize in bankruptcy. If we do this to firearms manufacturers, what about companies involved in other industries, such as medical devices, drug manufacturing, or automobile makers? The basic social policy that it is better to keep the company operating and paying off the judgment than liquidating it should not be narrowed company by company, industry by industry.

Plain and simple, this amendment is designed to encourage lawsuits by trial lawyers against gun manufacturers and retailers who sell guns. And I think this amendment is part of an effort to put the firearms industry out of business.

Let me emphasize that I am very concerned about the gun violence our country has experienced in recent years. However, I am a firm believer in second amendment rights. The amendment encourages the new wave of lawsuits we have all been hearing about, in which gun *manufacturers* are being sued for the conduct of third-party criminals. Liberals have been unable to eliminate the second amendment or the gun industry through direct legislation, so they are attempting to eliminate it through this kind of backdoor ''policy through litigation'' approach.

This amendment promotes an issue that has nothing to do with real bankruptcy reform and sets an undesirable precedent. Accordingly, I urge my colleagues to vote against this amendment.

It is time for us in the Congress to grow up with regard to firearms matters in our country. There is no use kidding ourselves. We have passed some 20,000 rules, regulations, and laws in this country against the use of firearms that have limited our second amendment rights and privileges. There are some legitimate arguments against this type of legislation. I believe it is far preferable for us to uphold second amendment rights and privileges and get tougher on criminals.

Our problem in this country, and especially over the last 7 years, is that this administration has not been serious about getting tough on criminals. Under Project Triggerlock, the number of gun prosecutions under that approach, which was working very well under President Bush, has now dropped by 50 percent. No wonder the President in his State of the Union Address said: We are going to start doing something about gun crimes.

They caught 12,000 people illegally taking guns to school in the last few years, and there have been only 13 prosecutions. Last year, up to January 1, they caught 100,000 people under the instant check system. They call that Brady, as if that were a victory by the administration. Brady was first a 7-day waiting period which devolved into 5 days. In order to not prevent decent, law-abiding citizens from purchasing their guns, we instituted the instant check system, and it has worked magnificently.

Of the 100,000 people they caught last year trying to illegally purchase weapons, I do not recall one single prosecution. I understand that 200 have been recommended for prosecution, one-fifth of 1 percent. I could go on and on.

This administration has not been serious about gun crimes, and we have not had a lot of help from people who are opposed to the second amendment in helping to resolve these problems. The juvenile justice bill is caught up in a conference that is impossible to resolve unless we get rid of this issue and do what has to be done in the interest of juvenile justice.

The fact of the matter is, there is always going to be somebody trying to—and sincerely so—make political points on the issue of guns and weapons. This is not the bill on which they should be making those political points. This would be a very disastrous approach towards bankruptcy law. It means that anytime you find enough popular business a majority of Members of Congress can stick it to, they are going to be able to do it under the bankruptcy laws. That is ridiculous. When we start showing preferences for certain political points of view in bankruptcies to the exclusion of common sense, then it seems to me we are all going to suffer. Sooner or later, it is going to affect something that each one of us treasures or thinks is particularly important.

I speak in opposition to this amendment. This amendment would do an injustice to the bankruptcy laws. In the process, I think we will not accomplish what my friends on the other side, who are sincere about it—at least I believe most of them are sincere about it—really want to do. It is better for us to battle out these issues in Congress. I, for one, will be opposed to any diminution in our second amendment rights and privileges. If you want to diminish the second amendment, then you ought to do it by constitutional amendment. You shouldn't be doing it by bits and tatters. It ought to be done straight up, and it ought to be done in a way that is constitutionally justifiable, and not in these bits and pieces that literally make political points but do not belong in something as important as this bankruptcy bill.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN. Mr. President, I yield 10 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. I am more than happy to rise in support of what I consider to be a very important and valuable amendment in this debate on the bankruptcy bill.

I am not one who is in favor of abolishing the second amendment, nor, I am sure, is the Senator from Michigan. What we are attempting to do in this bill is address a very serious problem. For those who believe the second amendment is somehow an absolute right to bear arms, I will just tell them, there are no absolute rights under the Constitution of the United States. Each and every right that is guaranteed to us as individual citizens can be limited. Whether it is the right

of free expression limited by the libel laws or even the right to life limited by death penalties that are imposed in many States, all of these things suggest that no right is absolute, and certainly the right to bear arms is not either.

We have had regulations throughout our modern history that have limited the rights of those who care to bear arms in the interest of the public good. That is what this amendment is all about.

Why are we debating guns on a bankruptcy bill? It gets down to the very basics. The bankruptcy law is designed so a person who has reached an economic position in life where they can't see a good future can go to the court and ask for relief from their debts, whether that is an individual or a family or a business. We say, for almost two centuries in this country, that bankruptcy is a right of individuals under our Federal court system. Again, we make exceptions and say that some people who come to court will be limited in the types of debts they can discharge.

We make a list, a pretty lengthy list, of some 17 or 18 exceptions. They include such things as debts incurred by fraud that can't be discharged in bankruptcy court, alimony and child support, student loans, debts from death or personal injury resulting from driving while intoxicated, court fees. There are several others. It suggests that when the Congress wrote the bankruptcy laws and continued to amend them, we said there are certain things in a bankruptcy court from which you cannot escape. If you have been guilty of certain conduct, if you have not met certain obligations, the bankruptcy court will not be your shield or your shelter.

What the Senator from Michigan is doing with his amendment is saying that the gun industry, the gun manufacturers, if they have engaged—and I will quote directly from the amendment—if they have engaged in fraud, recklessness, misrepresentation, nuisance, or product liability, they cannot race to the bankruptcy court and escape their responsibility to the American people. It is just that straightforward.

Those who are arguing that we should carve out some special exception for these gun manufacturers are the same people who are loath to regulate these businesses in the first place.

Several firearm manufacturers have recently been sued in cases that have been brought by cities and municipalities and counties and other local governments that have, frankly, been victimized by gun crimes. These people, in their lawsuits, are alleging that the gun manufacturers have been guilty of misconduct beyond selling the gun, that they have been involved in marketing practices, for example, that end up putting guns in the hands of those who commit crimes. Those lawsuits are still pending, but the interesting response from the gun manufacturers is: So what, sue us if you want to. Ultimately, if you win your verdict, we will go to bankruptcy court, and we are going to escape any liability to the citizens of these cities and counties and States which are bringing these lawsuits.

Two companies have already sought bankruptcy protection: Lorcin Engineering and Davis Industries. The Lorcin .380 pistol tops the list of all guns traced by the Bureau of Alcohol, Tobacco and Firearms for its involvement in crime. By virtue of the bankruptcy law, these manufacturers are able to make millions of dollars flooding the market with low-quality firearms of little appeal to legitimate sportsmen and hunters but of great appeal to criminals and gang bangers.

Once these companies are sued, because they are flooding the market with these cheap Saturday night specials, they simply declare bankruptcy and walk away free from any financial responsibility for their misconduct. The owners of these companies remain free to start up a new company under a new name making the same weapons, wreaking havoc across America because they are flooding us with these guns.

Lorcin officials stated to Firearms Business, a magazine that is published by the gun industry, that the company chose to ''take advantage of the system'' when it decided it couldn't defend against liability claims. What Senator LEVIN is doing—and I am happy to join him—is to say to Lorcin and other companies: Not so fast. If you are going to flood the markets of America with these cheap Saturday night specials, if you are going to be liable for increasing crime and increasing violence in America, you cannot use the Federal law as your shield or shelter when it comes to our bankruptcy court. I think Senator LEVIN is on the right track.

For those who would argue, as I have already heard on the floor, we already have too many laws when it comes to guns, they are just not enforced, let me be quick to add that when it comes to standards for the manufacture of firearms in this country, we virtually have no laws whatsoever. The Consumer Product Safety Commission has the responsibility of regulating virtually every product for household or recreational use. In fact, the toy guns sold for Christmas and birthday gifts are subject to regulation by the Consumer Product Safety Commission. But the real guns, the Saturday night specials and the firearms that could be the subject of these lawsuits, are not subject to any Federal safety regulations at all. The gun industry, by its power in Washington, has successfully lobbied to keep a law in place that protects them from any regulation on the safety of their product.

So for those who are supporting the gun industry, they want it both ways. They don't want the Government to impose any standard on the product that is sold, and they don't want the companies held liable if that product turns out to be dangerous, if that firearm leads to crime and violence and death across America.

Senator LEVIN has said if these manufacturers come to court and they are found guilty of recklessness, fraud, misrepresentation, nuisance, or product liability, they cannot escape that liability because of the bankruptcy law.

How important is it to America? It is important because the costs of gun violence in both human lives and health care continue to escalate. All those who argue that the laws Congress has contemplated in the past are somehow restricting gun ownership in this country cannot answer the most basic question: If gun ownership is so restrictive in this country, how do we happen to have over 200 million firearms already in a nation of 275 million people?

The fact is, these guns are readily available, and on the average almost 90 people are killed, including 12 children, every day because of the proliferation of firearms and the fact that they get into the wrong hands. Gun manufacturers understand that they are finally going to be held accountable. These lawsuits are going to accomplish what legislatures across the Nation and this Congress have failed to face; that is, the fact that American families are fed up with this gun violence. They expect Members of the Senate and the House to come forward with reasonable suggestions to make their neighborhoods safe and take guns out of the hands of those who would misuse them and out of the hands of children.

Senator LEVIN has a valuable amendment here. He is saying to these companies: You will be held responsible. Even if this Congress cannot muster the courage to regulate the safety of a firearm that is sold in the United States, we will not let these manufacturers escape their liability in a court of law. Cities around the country—Chicago, New York, New Orleans, Atlanta, Bridgeport—have initiated suits against the industry to try to force changes to make guns safer and less likely to end up in the hands of criminals. Certainly, automobile manufacturers have faced a spate of lawsuits that really challenge them to use the most modern technology to make our cars safe.

Why are we not holding this industry to the same standard of responsibility? And why, if they are found guilty of fraud or recklessness in the products they sell, should they be able to get off the hook in a bankruptcy court? That is the gist of the Levin amendment—to hold these companies accountable. To say there are no privileged classes—if you engage in this conduct, you will be held as responsible as any other company or person for their wrongdoing.

The gun industry has long placed profits above the safety of America. I think it is interesting that an industry that can cause politicians to cower before them are scared to death to face a

jury in a courtroom in our country. I strongly support Senator LEVIN's amendment. By adopting it, we will further the goal of reducing abuses of the bankruptcy system. Remember, that is why this debate is underway. We are considering bankruptcy reform because many came to us and said that folks are abusing the bankruptcy system. Don't let the gun manufacturers abuse the bankruptcy system. Make certain that they are held accountable for the wrongdoing and the violence and death that results from their recklessness and fraud and the negligent use of their products. We should be on record as opposing bankruptcy abuse, whether it is the result of individual misconduct or the misconduct of gun manufacturers.

I yield the balance of my time.

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN. Mr. President, I would be happy to alternate back and forth. If nobody is seeking recognition on that side, I will yield 6 minutes to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I commend Senator LEVIN for taking the initiative to close a gaping loophole that allows gun manufacturers, distributors, and dealers to use the Bankruptcy Code to avoid judgments against them based on fraud, recklessness, negligence or product liability. Firearms manufacturers and dealers should not be able to use bankruptcy to escape liability.

Under current law, many types of debt are dischargeable under the Bankruptcy Code. However, the Code makes certain debts nondischargeable, due to public policy concerns, such as debts incurred by the operation of a motor vehicle while legally intoxicated.

Recently, private citizens and local governments have sued the gun industry to hold it accountable for deaths and injuries caused by firearms. The current litigation can be an effective way of assessing responsibility and providing remedies for obvious harm, in accord with the long-standing traditions of the law.

Many of these lawsuits have been brought by federal and state governments against firearms manufacturers. Opponents of these lawsuits argue that the industry cannot afford them, and that the suits may well force some firms into bankruptcy.

The entire focus of the current lawsuits is the wrongdoing of the defendant corporations. The authority of the court to award damages against these defendants requires a judicial finding that the company engaged in misconduct in the manufacturing or marketing of its product. In the absence of such a finding, there is no liability.

At long last, the American people are getting their day in court against the gun industry, and the gun manufacturers and the NRA fear that justice will be done.

Everyday, 13 more children across the country die from gunshot wounds. Yet, the national response to this death toll continues to be grossly inadequate. The gun industry has fought against reasonable gun control legislation. It has failed to use technology to make guns safer. It has attempted to insulate itself from its distributors and dealers, once the guns leave the factory door.

Studies estimating the total public cost of firearm-related injuries put the cost at over one million dollars for each shooting victim. According to the Centers for Disease Control, cities, counties and states incur billions of dollars in costs each year as a result of gun violence—including the costs of medical care, law enforcement, and other public services.

Communities across the country are attempting to deal with the epidemic of gun violence that claims the lives of so many people each year. Law enforcement officials, community leaders, parents and youth are struggling to deal with this continuing epidemic of gun violence. But the gun industry, and Congress, and most state legislatures have persistently ignored these concerns.

Now, when the courts are likely to hold them accountable, some gun manufacturers are attempting to avoid their responsibility by filing for bankruptcy. One example is Lorcin Industries. During its heyday, Lorcin was one of the largest manufacturers of ''affordable'' guns. Law enforcement and gun-control advocates call them ''Saturday night specials''—the inexpensive, easily concealed handguns often used in crimes.

Lorcin is one of several companies that sprang up after a 1968 law banned imports of ''Saturday night specials'' but permitted domestic manufacturing. Studies have found that these products are characterized by short ''time to crime''—the brief period between sale and the time when the guns are used in criminal acts.

Lorcin Engineering Co. has been named as a defendant in 27 lawsuits. The suits charge that Lorcin and other firearm manufacturers do not provide adequate safety devices, and that they negligently market their products, so that their weapons are too easily accessible to criminals and juveniles. Lorcin was also the subject of at least 35 wrongful-death or injury claims involving people killed or wounded when their Lorcin pistols accidentally discharged. Lorcin settled at least two dozen of the 35 claims, ranging from a few thousand dollars to $495,000.

Lorcin sought refuge from these product liability lawsuits by filing for Chapter 11 bankruptcy in October 1996. In bankruptcy, Lorcin was able to settle its lawsuits for pennies on the dollar, when tens of millions of dollars in damages were at stake. One of the major issues raised by creditors in the Lorcin bankruptcy case was whether the company was using the ability to reorganize its operations under the bankruptcy code as a way to avoid paying large sums to plaintiffs if it lost the suits.

Last January, Lorcin was released from a lawsuit filed by the City of New Orleans. It petitioned the court to be removed from another lawsuit filed by the City of Chicago, because the company was reorganizing itself under Chapter 11 of the Bankruptcy Code when the cities filed their lawsuits.

The litigation has prompted two other gun manufacturers to seek refuge in bankruptcy. Sundance Industries of Valencia, California filed for Chapter 7 bankruptcy. The owner said he has been worn down by the legal assault on the gun industry. In addition, Davis Industries of Mira Loma, California sought Chapter 11 protection in the U.S. Bankruptcy Court on May 27, 1999.

According to a lawyer who represented creditors in the 1996 bankruptcy of Lorcin, ''Bankruptcy is a very useful negotiating tool and predictably the more suits that are filed, the more these gun companies are going to file for bankruptcy.''

A lawyer for one of the cities suing the gun-makers said that bankruptcy ''is going to be a huge pain,'' because it will require much more time and expense for the cities, limit the amount of damages they can collect, and, perhaps most important, put the litigation in federal bankruptcy court.

Litigation may well be the only means to hold gun manufacturers accountable for the harm caused by their products. As we have seen with litigation against the tobacco industry, manufacturing secrets and marketing secrets often come to light in a courtroom. Public interest lawsuits have changed the balance of power between the public and the mammoth industries long thought to be invincible. The Levin amendment supports the citizens harmed by these powerful industries. It deserves to be supported by the Senate, and I urge the Senate to approve it.

Mr. President, in summation, I congratulate my friend, the Senator from Michigan, Mr. LEVIN, for the development of this particular amendment, and I join with others to recommend it strongly to the Senate. I am hopeful that it will be successful.

The Levin amendment, as has been pointed out, takes the initiative to close a gaping loophole that allows the gun manufacturers and distributors and dealers to use the bankruptcy code to avoid judgments against them based on fraud, recklessness, and negligence, or product liability. Firearm manufacturers and dealers should not be able to abuse the bankruptcy laws to escape liability.

We can ask ourselves, is this a problem? The answer is yes. Do the gun manufacturers intend to utilize bankruptcy to basically avoid responsibility to families across the country and because of the basis of negligence, recklessness, or fraud? The answer is yes to that, too, which undermines the importance of this particular amendment.

America has a gun problem and it is massive. The crisis is especially serious for children. Every day, 13 more children across the country die from gunshot wounds. For every child killed with a gun, four are wounded. Yet the national response to this death toll continues to be grossly inadequate.

The gun industry has fought against reasonable gun control legislation. It has failed to use the technology to make guns safer. All we have to do is remember the debates we had on the violence against youth legislation at the end of last year. We saw the efforts to try to provide common sense solutions to those who make these weapons available to individuals in our society who should not have these weapons, and how that was frustrated in important ways by the gun manufacturers. They were able to keep that piece of legislation that was passed with regard to gun show loopholes tied up in conference. How many weeks and how many months have passed when we have been unable to address this issue either in conference or back on the floor of the U.S. Senate? Those efforts continue to go on even today.

Here we find in the bankruptcy legislation another attempt by the gun manufacturers to exercise their muscle by giving them a special consideration at a time when the problems they foist on the American families are so significant.

The gun industry has attempted to insulate itself from its distributors and dealers once the guns leave the factory door. Guns are the only consumer product exempt from safety regulations.

Cities, counties, and States incur billions of dollars in costs each year as a result of gun violence, including the costs of medical care, law enforcement, and other public services. Studies estimating the total public cost of firearm-related injuries put the cost at over $1 million for each shooting victim.

Communities across the country are attempting to deal with the epidemic of gun violence that claims the lives of so many people each year. Law enforcement officials, community leaders, parents, and youth are struggling to deal with this continuing epidemic of gun violence. But the gun industry, Congress, and most State legislatures have persistently ignored these concerns.

At long last, the American people are getting their day in court against the gun industry. Individuals, organizations, and municipalities are making progress in their effort to hold the industry liable for its failure to incorporate reasonable safety designs in the guns they sell, including features that would prevent gun use by children and other unauthorized users. Personalizing or childproofing guns would dramatically reduce the number of unintentional shootings, teenage suicides, and criminal offenses using stolen weapons.

One such lawsuit was filed in Massachusetts on behalf of the parents of Ross Mathieu, a 12-year-old boy who was killed in 1996 when a friend the same age unintentionally shot him with a Beretta pistol, believing that the gun was unloaded. In 1997, a suit was filed against Beretta in Federal court in Boston alleging that Beretta caused the death by failing to include with the pistol either a magazine disconnect safety device, a chamber-loaded indicator, or a locking device that would have ''personalized'' the gun.

Last summer, the city of Boston filed a suit against gun manufacturers, distributors, and trade associations whose manufacturing decisions, marketing schemes, and distribution patterns have injured the city and its citizens. Boston is one of 30 cities and counties to have filed groundbreaking lawsuits to reform the gun industry.

When the courts seem likely to hold the industry accountable, some gun manufacturers are attempting to avoid their responsibility by filing for bankruptcy. We have heard the example that the Senator from Illinois pointed out, Lorcin Industries, one of the largest manufacturers of the Saturday night specials. We heard how they have attempted to use the bankruptcy laws to their financial advantage and to the disadvantage of the families who have legitimate interests in pursuing their rights in a court of law.

As a result, Lorcin was able to settle its lawsuit for pennies on the dollar when tens of millions of dollars in damages were at stake. One of the major issues raised by creditors in the bankruptcy case was whether the company was using the ability to reorganize its operations under the bankruptcy code as a way of avoiding paying large sums to plaintiffs if it lost the suits.

That has been replicated by Sundance Industries of Valencia, CA, who filed for chapter 7 bankruptcy. The owner said he had been worn down by the legal assault on the gun industry. In addition, last May, Davis Industries of Mira Loma, CA, sought protection in the U.S. bankruptcy court.

According to a lawyer who represented creditors in the 1996 bankruptcy of Lorcin, ''Bankruptcy is a very useful negotiating tool, and predictably the more suits that are filed, the more these gun companies are going to file for bankruptcy.''

A lawyer for one of the cities suing the gun manufacturers said that bankruptcy ''is going to be a huge pain'' because it will require much more time and expense for the cities.

Litigation may well be the only means to hold the gun manufacturers accountable for the harm caused by their products. Public interest lawsuits have changed the balance of power between the public and the mammoth industries long thought to be invincible.

At long last, the American people are getting their day in court against the gun industry. The gun manufacturers and the NRA should not be allowed to hide behind the bankruptcy laws to prevent liability. The Levin amendment supports the citizens and cities harmed by this powerful industry. It deserves to be supported by the Senate, and I urge the Senate to approve it.

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN. Mr. President, I yield 4 minutes to the Senator from Oregon.

Mr. WYDEN. Mr. President, I commend our colleague from Michigan for a very important amendment which I think has one central point. Pass the Levin amendment and we will end the legal gymnastics that gun manufacturers have used to dodge their responsibilities. Pass the Levin amendment and the U.S. Senate sends a clear and simple message to these gun manufacturers that have played games with bankruptcy. Our message is the game is over. There is absolutely no reason to allow fraudulent activity by gun manufacturers to go without sanction. I am very troubled as I read through the history of what my colleagues have talked about—the Senator from Illinois and the Senator from Massachusetts—what it says about the nature of this debate. There are gun manufacturers who are actually bragging that they are taking advantage of the system when they know they cannot win on the merits.

We have a situation where as we debate the bankruptcy law and talk about making sure it is fair to all sides—good people may have fallen on hard times—and at the same time sensitive to the needs of business and others who otherwise wouldn't be able to get the funds they need that are so central in a marketplace kind of system, all of those people, it seems to me, end up without the treatment they deserve. They are, in effect, put in an unfavorable light when, in fact, the gun manufacturers are given a free ride.

Let us make sure that everybody is treated fairly—small businesses that have these claims, and many people we are seeing who have fallen on hard times and need a fresh start. But let us not send the worst possible message, which is that if you engage in the kind of reprehensible conduct my colleagues have documented, in effect, you will get a free ride if you are a gun manufacturer.

It is important to vote for this bankruptcy legislation. I voted for it last year, as did 96 of my colleagues. It is important to ensure that we have fairness for all parties.

Unless the Levin amendment is adopted, it seems to me that we allow a continuation of these legal gymnastics that are being practiced by gun manufacturers. That is wrong.

I urge my colleagues to support the Levin amendment.

The PRESIDING OFFICER. Who yields time? The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I yield myself such time as I may consume.

The PRESIDING OFFICER. The Chair recognizes the Senator from Iowa.

Mr. GRASSLEY. Mr. President, I had a chance to listen very closely to what

the Senator from Michigan said. As the sponsor of the amendment, he ought to have the attention of those of us who oppose his amendment.

I say that this amendment detracts some from the purpose of the legislation. Maybe it is meant to. To the extent it is, I hope people will vote against it. To the extent that people see this as a legitimate part of what we are debating, then I would offer this point. I am going to offer more than one point very central to the amendment, and then I will stick to my remarks. But the fact is there is a way to handle this problem to make sure that these companies don't get off scot-free.

I am going to refer to a product that Senator Heflin from Alabama—before he retired from the Senate—and I worked very closely on, which was bankruptcy legislation. During the years he and I served together—I think 14 or 16 years—during that period of time when we were in the majority on this side, I chaired the committee and he was the ranking minority member. When his party was in control, he was chairman and I was the ranking minority member. I am going to refer to some legislation we were able to get passed in 1994 when he was chairman of the committee. I think it is a thoughtful and bipartisan way to deal with this.

First of all, I believe this amendment proposed by the Senator from Michigan is unsound as a matter of policy. Congress has previously dealt with difficult questions of what to do about companies facing massive tort liability and then filing for bankruptcy. We dealt with this, as I indicated, in a bipartisan way, and I think in a way that had a great deal of thought behind it.

In 1994, I worked with Chairman Heflin to create a very specific process for asbestos companies that were filing for bankruptcy as a result of a massive number of lawsuits against asbestos manufacturers by those people who had asbestosis. Senator Heflin and I wanted to help these companies continue as an ongoing business concern, but we also wanted to ensure that the victims of asbestos-related illnesses wouldn't be left out in the cold.

In the 1994 bankruptcy bill, we created a process where asbestos companies could be discharged of their tort liabilities but only if they created a trust fund, under the control of a bankruptcy judge, to pay victims. This process has worked well and has received favorable comment by the National Bankruptcy Review Commission.

This amendment from Senator LEVIN, however, doesn't use a similar approach. This amendment merely provides that gunmakers and sellers can't discharge their tort liabilities. As a result, the amendment has no concern for the employees of the makers or retailers of guns. Under this amendment, retailers from giants such as Wal-Mart and Kmart all the way down to the small family-owned stores could face massive liabilities and be forced to lay off workers.

In the case of the Heflin-Grassley legislation of 1994, as I indicated, we allowed the companies to continue to operate and to continue to have their employment, and in the process victims were not harmed in any way because of the trust fund. It seems to me, unless there is some ulterior motive other than helping victims with this legislation, that we should think about that approach—an approach that protects victims, an approach that makes the person who is guilty of wrongdoing have tort apply to pay that tort. Consequently, if that is not the approach, I think it reveals the real purpose of the amendment. I question that the amendment might be about making sure that tort plaintiffs receive compensation if any of the questionable antigun lawsuits were to succeed because that is not what is going to happen. This amendment is merely an effort to drive all segments of American industry involved with guns out of business, even if thousands of innocent, hard-working American employees have to pay the price.

Consequently, I urge my colleagues to vote against this amendment.

One other thing about the amendment is the presumption is so stated by the Senator from Michigan that this is just one addition—I think he would say that this is the 19th addition —to a long list of exceptions that are nondischargeable through the bankruptcy court.

I think he is mistaken about how bankruptcy works for corporations and chapter 11 because his amendment applies just to corporations.

Section 1141 of chapter 11 has two separate discharge provisions. It has one section for corporations and it has one for individuals. The discharge provision for corporate debtors discharges all debts. The discharge provision for individuals lists nondischargeable debts.

So the idea this exception to discharge is just one more of a long list of 18 is flatout wrong.

From this standpoint, then, the amendment by the Senator from Michigan is unprecedented, and I will be glad to share the code sections with my colleagues, if they desire. But subsection (a) discharges a debtor from any debt that arose and that applies to the corporations. But subsection (2) says the confirmation of a plan does not discharge an individual debtor. From that standpoint, this is not one of a long list of things that are nondischargeable.

The PRESIDING OFFICER. Who yields time?

Mr. CRAIG. Mr. President, will the Senator from Utah yield time to the Senator from Idaho?

Mr. HATCH. I am happy to yield time to the distinguished Senator.

Mr. CRAIG. Mr. President, I thank the Senator from Utah, and let me also thank the Senator from Iowa for bringing what I think is necessary to bring to this debate as it applies to the Levin amendment, and that is common sense. Is, in fact, this amendment the kind of legislation we want to see? If you support the bedrock policy of bankruptcy law, I do not know how you can support the Levin amendment because it undermines basically all of those policies.

The bankruptcy code establishes a structure that ensures everyone who is owed money by the debtor will be treated fairly when the debtor is given, in essence, a fresh start under the law. The main purpose of the bankruptcy reform measures we are working on is to get more debtors to pay back more of the debts they owe to more of their creditors. That is a rather simple principle before this Senate. This issue has been with us. The Senator from Iowa and the Senator from Utah and others have struggled with it mightily for the last good number of years, to bring fairness and equity in it, but also to say to debtors there is a credibility here and a responsibility you owe to your creditors. There needs to be a greater sense of fairness and balance brought. I think the fundamental underlying bill offers that.

The Levin amendment is a carve-out, and I think it flies in the face of those general policies. The supporters of the Levin amendment say they are trying to prevent firearm manufacturers from escaping accountability for bad acts that result in a civil judgment against them. That is rather straightforward.

It is not only manufacturers; it is retailers and it is corporations. So it is a broad brush. While they would like, I am sure, to create the image that there is a manufacturer out there who produces a firearm and somehow it is evil, are Wal-Mart and Kmart and hardware stores that sell legitimately as federally licensed firearms dealers evil? In the eyes of some, they probably are. That is not the debate, nor is that the issue. Let's look at what the amendment does. It is unfair because it picks out a specific industry and it restricts the bankruptcy relief available to that industry.

In other words, if we in the Senate have now decided we are going to pick winners and losers who are politically correct or politically incorrect based on your particular philosophy or point of view, that is what the Levin amendment, the Levin carve-out does. Is this Senate going to start picking winners and losers amongst businesses in our country? We never have. We created certain conditions or certain things that are special within the law but never politically have we said: You are a winner, you are safe under the law; you are a loser, you lose. That is not what we do. We let the marketplace generally do that, and we let consumers generally do that.

Today it is the firearm manufacturers and tomorrow is it an industry that produces alcohol; or a fatty product, and we have decided in our society that

fat consumption is no longer good for the American consumer, even though as free citizens they ought to have a right to choose.

''That sounds silly, Senator CRAIG. You ought not be saying things like that.''

When I watched the trial lawyers organize and convince the attorneys general that going after the tobacco companies was good because the tobacco companies had fallen out of favor and it was a politically correct thing to do, I said, ''And next will be firearms.'' There were some who chuckled. Of course, guess what. Next were the firearm manufacturers. That is what is going on out there today. Municipalities that do not enforce the law but, most important, municipalities that arrest people who illegally use firearms do not have a Justice Department that backs them up.

The Clinton administration ran from enforcement for 7 years. Of course, just this year they got a new religion out there because they have seen the polls and they have seen what the American people have said: Enforce the laws, Mr. President.

I wonder how my friends across the aisle would react if I proposed a similar amendment making bankruptcy relief unavailable to former Presidents of the United States? ''That would be foolish, LARRY. You should not do something such as that.''

That spells the intent of this amendment. I think the Senator from Iowa was a little kinder than I am, suggesting maybe there was an ulterior motive and it was probably more political than it was legally substantive. I think he is right.

It is also unfair because it would have the effect of putting the interests of some creditors ahead of others. The lawsuits we are talking about are not claims for real injuries resulting from somebody's bad acts. Instead, they are treasure hunts. We saw the hundreds of millions of dollars the trial attorneys made, and now States are getting, from the settlements from the tobacco industry. The treasure hunt resulted; the treasures were found. They are looking for multimillion-dollar verdicts or settlements to go to the trial lawyers and municipal governments they represent.

If there are legitimate creditors out there in a bankruptcy settlement, they are no longer protected because we have taken those companies out and they simply fall away. The effect of the Levin amendment would be that lawyers and government bureaucrats get paid first. Remember that: Lawyers and government bureaucrats get paid first. If there is anything left in this kind of bankruptcy of these multimillion-dollar verdicts, then and only then will a creditor get a dime.

The Levin amendment would also hurt the very people it claims to help because it would make it unlikely that more than a fraction of the judgments, if that much, would ever get paid off. This is because it would prevent more companies from taking a reorganization bankruptcy. Instead, it would simply, in all reality, force them into liquidation, where the creditors get nothing. Is that the intent of the Levin amendment? My guess is, if it is not the intent, it clearly is the result.

What is the practical effect of all of this? It means instead of a company continuing to exist, a company being allowed to stay in business, to reorganize, to keep its employees intact, they close their doors, they lay off their employees, and their creditors go wanting. Not only are the creditors not going to be there to get the benefit of it, the jobs are lost.

It means there will be no business-generating income to continue to pay the debts it created. Whatever you can squeeze out of a business today is all you are going to get. That is the result of this amendment. Maybe that is the intent of the amendment. If it is, why don't we be honest with ourselves? This amendment is not substantively charged, it is politically charged. I think all of us understand that. My guess is that is how the vote breaks out on an issue such as this. In short, the amendment turns bankruptcy policy on its head.

It is designed to destroy legitimate and law-abiding businesses. It injures consumers, and it destroys jobs. The Levin amendment is clear and simply bad policy for this country, and I hope the Senate will choose to defeat it. We should not mix that kind of politics with this kind of constructive policy change that these Senators have worked to bring to the floor. I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Michigan.

Mr. LEVIN. I yield 5 minutes to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. I thank the Chair, and I thank my colleague from Michigan for yielding time and for his leadership on this outstanding amendment.

Before I speak to the substance of the amendment, whenever we talk about gun issues, it seems some who are opposed say that is making it political. I do not quite get that. People on this side have as firmly held beliefs as the people on the other side. Most Americans seem to support what we are for, and if that is political, so be it. That is democracy.

Mr. HATCH. Will the Senator yield?

Mr. SCHUMER. I will be happy to yield.

Mr. HATCH. I ask the Senator, since he is just starting his remarks, if he will yield to the distinguished Senator from Alaska who has a very short statement.

Mr. SCHUMER. I will be happy to yield as long as the rest of my time is reserved.

Mr. HATCH. We will go right back to the Senator from New York. I thank my colleague for his courtesy.

The PRESIDING OFFICER. The Senator from Alaska.

ALASKA AIRLINES FLIGHT 261

Mr. STEVENS. Mr. President, I am here because I am deeply saddened to report to the Senate a very serious loss, as far as the country is concerned and a real sad loss for myself personally. I was saddened last night when my wife and I received a call about the loss of Alaska Airlines Flight 261 on a flight from Puerto Vallarta, Mexico, to San Francisco.

Eighty-eight people were on board that plane, many of them apparently employees or relatives or friends of employees of that airline. While the search continues, we have been told now that no survivors have been found. My thoughts and prayers and I hope all of our thoughts and prayers are with the families of these people who have perished.

Among those on the plane were at least five Alaskans. We think there were more. One was one of my very close and dear friends, Morris Thompson—we called him Morrie—his wife Thelma and their daughter Cheryl.

Morrie Thompson has been a respected leader of the Native community of our State and a businessman. Just last fall, he retired as the chief executive officer of Doyon Limited, which is one of 12 regional corporations for our Alaska Native people. Because of Senate business, I was unable to attend that retirement dinner in Fairbanks, but my granddaughter Sara went as my representative.

Morrie had a tremendous background. He was not only a great leader for the Native people of Alaska, but he was a leader in his own right nationally. He was a member of the University of Alaska's Board of Regents. He served as president of the Alaska Federation of Natives. During the Nixon administration, he was the Commissioner of the Bureau of Indian Affairs for our Nation in Washington, DC, and a special assistant to the Secretary of the Interior for Indian Affairs in the Department of the Interior. He was president of the Fairbanks Chamber of Commerce and in 1997 was named Business Leader of the Year by the University of Alaska.

He is going to be remembered for his work on the Alaska Native Claims Settlement Act, landmark legislation in 1971, which was a tremendous economic boost for our Native people. His greatest legacy will be among the young people of our State who have benefited from Morris Thompson's fellowship program and the Doyon Foundation, which he created to subsidize tuition for Native students in Alaska.

My heart goes out to the Thompsons' surviving daughters, Nicole and Allison, and to all the members of their family. Morrie has not just been a political friend or a business friend. We have joined one another in each other's homes for dinner and raised our children together in a way.

There are many families, I am sure, mourning over this terrible tragedy. Also on that plane was the son of a former State legislator, Margaret Branson. Her son Malcolm and his fiancee Janice Stokes, both of Ketchikan, were returning from a vacation in Mexico.

I have this report for the Senate. I have been in touch with Jim Hall of the National Transportation Safety Board and the Secretary of Transportation, Secretary Slater. It is my intention to go to California on Thursday to meet with NTSB officials in Oxnard and the Coast Guard officials in Port Hueneme, CA, concerning the crash.

I say to the Senate that Alaska Airlines has an exemplary safety record. In my State, their pilots and planes fly in the most challenging terrain and weather of our whole Nation, if not the world. This is a great tragedy for that small airline and for our State.

My thoughts are with those people who are involved in trying to make certain the airline continues and their personal families of that airline who are affected by this tragedy are cared for as well as the relatives of people who have lost their lives.

I thank my colleagues very much for their courtesy in allowing me to make this report to the Senate.

The PRESIDING OFFICER. Under the previous agreement, the Senator from New York is recognized.

Mr. SCHUMER. Mr. President, I thank the Senator from Alaska for his remarks and say to him that—and I am sure I speak for all the people of my State—we share the grief of the families who have lost loved ones and all those who have been affected by this terrible tragedy. To hear of an outstanding citizen and his wife and daughter losing their lives on that flight reminds us all that there but for the grace of God go each of us.

BANKRUPTCY REFORM ACT OF 1999—Continued

Mr. SCHUMER. Mr. President, before I get into the substance of my remarks, every time some of us on this floor bring up gun issues—not to eliminate them, but to make sure those who should not have them do not get them—we hear from those who are opposed to us that we are being political.

I do not understand that remark other than it being a defensive remark. First, I believe my views as strongly, say, as the Senator from Idaho believes his. I do not think I am being any more or any less political than he is by defending that viewpoint. That is what the Senate is all about.

Second, if one wants to argue about politics, a vast majority of Americans support the position I support. That is what democracy is all about, and politics is a good thing if you are representing people's views and trying to do good for your country, your State, and your communities. So I do not quite get the political nature of the comment.

Third, we are not saying that all gun manufacturers are subject to suit or subject to successful suit. I heard the Senator from Idaho mention Wal-Mart. This is not a suit aimed at Wal-Mart. This is a suit aimed at dealers, often a handful of dealers, who are reckless, or worse, in the way they distribute guns.

About 6 months ago, my office issued a report which showed that 1 percent of the dealers issued close to 50 percent of the guns traceable in crimes. These were not the 1 percent who had the greatest volume. These were obviously the 1 percent who, for some reason, were not living up to their responsibilities under the Brady law, which is the law of the land. That kind of fact is what brought these suits about.

The suit, for instance, brought forward by the City of Chicago claims that some manufacturers and some dealers are completely reckless in how they distribute guns. If each dealer were careful, if each dealer and manufacturer did what the law says, the number of people killed with guns by criminals and the number of children who get guns would decline. These lawsuits are a very legitimate part of American life.

I wish we didn't need lawsuits, but since this Senate has stymied every single measure to bring rationality to our laws about guns, not to take people's guns away, as some of the opponents argue in terms of setting up a straw man, but to say that the same responsibilities that someone who drives a car or practices free speech has, because none of those rights is absolute, should be visited upon gun manufacturers, gun dealers and, yes, gun owners. If this Chamber had moved forward in accordance with the will of the American people, we wouldn't have these lawsuits. But that is not the case. One can speculate as to why.

We have a Senate totally deadlocked, a Congress unable to even pass something as minute as closing the gun show loophole. So we have these suits. They are legitimate lawsuits. They are tried by a jury in accordance with American law.

Mr. President, I ask the Senator from Michigan to yield me 3 additional minutes.

Mr. LEVIN. I yield my friend from New York 3 additional minutes.

The PRESIDING OFFICER. We have approached the time for the recess.

Mr. SCHUMER. I thank the Chair for his courtesy.

It is not the major gun dealers who are seeking the shield of bankruptcy; it is the companies, sometimes small, often nasty, that have sought this. Look at the so-called ring of fire, gun manufacturers around the city of Los Angeles that manufacture cheap handguns, who know darn well that those handguns are often ending up in the hands of young people who shouldn't have them. They are the people against whom the Senator from Michigan so wisely is seeking to allow the court process to continue. It would be the height of special interest folly if we allowed dealers to escape the punishment meted out by a civil court through a bankruptcy loophole that was never intended to allow people to evade justice.

This amendment is about justice, pure and simple. It doesn't preordain what the courts will decide, but it clearly states that if the court should decide a gun manufacturer or a gun dealer was reckless, was negligent, then they can be held accountable. If we don't pass it, it is another in a long line of sops to the gun lobby in which this Chamber has unfortunately participated over the last several years. I hope this body has the courage to stand tall and pass an amendment that we all know is right.

I thank the Chair for his courtesy.

Mr. LIEBERMAN. Mr. President, I rise to express my opposition to Senator LEVIN's amendment, which would deny bankruptcy protection to gun companies, and to explain the reasons for my position. I intend to vote against Senator LEVIN's amendment despite the fact that I have consistently supported gun control legislation.

I know my colleague's intentions are good, but this amendment is not the right way to address the serious problem of gun violence in our nation. It would establish a dangerous new precedent in our Bankruptcy Code, and it would unfairly discriminate against an entire category of companies, regardless of whether a given company is behaving responsibly. In Connecticut, for example, Colt's Manufacturing, which has been at the forefront of developing new technologies to make guns safer, teeters at the edge of bankruptcy because it has been caught up in the tide of lawsuits against gun companies. Would it be fair to deny Colt the normal protections afforded to any company trying to reorganize? My colleague from Michigan refers to the irresponsible practices of a few gun companies, but his amendment could cripple reputable companies such as Colt's.

Senator LEVIN seeks to amend the Bankruptcy Code so that firearm manufacturers filing for reorganization would not be entitled to the ordinary protections from product liability lawsuits. He argues that a loophole in the bankruptcy system allows gun companies to stay lawsuits and discharge their debts. In fact, the stay of lawsuits and discharge of debts to which Senator LEVIN refers is no loophole, but is essential to the proper operation of Chapter 11 of the Bankruptcy Code. On more than one occasion, otherwise healthy companies have been hit with huge numbers of product liability cases simultaneously, and had to file for protection under Chapter 11. One recent example is Dow Corning, which filed for reorganization in response to the thousands of lawsuits over silicone breast implants, and which is now paying out claims in an orderly and expeditious process. If the lawsuits are not stayed by the bankruptcy court, then

resolved in one tribunal, the company would be more likely to fail before all claimants can litigate their cases. Chapter 11 does not allow a company to evade lawsuits, but rather to pay out claims proportionately and fairly to all claimants, hopefully in a way that keeps the company afloat.

This rationale for Chapter 11 bankruptcy applies to the gun industry as well. I understand why my colleague criticizes the practices of companies such as Lorcin, which churn out the ''Saturday Night Specials'' favored by criminals. But his amendment to the Bankruptcy Code is not narrowly drafted to target those companies. Many municipalities and gun control groups have adopted a strategy of filing multiple, simultaneous product liability lawsuits, in which all gun companies are named as defendants irrespective of their particular practices. The lawsuits have not succeeded on the merits thus far, but the costs of litigation are threatening the financial viability of many of the smaller companies.

Colt's Manufacturing, which is among the most progressive firearms manufacturers in the country, has been drawn into the same lawsuits. Seventy percent of Colt's sales are to law enforcement and defense agencies, and the company does not produce ''Saturday Night Specials.'' Although Colt's has limited assets, it has been working to develop ''smart gun'' technology and other innovations that will reduce handgun violence. Nevertheless, Colt's has been named as a defendant in all 29 lawsuits filed so far. Despite the fact that Colt's has won four decisions and lost no final judgments, insurance companies are pulling their coverage and investors have been reluctant to provide new capital. In one year, the company has gone from 1200 to 400 employees. Colt's reports that it is in financial jeopardy as a result of the lawsuits, and may soon have to file for reorganization under Chapter 11, as it did several years ago. The amendment we are considering today would be devastating to Colt's. Rather then being given a chance to reorganize, the company would slowly be bled dry. Along with lost jobs in my state, the nation would lose a responsible company with a history of great craftsmanship which has been looking for solutions to the epidemic of handgun violence.

No industry has ever been singled out in the Bankruptcy Code for this sort of discriminatory treatment. The case has not been made for why Chapter 11 should not apply equally to all sectors of the economy. There are many possible legislative approaches for addressing the appalling rates of gun violence in the United States, but this is not one of them. I urge my colleagues to oppose the amendment.

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. I ask unanimous consent to speak as in morning business for up to 10 minutes, at the conclusion of which time I will propound a unanimous consent request regarding Senate Resolution 250 related to the Super Bowl champions, the St. Louis Rams.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Missouri.

SUPER BOWL CHAMPIONS ST. LOUIS RAMS

Mr. ASHCROFT. Mr. President, I appreciate this opportunity to make a comment on an event which is very important to the State of Missouri, very important to the city of St. Louis, very important to this Senator.

It happens that over the weekend, the St. Louis Rams encountered a very energetic and talented team, the Tennessee Titans, in Atlanta to settle the issue of who would be the Super Bowl NFL champions this year. In a very hard fought game that represented the highest of effort by both teams, the Rams prevailed. There are those who from time to time ask me if I was nervous at any time. I think they were hoping I would say I was never nervous. Well, I got pretty nervous toward the end of the game. But I was very pleased with the result because there is no team more worthy of having won this game than the St. Louis Rams.

I will just say a few things about the St. Louis Rams, about that marvelous effort of a crew we call the ''go to work,'' ''gotta go to work'' crew in St. Louis. Different football teams are understood and known for different things. The St. Louis Rams have a slogan: Gotta go to work. I don't think there is a better slogan anywhere for a sports team than a sports team that elevates the idea of work. It is work that brings us to any goal, to the achievements we enjoy. It is work that gives us successful families. It is work that allows America to compete successfully around the world. It is that work ethic, expressed by the St. Louis Rams, that made them world champions.

For me to have the opportunity to stand today and say a few words about the St. Louis Rams, the fact that they had the work ethic necessary to prevail in the Super Bowl over an excellent team from Tennessee, is something for which we are all grateful.

I will talk a little bit about the kind of statistical year the Rams had. We had Kurt Warner, who is one of the great Horatio Alger stories of America. People talk about rags to riches. I don't know if he has gotten to riches yet. He was at the minimum wage in the National Football League before they decided to give him a bonus this year, and I don't know that he was in rags, but 5 years ago he was bagging groceries in Iowa because he hadn't quite gotten the opportunity to demonstrate his skills in football. Maybe this would be called from bags to riches.

The truth is, it is a heroic story of an individual who has not only great football skills but whose inspirational life is the kind of leadership we need more of in this country. When asked about his own inspiration, he said he gets inspiration from his family and the handicapped member of the family who every day, when falling down, gets back up. For the most valuable player in the Super Bowl, the most valuable player in the National Football League, to understand that we can all learn from each other and we can learn from even those in their heroic efforts who have not the talents that we do but have the courage to get back up, that is a tremendous thing.

It is with that in mind that I will talk a bit about the St. Louis Rams today, the Ram team, including Kurt Warner, and then Marshall Faulk, who set the all-time record for combined yardage this year. I thrill to the fact that there are youngsters in my State and across America who are saying: I want to be like Marshall Faulk; I want to be like Kurt Warner and this team of individuals who are such outstanding individuals; Isaac Bruce, who has been so productive as a football player and such an exemplary leader in our community.

There are statistics about this team. They won the West divisional title with a 13 and 3 record. They posted an undefeated record at home. That is something special to me because that was in the TWA Dome. When I was Governor of the State of Missouri, it was my responsibility to be involved in the construction of that dome and to see to it that it came in under budget and on time and was a great facility. But no facility ever achieves greatness unless there are great things done there—to have the team come and be undefeated there this year and, of course, have other great things there. The Pope visited St. Louis and was at the TWA Dome, and Billy Graham came to St. Louis this year and was at the TWA Dome. There are some people who think it is important to invite the Pope and Billy Graham back next year so we can go undefeated another time. We would be pleased to have them come back because they bring the kind of presence to St. Louis that all of us cherish and want.

To watch our quarterback, Kurt Warner, who enjoyed one of the best seasons ever by an NFL quarterback, becoming only the second player in history to throw more than 40 touchdown passes and to realize that he wasn't discovered as a starting quarterback until this year's circumstances thrust him into the position, it was an amazing thing: completing 66 percent of his passes; 10 300-yard games in the season; setting a new Super Bowl record for 414 yards in passing. The offense of the Rams team: 526 points, the third highest single-season record ever.

Of course, Kurt Warner was named the NFL player of the year. He took his $30,000 award and gave it to Camp Barnabus, which is a camp for young people in southern Missouri. This

wasn't a $30,000 donation by someone who is making the big salaries; this was a $30,000 donation by someone who is earning the minimum wage in the NFL. I could go on. The resolution that I will propound not only talks about Kurt Warner but extols the greatness of Marshall Faulk. These individuals are as great, or greater, off the field than they are on the field. That is what is so inspiring—their commitment to community.

Isaac Bruce caught 77 passes for 1,165 yards and 12 touchdowns in the regular season and led the Rams to a Super Bowl victory with 6 receptions for 162 yards, including a game-winning 73-yard touchdown reception that, frankly, required him to make a very big effort to come back and get the ball and go get the score. What a tremendous inspiration it was.

On defense, Todd Lyght led the Rams with a regular season career high of six interceptions, including a touchdown. He started in 97 straight games. Now, there is durability. Talk about having to go to work. That is the longest current streak with the team.

Rams' linebacker Mike Jones ended the very spectacular and heroic effort of the Tennessee Titans on the 2-yard line with the game-winning tackle as the time ran out in the Super Bowl.

I could also talk about wide receiver Terry Holt and about Coach Dick Vermeil, named NFL coach of the year, the oldest coach ever to win a Super Bowl. He, of course, retired from coaching, but he came back because he still had a burning capacity within him to motivate and help young people, and the football team reached the maximum of its potential.

It is with that in mind I wanted to propound a resolution to congratulate not only the team, the St. Louis Rams, but, frankly, the fans of St. Louis. No group of fans that I know of is more intelligent, understanding of the game, and more supportive of a team than the fans in St. Louis. The fans came together with the team over and over again. They stuck with the team in previous years when we were the worst in the league and helped carry the team when we were first in the league. That is very important.

I was at a tremendous celebration in St. Louis, and the individual who announces the team onto the field in each game, who is also a disc jockey at KSD FM, Smash, Asher Benrubi, was leading this rally. It became very apparent to me that the biggest contribution of the St. Louis Rams is the contribution of community, because the community has come together around this team in a special way that unites us all. Unity is the most important characteristic of any organization. When you can be unified and work together, that is something to behold.

It struck me at the time that the last five letters of the word ''community'' are the word ''unity.'' Those things, those challenges in our lives, and those opportunities in our lives, those victories and, yes, even defeats bring us together and are valuable to us. It is with that in mind I thank Smash for his great leadership as the MC of that rally. I thank the fans of St. Louis.

RECOGNIZING THE ACHIEVEMENT OF THE ST. LOUIS RAMS IN WINNING SUPER BOWL XXXIV

Mr. ASHCROFT. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Res. 250, submitted earlier by me, Senator ASHCROFT, along with Senator KIT BOND and Senator PETER FITZGERALD, and Senator DURBIN of Illinois.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 250) recognizing the outstanding achievement of the St. Louis Rams in winning Super Bowl XXXIV.

There being no objection, the Senate proceeded to consider the resolution.

Mr. ASHCROFT. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 250) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 250

Whereas, in 1995 the Los Angeles Rams relocated to St. Louis, Missouri and became the St. Louis Rams;

Whereas, the arrival of the St. Louis Rams ushered in a new era of unity in the St. Louis community fortified by the enthusiasm and energy of the St. Louis Rams' fans and the spirit and drive of the St. Louis Rams organization;

Whereas, the St. Louis Rams' fans have incorporated the unifying spirit of the Rams into the community, making the St. Louis area an even better place to live and work;

Whereas, the members of the St. Louis Rams' team, including Kurt Warner, Marshall Faulk, and Isaac Bruce, exemplify the character, sportsmanship, and integrity—both on and off the field—to which all Americans can aspire;

Whereas, the St. Louis Rams' rallying cry, ''Gotta Go To Work,'' embodies the great American work ethic, and symbolizes the perseverance, dedication, talent and motivation of the St. Louis Rams football team and the St. Louis community;

Whereas, in the 1999–2000 season, the St. Louis Rams committed themselves to the motto, ''Gotta Go To Work,'' and achieved record accomplishments:

The Rams won the NFC West divisional title with a 13–3 record;

The Rams posted an undefeated record at home, winning all ten games in the Trans World Dome, the longest home winning streak for the Rams since 1978;

Rams' quarterback Kurt Warner enjoyed one of the best seasons by a quarterback in NFL history, becoming only the second player to throw 40 or more touchdown passes in a season (41), recording the fifth-best passer rating in league history, completing a league-best 65 percent of his passes, modeling consistency with ten 300-yard games, and setting a new Super Bowl record of 414 passing yards;

The Rams' offense produced 526 points, the third-highest single regular season total;

Rams' quarterback Kurt Warner was named the Miller Lite NFL Player of the Year, donating the $30,000 award to Camp Barnabas, a Missouri-based Christian summer camp for disabled children, and became only the sixth player to capture both the National Football League's Most Valuable Player and the Super Bowl Most Valuable Player in the same season;

Rams' running back Marshall Faulk, in the regular season, set an all-time record for yards from scrimmage with 2,429, became the second player in NFL history with 1,000 yards rushing and receiving in the same season, had the highest average yards per rush in the league and caught 87 passes, the fourth highest in the NFC;

Rams' wide receiver Isaac Bruce caught 77 passes for 1,165 yards and 12 touchdowns in the regular season and led the Rams in Super Bowl XXXIV with six receptions for 162 yards, including the winning 73-yard touchdown in the fourth quarter;

Rams' left corner back Todd Lyght led the Rams with a regular season career-high six interceptions, including one touchdown, and has started in 97 straight games, the longest current streak with the team;

Rams' linebacker Mike Jones had four interceptions in the regular season, two of which he returned for touchdowns, and had the game winning tackle on the last play of Super Bowl XXXIV; Rams' wide receiver Torry Holt set a Super Bowl rookie record with seven catches for 109 yards in Super Bowl XXXIV, including a nine-yard touchdown pass in the third quarter.

Whereas, the St. Louis Rams Head Coach Dick Vermeil was named NFL's coach of the year, and is the oldest coach to win a Super Bowl;

Whereas, the St. Louis Rams lead the league with 6 players chosen to start in the 2000 Pro Bowl; and,

Whereas, the St. Louis Rams won Super Bowl XXXIV, defeating the valiant Tennessee Titans 23–16 in the most exciting finish in Super Bowl history. Now, therefore, be it

Resolved, That the Senate

(1) commends the unity, loyalty, community spirit, and enthusiasm of the St. Louis Rams fans;

(2) applauds the St. Louis Rams for their commitment to high standards of character, perseverance, professionalism, excellence, sportsmanship and teamwork;

(3) praises the St. Louis Rams' players and organization for their commitment to the Greater St. Louis, MO community through their many charitable activities;

(4) congratulates both the St. Louis Rams and Tennessee Titans for providing football fans with a thrilling Super Bowl played in a sportsmanlike manner;

(5) recognizes the achievements of all the players, coaches, and support staff who were instrumental in helping the St. Louis Rams win Super Bowl XXXIV;

(6) commends the St. Louis Rams for their victory in Super Bowl XXXIV on January 30 2000; and

(7) directs the Secretary of the Senate to make available enrolled copies of this resolution to the St. Louis Rams' owners, Georgia Frontiere and Stan Kroenke, and to the St. Louis Rams' Head Coach, Dick Vermeil.

Mr. ASHCROFT. Mr. President, I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 having arrived and passed, the Senate is in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:46 p.m., recessed; whereupon, at 2:15 p.m., the Senate reassembled when called to order by the Presiding Officer (Mr. INHOFE).

BANKRUPTCY REFORM ACT OF 1999—Continued

The PRESIDING OFFICER. The question is on agreeing to the motion to table the Wellstone amendment No. 2537 to S. 625. Under the previous agreement, there will be 5 minutes equally divided.

Who yields time?

Mr. WELLSTONE. Mr. President, I wonder whether I could ask unanimous consent that the vote be first on the payday amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. WELLSTONE. I thank my colleagues. I thank Senator GRASSLEY from Iowa.

AMENDMENT NO. 2538

The PRESIDING OFFICER. If the Senator will yield for a moment, the question is on agreeing to the motion to table amendment No. 2538 by Senator WELLSTONE.

Mr. WELLSTONE. I thank the Chair.

Mr. President and colleagues, I was on the floor earlier talking about this whole problem of payday amendments, payday loans, and car title pawns. To make a long story short, it is a very unscrupulous practice. You have targets of low-income, you have targets of women, you have targets of seniors who basically get a loan because of something that happened in the family—medical emergency, you name it, for $100, $200. It is rolled over and over again. They can end up being charged 300, 400, or 500 percent a year—or a lien can be put on their car. The car can be repossessed and sold. There isn't a requirement in many States that these families at least get back what they no longer owe to these creditors. I don't know why, when it comes to bankruptcy, those lenders who in good faith have provided loan money to people should be crowded out.

This amendment simply says if you are charging over 100 percent in annual interest on a loan and the borrower goes bankrupt, you cannot make a claim on that loan or the fees from that loan.

This is all about whether we are on the side of a lot of vulnerable citizens—on the side of single parents, families, women, on the side of moderate-income citizens—or on the side of these loan sharks.

This amendment, I believe, should get a huge vote. Every consumer organization is for this amendment, and many other organizations representing women and labor and low- and moderate-income people are for this amendment. I certainly hope the Senate will vote for this amendment.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, the Senator from Minnesota is asking the Senate to put these provisions in law in the bankruptcy code for loans that are legal under State law.

He would have this done in two ways: No. 1, he would say that the State judges could not enforce these debt collections; and, No. 2, he would say that in bankruptcy it could not be recovered in bankruptcy.

First of all, these are legal contractual relations. They are legal under State law. So it ought to be questioned whether or not the Senate of the United States or the legislatures of Minnesota and Iowa ought to be making these determinations. It is my judgment that we should not use the bankruptcy code to upset the legal bankruptcy laws of the respective States.

I ask my colleagues to vote this amendment down.

Mr. WELLSTONE. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 18 seconds remaining.

Mr. WELLSTONE. Mr. President, I want to point out to my colleagues that a lot of these unscrupulous credit companies get around State regulations and protections through Federal law. A lot of them are chartered by Federal law.

So it is certainly appropriate to take this action if we want to protect consumers and not be on the side of these loan sharks.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. GRASSLEY. I yield my time.

The PRESIDING OFFICER. All time is yielded. The vote will now occur on the tabling motion.

Mr. GRASSLEY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion to table amendment No. 2538. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. FITZGERALD (when his name was called). Present.

Mr. NICKLES. I announce that the Senator from New Hampshire (Mr. GREGG) and the Senator from Arizona (Mr. MCCAIN) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 53, nays 44, as follows:

[Rollcall Vote No. 1 Leg.]

YEAS—53

Abraham	Bennett	Bunning
Allard	Bond	Burns
Ashcroft	Brownback	Campbell
Chafee	Hatch	Roth
Cochran	Helms	Santorum
Collins	Hutchinson	Sessions
Coverdell	Hutchison	Shelby
Craig	Inhofe	Smith (NH)
Crapo	Johnson	Smith (OR)
DeWine	Kyl	Snowe
Domenici	Lincoln	Specter
Enzi	Lott	Stevens
Frist	Lugar	Thomas
Gorton	Mack	Thompson
Gramm	McConnell	Thurmond
Grams	Murkowski	Voinovich
Grassley	Nickles	Warner
Hagel	Roberts	

NAYS—44

Akaka	Edwards	Levin
Baucus	Feingold	Lieberman
Bayh	Feinstein	Mikulski
Biden	Graham	Moynihan
Bingaman	Harkin	Murray
Boxer	Hollings	Reed
Breaux	Inouye	Reid
Bryan	Jeffords	Robb
Byrd	Kennedy	Rockefeller
Cleland	Kerrey	Sarbanes
Conrad	Kerry	Schumer
Daschle	Kohl	Torricelli
Dodd	Landrieu	Wellstone
Dorgan	Lautenberg	Wyden
Durbin	Leahy	

ANSWERED ''PRESENT''—1

Fitzgerald

NOT VOTING—2

Gregg McCain

The motion was agreed to.

AMENDMENT NO. 2537, WITHDRAWN

Mr. WELLSTONE. Mr. President, I ask unanimous consent to withdraw amendment No. 2537.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2667

(Purpose: To encourage the democratically elected government of Indonesia and the armed forces of Indonesia to take such additional steps as are necessary to create a peaceful environment in which the results of the August 30, 1999, vote on East Timor's political status can be implemented)

Mr. FEINGOLD. Mr. President, I call up amendment No. 2667.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD] proposes an amendment numbered 2667.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following:

TITLE ____—EAST TIMOR SELF-DETERMINATION ACT OF 1999

SEC. ____01. SHORT TITLE.

This title may be cited as the ''East Timor Self-Determination Act of 1999''.

SEC. ____02. FINDINGS; PURPOSE; SENSE OF SENATE.

(a) CONGRESSIONAL FINDINGS.—

(1) On August 30, 1999, in accordance with the May 5, 1999, agreement between Indonesia and Portugal brokered by the United Nations, and subsequent agreements between the United Nations and the governments of Indonesia and Portugal, a popular consultation took place, in which 78.5 percent of East Timorese rejected integration with Indonesia, setting the stage for a transition to independence pursuant to the terms of the May 5, 1999, agreement.

(2) On October 19, 1999, the Indonesian People's Consultative Assembly agreed to ratify the August 30, 1999, vote results, leading the United Nations Security Council, on October 25, 1999, to authorize a United Nations Transitional Administration in East Timor (UNTAET), which was to include deployment of an international police and military force with up to 1,640 officers and 8,950 troops.

(3) The United Nations Commission on Human Rights, in a special session meeting on September 27, 1999, called on the United Nations Secretary General to establish an international commission of inquiry to investigate violations of human rights in East Timor, and urged the cooperation of the Indonesian government and military.

(4) The Secretary General subsequently directed Mary Robinson, the United Nations High Commissioner on Human Rights, to appoint a United Nations commission on October 15, 1999, which is due to report its conclusion to the Secretary General by December 31, 1999.

(5) The Indonesian People's Consultative Assembly on October 20, 1999, chose Abdurrahman Wahid as President of the Republic of Indonesia and the next day also chose as Vice President, Megawati Soekarnoputri

(6) President Wahid has invited Xanana Gusmao to meet and has written to the United Nations Secretary General officially informing him of the decision to end Indonesia's administration of East Timor, and of East Timor's independence, and expressing his hope ''that East Timor will become an independent state''.

(7) As of late October 1999, according to United Nations officials and other independent observers, more than 200,000 East Timorese remain displaced in camps in West Timor and elsewhere in Indonesia, under constant threat by civilian militia and in some cases denied access to assistance by the United Nations humanitarian agencies.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the United States should congratulate the people of Indonesia on its democratic transition and welcome the efforts of the new Indonesian government to bring a peaceful end to the crisis in East and West Timor;

(2) the results of the August 30, 1999, vote on East Timor's political status, which expressed the will of a majority of the Timorese people, should be fully implemented;

(3) economic recovery in Indonesia is essential to political and economic stability in the region; and

(4) the President, the Secretary of State, the Secretary of the Treasury, and Congress should work with the people of Indonesia to restore Indonesia's economic vitality.

(c) PURPOSE.—The purpose of this Act is to encourage the government of Indonesia and the armed forces of Indonesia to take such additional steps as are necessary to create a peaceful environment in which the United Nations Assistance Mission to East Timor (UNAMET), the International Force for East Timor (INTERFET), and the United Nations Transitional Administration in East Timor (UNTAET) can fulfill their mandates and implement the results of the August 30, 1999, vote on East Timor's political status.

SEC. ___03. SUSPENSION OF SECURITY ASSISTANCE.

(a) SUSPENSION AND SUPPORT.—

(1) ASSISTANCE.—None of the funds appropriated or otherwise made available under the following provisions of law (including unexpended balances of prior year appropriations) may be available for Indonesia:

(A) The Foreign Military Financing Program under section 23 of the Arms Export Control Act.

(B) Chapter 2 of part II of the Foreign Assistance Act of 1961 (relating to military assistance).

(C) Chapter 5 of part II of the Foreign Assistance Act of 1961 (relating to international military education and training assistance).

(D) Section 2011 of title 10, United States Code.

(2) LICENSING.—None of the funds appropriated or otherwise made available under any provision of law (including unexpended balances of prior year appropriations) may be available for licensing exports of defense articles or defense services to Indonesia under section 38 of the Arms Export Control Act.

(3) EXPORTATION.—No defense article or defense service may be exported or delivered to Indonesia or East Timor by any United States person (as defined in section 16 of the Export Administration Act of 1979 (50 U.S.C. App. 2415)) or any other person subject to the jurisdiction of the United States except as may be necessary to support the operations of an international peacekeeping force in East Timor or in connection with the provision of humanitarian assistance.

(4) PROHIBITION ON PARTICIPATION IN ASIA-PACIFIC CENTER FOR SECURITY STUDIES.—Programs of the Asia-Pacific Center for Security Studies may not include participants who are members of the armed forces of Indonesia or any representatives of the armed forces of Indonesia.

(5) PROHIBITION ON ASSISTANCE THROUGH MILITARY-TO-MILITARY CONTACTS.—The authority for military-to-military contacts and comparable activities under section 168 of title 10, United States Code, may not be exercised in a manner that provides any assistance to the government or armed forces of Indonesia.

(b) INAPPLICABILITY TO CERTAIN ITEMS AND SERVICES ON THE UNITED STATES MUNITIONS LIST.—Paragraphs (2) and (3) of subsection (a) do not apply to the export, delivery, or servicing of any item or service that, while on the Commerce Control List of dual-use items in the Export Administration Regulations, was licensed by the Department of Commerce for export to Indonesia but is in a category of items or services that, within two years before the date of the enactment of this Act, was transferred by law to the United States Munitions List for control under section 38 of the Arms Export Control Act (22 U.S.C. 2778).

(c) CONDITIONS FOR TERMINATION.—Subject to subsection (b), the measures described in subsection (a) shall apply with respect to the government and armed forces of Indonesia until the President determines and certifies to the appropriate congressional committees that the Indonesian government and the Indonesian armed forces are—

(1) taking effective measures to bring to justice members of the Indonesian armed forces and militia groups against whom there is credible evidence of human rights violations;

(2) demonstrating a commitment to accountability by cooperating with investigations and prosecutions of members of the Indonesian armed forces and militia groups responsible for human rights violations in Indonesia and East Timor;

(3) taking effective measures to bring to justice members of the Indonesian armed forces against whom there is credible evidence of aiding or abetting militia groups;

(4) allowing displaced persons and refugees to return home to East Timor, including providing safe passage for refugees returning from West Timor;

(5) not impeding the activities of the International Force in East Timor (INTERFET) or its successor, the United Nations Transitional Administration in East Timor (UNTAET);

(6) ensuring freedom of movement in West Timor, including by humanitarian organizations; and

(7) demonstrating a commitment to preventing incursions into East Timor by members of militia groups in West Timor.

SEC. ___04. MULTILATERAL EFFORTS.

The President should continue to coordinate with other countries, particularly member states of the Asia-Pacific Economic Cooperation (APEC) Forum, to develop a comprehensive, multilateral strategy to further the purposes of this Act, including urging other countries to take measures similar to those described in this title.

SEC. ___05. REPORT.

Not later than 30 days after the date of enactment of this Act, and every 6 months thereafter until the end of the UNTAET mandate, the Secretary of State shall submit a report to the appropriate congressional committees on the progress of the Indonesian government toward the meeting the conditions contained in paragraphs (1) through (7) of section ___03(c) and on the progress of East Timor toward becoming an independent nation.

SEC. ___06. APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.

In this title, the term ''appropriate congressional committees'' means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives.

Mr. FEINGOLD. Mr. President, as I understand it, I have 30 minutes under my control for purposes of this amendment.

The PRESIDING OFFICER. The Senator is correct.

Mr. FEINGOLD. I thank the Chair. I intend to withdraw this amendment after I and other Senators interested in the amendment have had a chance to talk within the 30-minute period.

As I said late last year, this amendment is considerably different from my original bill, S. 1568, the East Timor Self-Determination Act. I made significant alterations to it in order to respond to changing events and the concerns of other Senators and the administration.

My amendment would have suspended all military and security assistance to Indonesia until clear steps had been taken to stop the harassment of East Timorese refugees, to end the collusion between violent militia groups and the Indonesian military, and to hold those responsible for recent atrocities accountable for their actions.

My amendment would have put this body on the record in recognition of the need to use United States military and security assistance responsibly in Indonesia.

My original bill, which passed the Foreign Relations Committee on September 27 by an overwhelming vote of 17–1, was introduced in the wake of the violence that erupted after the results of East Timor's historic referendum were announced on September 4. It was cosponsored by the chairman of the Foreign Relations Committee, the distinguished Senator from North Carolina, as well as many other Members of the Senate.

I took that action, in cooperation with my colleagues, because events in East and West Timor demanded it.

While I am very pleased to have the opportunity to finally call up my legislation on the Senate floor, it is unfortunate that this is being squeezed in to a debate on the bankruptcy bill rather than standing alone. It is unfortunate that we are here debating this amendment more than 4 months after the events in East Timor that gave rise to it. It is unfortunate and it is inappropriate, because the events in East Timor that originally cried out for this legislation are deadly serious. And the encouraging events that justified changes in the legislation are critically important. Both deserved thoughtful consideration from the Senate.

On August 30, well over 99 percent of registered voters in East Timor courageously came to the polls to express their will regarding the political status of that territory.

More than 78 percent of those voters marked their ballot in favor of independence.

But weeks of violence dampened the jubilation that immediately followed the vote, as the Indonesian military—a military that the United States has long supported—colluded with militia groups in waging a scorched earth campaign throughout the territory.

Thousands of people were forced to leave, and many were killed.

But for the East Timorese run out of their homes in the fray, the nightmare did not end there.

Just days ago, the Independent newspapers of London reported on the horrible conditions in the remaining refugee camps in West Timor. In one part of West Timor, UNICEF has found that 25 percent of refugee children are malnourished.

To this day, militia members harass and intimidate East Timorese in West Timor's refugee camps. According to the United Nations High Commissioner for Refugees, between 100,000 and 150,000 refugees remain, in many cases against their will, in the refugee camps.

But some will say that we should remain silent on these matters, and continue to let events in Timor and Indonesia unfold without comment. Some will say that the time for action has passed. They will point to the recent democratic elections in Indonesia, and to the Indonesian government's stated willingness to accept the results of the August 30 ballot. They will note the many encouraging steps that President Wahid has taken in the direction of reform. And they will point to President Wahid's most recent, public commitment to holding military officers accountable for their actions—actions now described in both Indonesian and U.N. investigations.

They are right to emphasize the positive signals coming from the new government, and they are right to point out that the situation in Indonesia has changed significantly in the past four months. I recognize those changes, and I have tried to respond to them as my legislation has wended its way through this body.

Make no mistake—the Indonesians were aware of the original legislation. And over the last few months they have undoubtedly taken note of the changes that were made in this amendment—changes that sent a clear signal that the United States recognizes that the government of Indonesia is moving toward democracy and accountability, and we are very interested in partnership with that kind of Indonesia.

While I support the notion that now is an important time to reach out toward the new government in Jakarta, I reject the idea that we should no longer maintain intense pressure on the Indonesian military.

Whether or not the Indonesian military is committed to serving under the new, promising, democratically-elected regime remains to be seen. Recently, rumors of coup plots and a possible military takeover of this fledgling democracy circulated in Jakarta and abroad. In recent months, ethnic and religious violence erupted in Aceh, the Spice Islands, and elsewhere in Indonesia. Many reports indicate that elements of the Indonesian military continue to stand by and do nothing to help the people they are supposed to protect.

So as we extend a welcome to Indonesia's new government, we must send a strong message about the kind of behavior that we do not welcome, and about the kinds of abuses that we will not ignore. It remains as crucially important today as it ever was to pressure violent elements in Indonesia to do the right thing. And I serve notice to my colleagues and to the administration—I stand ready to do just that. If U.S. policy fails to send a strong message in favor of reform and accountability, I will seize any legislative opportunity necessary to fight for a responsible policy—one that serves United States and Indonesian interests in stability and justice.

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

The PRESIDING OFFICER (Mr. DEWINE). The Senator has used 6 minutes and 40 seconds.

Mr. FEINGOLD. I yield such time as he wishes to the distinguished Senator from Rhode Island, who has truly been a great leader on this issue, making not only an effort on the Senate floor but a personal effort to visit and see exactly what is happening in East Timor itself. I yield the Senator from Rhode Island such time as he needs.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, first, let me commend the Senator from Wisconsin for his efforts. He has spoken out forcefully and clearly and correctly for so many months about our obligation to see that the people of East Timor have a chance to chart their own course, to reach their own destiny, to rule themselves. I thank him for his efforts.

Today this amendment is being withdrawn, but this withdrawal should not be a signal that we are turning away from East Timor. Indeed, it is once again an opportunity to speak out and demand that we do, in fact, attend to the needs of this emerging country.

As the Senator from Wisconsin pointed out, I traveled to East Timor twice last year. The first time was a week before the referendum. I traveled with Senator HARKIN and our colleague from the other body, Congressman JIM MCGOVERN of Massachusetts. We were there a few days before the election. What struck us was the incredible courage of the people of East Timor. It was an ominous and foreboding atmosphere. Armed militias were roaming the countryside threatening people and making it clear that their goal was to intimidate all of the East Timorese either not to vote or to vote for continued association with Jakarta, with Indonesia. Despite this, we saw countless East Timorese who were willing to risk their lives, declaring to us that they would vote, they would risk their lives.

I had occasion in Suai to be speaking at a church where there were thousands of displaced persons gathered around this church in the protection of three priests. I told them that the vote is more powerful than the army. Not only did they believe that, but they risked their lives to prove it. Sadly, with the conclusion of the referendum, the militias went wild, conducting a rampage throughout East Timor. In fact, the three priests in Suai who were leading their congregations were slaughtered by the militias because they chose to talk about democracy and independence and self-determination.

I returned back to East Timor in the first week of December. Since the election had taken place, the United Nations had authorized the intervention of international forces, and we owe a great deal to the armed forces and the Government and the people of Australia because they launched thousands of Australian soldiers to enter that country, to stabilize that country, and literally to give a chance to the people of East Timor to build a democratic society.

The United States also contributed roughly 200 troops. The troops were led by our U.S. Marine Corps. The bulk of the troops were U.S. Army forces. These troops, once again, displayed magnificently the ability of American

forces to respond to a crisis and to bring to bear not only our technology, but our values, as they supported that struggling democracy, struggling to emerge in East Timor. Now, the Indonesian Government has formally renounced the claims of East Timor. It is being administered in the interim by the United Nations.

We had the chance in our last visit at the end of November, beginning of December, to meet with the leadership of the United Nations. They are led by a very accomplished diplomat, Sergio DeMello. But I have to say that their efforts to date are quite feeble when it comes to the difficult challenges they face. So I think the whole international community has to step up and assist this effort of reconstruction because one thing was painfully obvious to us as we traveled through East Timor—the country was deliberately, cynically destroyed. Every building that was worth habitation was burned. Ironically and interestingly—because I think the Indonesian military was calling all the shots—they didn't touch the churches because they knew that would probably make CNN. But a few feet away from every church, rows and rows of buildings were destroyed. We met the people of East Timor, people who are struggling for the basic subsistence now after all the mayhem and destruction. Once again, I commend the military forces—particularly ours—that are there today helping out.

We have a great deal to do to ensure that our words about independence, our words about the value of democracy, and our words about self-determination are transferred into palpable progress for the people of East Timor. We have an opportunity, I say an obligation, to give them resources to get the job done. I believe we should start with an appropriation of $25 million for humanitarian assistance so they can reconstruct their schools and infrastructure. Literally, the militias and Indonesian Army destroyed all records—postal records, all identification records, all land records. This country has been totally devastated, deliberately and cynically destroyed. We have an obligation to help them rebuild. They are a people who want to rebuild, who want to make progress and go forward.

I also had the chance while I was in East Timor to travel to West Timor, which is still part of Indonesia. I went to these camps where there are thousands of East Timorese, many of whom were taken against their will from their homes and brought into these camps. These camps are not a place where a person can stay indefinitely. It is a transitory shelter. Many people are there because they are intimidated by the militias still lurking in the camps. Others are fearful and afraid of going home because they might run into retribution by those who stayed behind, the proliberation democracy forces. But in any case, they are creating a huge problem of assimilation and a huge drain on the resources of the villages of West Timor.

I had a chance to meet with the Catholic Relief Service, which is doing great work there, and representatives of the Catholic Church. We have a real obligation, also, to see that these displaced people in West Timor are allowed to go home safely and to reintegrate into their society, into the new country of East Timor. The work is substantial.

Today's effort by the Senator from Wisconsin, after many days to get this measure to the floor, should, as I say, not be a signal that the problem is solved and that we can withdraw—since no longer is East Timor capturing the front page headlines—it should be rather an opportunity for us to recommit ourselves to do the work of helping these people build a just, decent, and viable society and country.

Let me say a final word because we are all here today talking about an issue that has been on the minds of the world for the last year because of the publicity. But long before East Timor was a well-known word in the United States and around the capitals of the world, there was one Member of this Senate, Claiborne Pell, who strove mightily to point out the injustice and the need for freedom. In 1992, Senator Pell traveled to Indonesia, saw President Suharto, and asked him to hold a plebiscite on self-determination. That was a full 7 years, or more, before this referendum was held. He also wanted to visit East Timor but was denied permission to meet with Xanana Gusmao, then in a Jakarta prison. He held hearings and he kept this issue on the forefront of the consciences of many in the world. In a very particular way, the freedom of East Timor today is a tribute to his quiet, persistent efforts through many years. The fact that today Xanana Gusmao is back home in East Timor, is a leader in that community, a community that will decide its own fate, a free country, emerging in the world, is a tribute again to Senator Pell.

Let me conclude by thanking, once again, Senator FEINGOLD for his great effort, his clear voice, his dedication and commitment to principle. Let us all resolve today that we have just begun to help these people to rebuild their country, their society, and to create a society that will have our values, but will also definitely have their own perspective as East Timorese.

I yield back my time.

Mr. FEINGOLD. Mr. President, how much time remains?

The PRESIDING OFFICER. There are 13 minutes remaining.

Mr. FEINGOLD. Mr. President, I thank the Senator from Rhode Island for his extremely dedicated work on this issue. It has been a pleasure working with him on it. I wish to reiterate what he said, which is that this is another opportunity for us to tell our colleagues, as well as Indonesia and the rest of the world, that we are watching this on a daily basis and we are prepared to act again. The legislation is very viable and we are prepared to offer it as an amendment to another bill if the situation becomes difficult.

At this point, 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. FEINGOLD. 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. FEINGOLD. Mr. President, at this time I am delighted to yield the remaining time we have on the amendment to the distinguished Senator from Iowa who, along with the Senator from Rhode Island, has shown not only a tremendous interest and dedication on the issue of East Timor but took the time and risks associated with actually visiting East Timor at a very critical point and came back here to be key to the entire effort to lead the East Timorian independence. Senator HARKIN, Senator REED, I, and others are going to watch this every day to make sure this situation moves in the right direction and we don't go backwards.

I yield whatever time is necessary to the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I thank the Chair. I thank my colleague and friend from Wisconsin for yielding time to me but, more importantly, for his strong and continued leadership on this issue of East Timor.

As we all know, East Timor is a small, new nation in a faraway place. A lot of times we tend to forget about it and push it off to the side. But we can't. We can't forget about what happened in East Timor. I think it is incumbent upon us, as the leader of the world's democracies and as the nation that holds out to oppressed peoples all over the world the ideals of self-determination and democratic institutions, because we are in that position, that we have to take a leadership position among world communities, focusing and keeping our attention focused on East Timor.

These brave people for almost 25 years have continued their struggle—peacefully, I might add—for their own right to self-determination. When the Portuguese left in 1975, of course, Indonesia annexed East Timor. The East Timorese people had no say in that whatsoever. Yet they continued a worldwide campaign for their right to self-determination.

What didn't they do? What didn't the East Timorese people do? They didn't plant any bombs. They didn't sabotage anything. They didn't blow up airliners. They didn't commit acts of terrorism against the Indonesia Government or the Indonesia people, but forcefully, day after day and year after year, they went to the world community and pricked our conscience. They went to the U.N. They came here. They

went to Europe. There was no accident that Bishop Belo and Jose Ramos-Horta both won the Nobel Peace Prize for their activities because they pursued their right to self-determination as Gandhi or Dr. Martin Luther King, Jr., would have done, in a peaceful, nonterrorist way. When they finally had this vote late last summer, they voted overwhelmingly for separation, to have their own nation.

Senator REED and I, along with Congressman MCGOVERN from Massachusetts, were there right before the vote about a week before. We traveled extensively around the country. You could already see the militias and what they were trying to do and the intimidation. It was after that trip that the three of us had conversations with our Secretary of State, with Kofi Annan, the Secretary General of the United Nations, Secretary Cohen, our Secretary of Defense, and people at the White House. We talked to everyone, saying: Look. We need to have things in place there. There is going to be a blood bath. We hope there isn't. But our sense is that everything we had ever seen before in our lives, in our history—you could almost smell it. You could almost sense what was going to happen in East Timor. A powder keg was ready to go.

We met with General Anwar. We went back to Indonesia, and we told President Habibie at the time: If your orders are right, there should be a peaceful transition and a peaceful election. This General Anwar is not carrying out your orders. He is either not carrying out your orders or you are not giving the right orders. But something is not adding up here. The same with General Wiranto, the head of the armed services.

I ask unanimous consent that an article and an editorial from the Washington Post be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Feb. 1, 2000]

E. TIMOR PANEL BLAMES ARMY FOR ATROCITIES

(By Keith B. Richburg)

JAKARTA, INDONESIA, JAN. 31.—A government commission charged today that the Indonesian military and its militia surrogates carried out an orchestrated campaign of mass killing, torture, forced deportation, rape and sexual slavery in East Timor. It named six top generals—including Gen. Wiranto, the former army chief—for possible criminal prosecution.

The findings of the government commission of inquiry were more sweeping and harder-hitting than had been expected, coming on top of a recommendation from a U.N. inquiry that the United Nations set up a special tribunal to try those accused of atrocities in East Timor. They brought to a head a confrontation between Indonesia's new democratic government, which has made human rights and accountability a major priority, and the powerful military establishment that has seen its traditional role undercut and its past abusive practices put under intense public scrutiny.

President Abdurrahman Wahid, who is in Davos, Switzerland, for the World Economic Forum, said after the findings were made known that he will fire Wiranto from the cabinet. ''I will ask him, to use a polite word, ask him to resign,'' Wahid told a television interviewer.

Wiranto stepped aside as armed forces commander in October, after the violence against East Timorese that broke out last September over their decision to secede from Indonesia. But he still wields considerable influence in the military as cabinet coordinating minister for political affairs and security.

The East Timorese resistance leader and Nobel laureate, Jose Ramos-Horta, said in Singapore that Wiranto should be tried and not just removed from the cabinet. ''In this day and age, you cannot kill hundreds of people, destroy a whole country, and then just get fired,'' he said.

Among its findings, the commission also said the military actively tried to cover up evidence of its ''crimes against humanity,'' including moving victims' bodies to remote locations.

''The mass killings claimed the livers mostly of civilians,'' said the commission chairman, Albert Hasibuan. ''They were conducted in a systematic and cruel way. Many were committed in churches and police headquarters.

Australian-led peacekeeping troops in East Timor have unearthed hundreds of bodies in scattered grave sites, many in the East Timorese exclave or Oe-Cussi near the border with Indonesia. Villagers have said bodies were moved there before foreign troops arrived, but today's report provided the first confirmation of an effort to conceal the extent of the killings.

The commission forwarded to Attorney General Marzuki Darusman the names of 33 people, including Wiranto, who it said should be investigated for prosecution, and Marzuki promised to begin his own probe. Among those named are Maj. Gen. Adam Damiri, the regional commander in charge of East Timor in the months leading up to the Aug. 30 U.N.-backed independence referendum; Zacky Anwar Makarim, the army intelligence chief in East Timor; and Tono Suratman and Noer Muis, the two commanders based in Dili, the East Timorese capital.

Also named were the commanders of various militia groups, including Joao Tavares, who called himself the commander in chief of all the militias, and the flamboyant Eurico Guterres, head of the feared Aitarak, or ''Thorn,'' militia, who in the days before the referendum vowed to turn Dili into a ''sea of fire'' if voters supported independence.

The bloodbath unleashed in East Timor sparked international outrage and turned Indonesia into something of a pariah state, criticized by friends and slapped with economic sanctions. Hundreds of thousands were forcibly deported to Indonesian-controlled western Timor, homes and buildings in Dili were looted and set ablaze and the few foreigners left in the capital huddled inside the U.N. compound, along with frightened Timorese, with little food or water.

The killing and destruction continued until former president B.J. Habibie bowed to international pressure and allowed in foreign troops to restore order. At the time, Wiranto conceded some Indonesian army troops, from two indigenous East Timorese battalions, were involved in the violence. But he repeatedly insisted the outbreak was spontaneous, that there was no evidence of widespread killings and that he was trying his best to bring the situation under control.

The report today found Wiranto ''fully acknowledged and realized'' the extent of the violence and destruction in East Timor but failed to take action. ''Therefore, General Wiranto, as the TNI [Indonesian army] commander, should be the one to take responsibility,'' the report reads.

While the Indonesian attorney general deals with this report, U.N. Secretary General Kofi Annan must decide whether to accept the recommendation of the separate U.N. investigation and ask for a human rights tribunal for East Timor. Indonesia vehemently objects to any U.N. tribunal, saying the country is capable of punishing those responsible. Analysts have said a credible report from the Indonesian commission was a crucial first step in dissuading the United Nations from setting up a tribunal.

[From the Washington Post, Feb. 1, 2000]

JUSTICE FOR TIMOR

Not long ago, the armed forces pretty much ran the show in Indonesia; now they are under investigation. A human rights commission formed by that nation's new democratic government yesterday issued a stinging indictment of the military, including its former leader and five other generals, for orchestrating, condoning and taking part in the destruction of East Timor last summer. The report, with its call for criminal prosecution, is an important step. Now comes the hard part for President Abdurrahman Wahid; he deserves the support and encouragement of other nations as he moves forward.

East Timor, a small half-island at the remote eastern end of Indonesia's archipelago, voted for independence from Indonesia in a United Nations-sponsored referendum Aug. 30. Indonesia's Gen. Wiranto promised security for the voters; they instead were subjected to a spasm of murder, rape, looting and other violence. At the time, Gen. Wiranto and Indonesia's government blamed the violence on rogue anti-independence militias. But the government's unflinching report, based on many interviews and on-site investigation, rejects that excuse and sees unquestioned official complicity.

President Wahid is under pressure from the military not to treat its generals too roughly. Ethnic violence is breaking out in many places; without unified armed forces, some say, Mr. Wahid cannot hold the country together. There have been rumors of a coup. But as much as it needs a strong military, Indonesia needs one subservient to new civilian powers; without progress in that direction, many restive regions will find it intolerable to remain inside the country. So Mr. Wahid is right to dismiss Mr. Wiranto from his cabinet and allow criminal prosecution of those named in the human rights report.

A United Nations inquiry released yesterday came to many similar conclusions about the violence in East Timor. Some U.N. officials now favor an international tribunal. Since the United Nations sponsored East Timor's referendum, the organization has a continuing role to play in seeking justice for the Timorese. Its investigation should continue.

But before a Bosnia-style tribunal is created, Indonesia should be given a chance to judge its own. Its new democratic government well understands the importance of that process.

Mr. HARKIN. I give the Indonesians credit.

The article says that this new government commission ''. . . named six top generals—including Gen. Wiranto . . . and General Anwar for possible criminal prosecution'' and that the ''militia'' with their ''surrogates carried out an orchestrated campaign of mass killing, torture, forced deportation, rape and sexual slavery in East Timor.''

The East Timorese resistance leader and Nobel laureate, Jose Ramos-Horta, said in Singapore that Wiranto should be tried and not just removed from the cabinet. ''In this day and age, you cannot kill hundreds of people, destroy a whole country, and then just get fired.''

These are crimes against humanity.

I wholeheartedly commend the present Government of Indonesia and its human rights commission for their bravery in doing this investigation and coming up with this finding. I think it moves the democratic forces far ahead in Indonesia because they were able to come out with this finding.

I am very supportive of the sense-of-the-Senate resolution that is offered by the Senator from Wisconsin. We have to make some statements about East Timor. We have to be in the lead on this, and the fact that the human rights commission of the present Government in Indonesia made these findings ought to give us comfort that we are not undermining the Government of Indonesia in helping the East Timorese.

I was not privileged to go back with Senator REED when he went there in December. I talked to him. Senator REED said:

You would not believe the places we were, that we saw with our own eyes. They were leveled. Buildings were burnt. Some of the church houses were burned down and people just disappeared, all driven across the border. We were up in this one town on the border. He said it was like a ghost town. All of these people were forcefully deported into West Timor, and even yet today they are not letting these people come home.

I think the focus of world opinion and public opinion and attention has to be again on East Timor. What the Indonesian military did there is unconscionable. I don't blame the Indonesian people. I talked to too many Indonesians who were opposed to what their military was doing in East Timor, who thought it was a right of the East Timorese, because of their history and their past, to have self-determination.

I in no way cast any blame upon the Indonesian people themselves. But I do single out General Wiranto, General Anwar, and the people at the human rights commission who were in charge of aiding, abetting, and fostering the militia that did these terrible things to East Timor—as Senator REED said—vindictively burning down things, destroying telephone lines, destroying bridges, just crazy things such as that, just to leave the country in total waste.

Again, I thank the Senator from Wisconsin and the Senator from Rhode Island for their strong support of the brave people of East Timor.

I hope we in the Senate, if not today, at some point shortly can express our support on this sense-of-the-Senate resolution so the brave people of East Timor and the democratic forces in Indonesia know we will support this and we will do everything we can to help them rebuild this country again as a signal to the rest of the world that we will support peaceful self-determination and the right of people to have their own democratic governments. This is as good a place as any to start.

Again, I thank the Senator from Wisconsin for his strong, continued leadership on this issue.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I yield time to the distinguished Senator from Missouri.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I thank the distinguished manager of the bill.

I rise today because I feel very strongly about what we are considering. Today we in the Congress are being asked to consider our first statement on Indonesia since the country's elections last fall. Everyone is familiar with it. Everyone has watched CNN and watched the bloodshed and horror that occurred in East Timor and other places in Indonesia. That was prior to the Indonesian elections, and it had taken place under a severely weakened and ineffective leader.

Last fall, the Parliament completed the first election cycle that was truly free in the country's history by electing a new President, President Abdurrahman Wahid. I just returned from Indonesia, where I not only met with President Wahid but the Vice President, the Foreign Minister, the Speaker, and the Head of Parliament. I met with Indonesian citizens, Americans living over there, and most important of all, I met with our very astute and very able Ambassador, Bob Gelbard, and the staff we have in Indonesia to help us formulate policy with respect to that country.

Unfortunately, our press, which gave us a lot of information about East Timor, has not paid much attention to the free elections. It has paid little attention to the work of the new Government and its efforts to lead a transition to democracy. This is truly a time of rapid change in Indonesia, and it is a time of great challenge for Indonesian leadership and others in the world who support democracy, freedom, human rights, civilian control of the military, and religious tolerance for all people.

Regretfully, some Members of this body seem determined to stay in the past. Things are moving in the right direction, and it is time, in my view, for the United States to support the new Government, to work to make sure that this Government succeeds, and that the noble objectives we support are carried out.

President Wahid's job in this situation could not be more difficult. He has to bring democracy and a better standard of living to people who were living under a totalitarian government in a situation that bordered on chaos. He has to bring under control the ethnic and religious conflicts that are breaking out all over the country. Perhaps most difficult of all, he has to overcome the well-entrenched and powerful interests that want him to fail, that would be delighted to bring the country straight back into chaos.

From everything I saw, and from what our distinguished Ambassador and his staff tell us, President Wahid has not disappointed. He wakes up every day and makes bold and courageous decisions and he doesn't bother to take polls on what people want. He is simply concerned about moving his country in the right direction.

I hope we will have the opportunity to welcome President Wahid to Washington, DC, and to give him an opportunity to address the Congress to talk about the challenges he faces and his commitment to the American ideals of democracy, freedom, human rights, and cleaning up corruption in all areas of government and private sector activity.

In a very short time, the changes in Indonesia have been marked and profound. On the issues the sponsors of this amendment are concerned about, President Wahid has agreed to work with the U.N. Security Council to track down and bring to justice those who were responsible for the bloodshed in East Timor. The Indonesian Government, as has been noted already, has impaneled their own commission to investigate what took place in East Timor and bring those to justice. The panel has identified six high-ranking military officers. The President has indicated they will all be removed from the military and has given every indication they will be brought to justice.

When the spokesman for the military said the military should not be subject to the control of the civilian-elected Government, the President moved and cut him off. We in Congress cannot continue to put our heads in the sand with these monumental changes going forward. Even the European Union recognizes the tremendous progress President Wahid and his Government are making. The E.U. has lifted the ban on certain arms sales. They pledged to begin military training.

I regret to tell you the situation in Indonesia and East Timor is not as simple as some of my colleagues would have you believe. Secretary Cohen traveled there and laid out what we expect of the new Government. The Government has complied, but in the interim we have cut off our ability to have any positive influence by ending military to military contact. I say let's listen to our former colleague, now Defense Secretary Bill Cohen, who is well informed about what is going on in that area. I suggest we listen to the people in our State Department—a State Department run by the party of my colleagues who have introduced this resolution—and ask them what we can do to help move the Government, move the cause of democracy and freedom, in the right direction. At a time such as this, we should be sending to the people of Indonesia a loud message,

and a clear message, that we support their efforts to achieve democracy and we will support the new Government in its efforts to bring democracy to its 210 million people.

The resolution, as I have just seen it, as I quickly calculate, dedicates 14 lines to congratulating the people of Indonesia and encouraging the Government of this country to work with the struggling democracy and then dedicates several pages to those things we as a government should be denying the Indonesian Government. Here is a country emerging from all the problems of the past. They need a hand up, not another bucket of water dumped on their heads.

Secretary Cohen delivered a clear message during his trip to the country that it was time for military reform. The Indonesian people responded. Today, the Indonesian military is under civilian control. In a clear move to curb the power of the army, the position of commander in chief has been given to an admiral in the Indonesian Navy, considered to be the most progressive and professional of the military branches. Under pressure from Secretary Cohen, the military vacated East Timor. There have been positive reports coming in that the military has been cooperating with the international community. Some members are working actively to frustrate the efforts of pro-Jakarta militias to conduct any further raids on refugees or East Timor towns.

On the human rights front, a new attorney general has been selected. Our State Department has great confidence in his commitment to the rule of law and protection of human rights. The Indonesian Government has also created a new position within the Government, the State Commission on Human Rights, a position that has been filled by a former political prisoner from Aceh.

These are not insignificant steps. In fact, they are enormous steps that show the tremendous effort on the part of the new Government and the people of Indonesia.

The outcome of the election could have been very different. It was not. There was no mass violence in the streets, and there was no military coup. The result was democracy in action.

The bottom line is the Indonesians have been doing everything we asked them to do. Now, with this proposed resolution, we are being urged not to offer congratulations, not to extend a helping hand but, rather, to poke a sharp stick in their eye.

This resolution endorses a cutoff of military-to-military contact, education, and military assistance. But the administration promptly cut off assistance and contact after the violence broke out. The Department of Defense and our Department of State can be a very positive force for reform, but this amendment would propose to limit their ability to do so. The violence happened under a different government with a weak president.

Make no mistake about it, this resolution will be looked upon by the Indonesian people as a repudiation of the direction they have chosen and of the work of their democratically elected President and Vice President. It will be taken as a clear sign that the United States is not interested in being a positive force for change.

I urge—I beg my colleagues to stay involved and to pay attention because this is a vitally important part of the world. When I was in Southeast Asia 9 months ago, when I asked in one country or another how things were going, everybody would say: We are doing well, but we are worried about Indonesia.

We ought to be worried about Indonesia because they are the fourth largest country in the world. They have an opportunity to join the list of countries that are democracies, that are committed to human rights and freedom. They deserve to be part of the enlightened leadership of the world.

It is time we provided support to that effort. It is vital the United States continue to support the development of democracy and of civilian control of the military. We need to begin the process of engagement, to provide their military with the assistance and training they need to ensure that the functions of security are carried out effectively and properly. Our government has pressured the Indonesian government to restrain the military and make reforms. Now the situation is getting out of control. The military has lost its ability to respond to regional outbreaks of violence. Rather than being an impediment to progress, we ought to be in there helping them to reestablish the rule of law and order and peace and security for all people and all religious groups in Indonesia.

We have a tough battle ahead. There have been atrocities that are mind boggling. I join with the sponsors of the resolution who understand how terrible these depredations were. But times are changing. We need to be a positive force, to encourage those changes, to keep them on the right track, and not punish a government that is trying to move in the direction we laid out for them.

Mr. President, I am sure we will visit this issue again. In the meantime, I urge all my colleagues to seek counsel from our own State Department, our own Department of Defense. This Democratic administration has excellent people who are well aware of what is going on there. Let's find out from them what is happening and what we can do to be a positive force.

I hope my colleagues on both sides of the aisle will listen to them so we can be positive in our efforts and in our results.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I ask unanimous consent for an additional 5 minutes on this issue.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, we would like an opportunity to briefly respond to the comments of the Senator from Missouri. I could have sworn the Senator had not heard my remarks earlier because his remarks suggest an analysis that has something to do with their original legislation. I took great pains throughout my comments to indicate exactly what the Senator from Missouri was indicating, that there are some very positive developments in Indonesia, and in particular that Government there, the democratically elected Government, is struggling to keep that nation strong, to keep that nation together, and to get control over the military.

So I find it very ironic that the Senator would come down here and say we need to be fair to that Government when you look at the comments in the last 48 hours. What has happened in the last 48 hours? President Wahid of Indonesia said, I say to the Senator from Missouri, that it may be necessary for Mr. Wiranto to resign. That is what the democratically elected President of Indonesia said when he heard about the investigations and reports of the United Nations.

What did Mr. Wiranto say with regard to that suggestion of the President of Indonesia? He said he was going to brush aside calls to resign from government and stand trial for his alleged role in human rights abuses in East Timor last year. ''Like a good soldier, I am going to continue to fight for the truth.''

In other words, the Senator from Missouri asks us to support the President and the nation of Indonesia. But instead what he is really doing is giving support and sanction to the attitude of Mr. Wiranto, the person who many believe had a great deal to do with the atrocities in East Timor.

I did not come today to actually seek a vote on this amendment. I did indicate I would withdraw the amendment from this bankruptcy bill. We wanted to serve notice that we will continue to monitor this situation, and we are doing it in a balanced way that indicates our support for the positive developments in Indonesia.

The Senator from Missouri complains that our resolution is mostly negative with regard to things that happened in East Timor and with regard to Indonesia. This resolution is not about Indonesia in general. If the Senator wants to promote a resolution praising Indonesia and the positive things that have happened in Indonesia in the last couple of months, I may well join him. But this is about what happened in East Timor.

The Senator apparently took a trip recently to Indonesia, but the people who were on the floor to talk today—Senator REED and Senator HARKIN—

have actually been to East Timor. You can add to that a key person of the Clinton administration he kept mentioning, our distinguished Ambassador to the United Nations, Richard Holbrooke, who also went to East Timor in late November and came back and told me and others that the conditions and circumstances with regard to the refugees in West Timor, many of whom want to get home to East Timor, are not good. He has a long and distinguished record of seeing these kinds of situations throughout the world in the over 30 or 40 years he has been in diplomacy. He was deeply troubled by the fact the job was not done.

The people of East Timor and the people of East Timor who are in West Timor and want to come home have not had their rights fully protected. That is why we are trying to put pressure on the military in Indonesia. That is not an unfriendly act to the Government of Indonesia. That is a friendly act because that is the toughest challenge the President of Indonesia has right now—making sure the military accepts democratic rule of that country. We are in an effort to support democracy in Indonesia, and it cannot go forward as the kind of democracy we support unless this situation in East Timor is properly resolved. That is the spirit of our amendment, and that is the spirit of our bill. I appreciate the additional time.

Let me add, Senator LEAHY is another who has done an enormous amount on this issue of East Timor and can certainly tell you the job is not done with regard to using our leverage and our ability to persuade and make sure the people of East Timor have full independence and that the people who want to return to East Timor have the opportunity to do that.

AMENDMENT NO. 2667, WITHDRAWN

Mr. President, I withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. FEINGOLD. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. 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. LEAHY. Mr. President, I commend Senator FEINGOLD, Senator REED of Rhode Island, and Senator HARKIN for the leadership they have shown on the East Timor issue. They have all been to East Timor and have consistently spoken out in support of independence for East Timor and human rights for its people.

Senator FEINGOLD's resolution would end all U.S. military cooperation with Indonesia on account of the Indonesian military's appalling abuses in East Timor. This would send an unequivocal message, not only there but throughout the world, that the United States will not resume any relationship with the Indonesian military until it is thoroughly reformed, and not only reformed, but the members who are responsible for the abuses are punished.

Some of these abuses, well documented by independent news media and eyewitness accounts, are so horrible they are reminiscent of the Dark Ages.

I understand the resolution is going to be withdrawn on account of the progress being made by the Indonesian Government in asserting control of the military. However, Senator FEINGOLD's determination to keep the Senate's attention on this important issue is well worthwhile.

Last September we watched in horror as a systematic campaign of terror and destruction waged in East Timor: Hundreds of innocent people were killed, hundreds of thousands more were forcibly uprooted from their homes, villages and towns were ransacked and family members were killed in front of other family members. Even today, U.N. investigators are unearthing what we are seeing too often in modern times: bodies in mass graves.

In the past two days, an Indonesian Government commission and a United Nations commission independently concluded that the Indonesian military bears ultimate responsibility for the bloodbath, and must be held accountable for its abuses in East Timor. This is an extremely important and encouraging step.

Under tremendous pressure—tremendous pressure to turn a blind eye to what happened in East Timor—and at great personal risk, Indonesian investigators have done a commendable job in determining the extent of the violence and identifying the individuals responsible, including not only those who gave the orders but those who had the power to stop the mayhem and instead simply stood by and let it happen.

There are sins of comission and there are sins of omission. If you are a military officer with the power to stop something from happening—an atrocity, a murder—and you stand by and allow it to go on, in my mind you are as equally guilty as those who commit the act.

As the leader of Indonesia's new democratic government, President Wahid has courageously voiced his willingness to confront the powerful Indonesian military establishment. He has called for the prosecutions of army leaders, including General Wiranto, former commander of the Armed Forces, who, until recently, was lauded by officials of our own Pentagon.

The United Nations commission called for the establishment of an independent national tribunal to bring those responsible for the violence in East Timor to justice. It is a proposal which the Indonesian Government has rejected, insisting it is capable of punishing the perpetrators itself.

While it is too early to say whether an Indonesian tribunal would have sufficient resources or authority to conduct what are likely to be long and expensive trials of military leaders, one thing is clear: now is not the time for the United States to follow the European Union's recent example of renewed military assistance or sales of military equipment to Indonesia. With all due respect to our European friends, sometimes I think they have a terribly short memory.

Indonesia is at a critical juncture in its transition to democracy. The commission's findings will heighten the already tense relationship between the Indonesian Government and the Indonesian military. As pressure on the military increases, it is likely that rumors of a coup will become louder and more threatening. I believe the United States has to continue to show strong support for President Wahid and for an end to the long history of impunity and immunity enjoyed by members of the Indonesian military.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NORTHERN IRELAND

Mr. LEAHY. Mr. President, I don't pretend to know all the history or intricacies of the effort to bring about peace in Northern Ireland, notwithstanding the number of visits I have made there, notwithstanding the historic ties to that island that I have through my father's family, or even with the work I have done with our distinguished former colleague, George Mitchell, a man who deserves the highest credit for his tireless efforts towards peace in Northern Ireland. But I have met with those who are key figures in Ireland: David Trimble from the loyalists side; Seamus Mallon, Gerry Adams, and another key figure, John Hume. Mr. Trimble and Mr. Hume shared the Nobel Peace Prize for the work they did, and deservedly so.

I was one of those in the Senate who urged, near the beginning of President Clinton's term in office, to give a visa to Gerry Adams, the head of Sinn Fein and the one most visibly connected in this country with the IRA. I recall the State Department and the Justice Department being opposed to that visa, and the President courageously saying we are going to give him a visa. I think most people now accept the fact that because the President overrode the qualms of his own State Department and Justice Department in giving that visa, that we moved forward on peace for the first time.

For people who have always looked at each other through distrust and hatred—many times because of killings on both sides, killings of Catholics by Protestants and Protestants by Catholics, apparently all in the name of the greater good—they have come far and put together a government in Northern Ireland, which can start to govern itself. Men and women of good will on both sides of this issue—men and women who a few years ago would never speak to each other—have come together.

This was recently disturbed by articles in the press indicated that the IRA still refuses to turn over any of their weapons. Ironically enough, this is at a time when the Republic of Ireland and authorities in Northern Ireland continue to find and destroy caches of weapons belonging to the IRA. I don't know what kind of stubborn humility or holding of ancient grudges would not allow the IRA to make this move. I brook no favor for those on either side who have been involved in atrocities because whether it is from the Ulster side or from the IRA side, there are atrocities aplenty—innocent people killed because of their religion, because of their allegiance.

In many ways, I want to say a pox on both your houses. But that only means that generations from now the fighting will continue over things that gain nothing for anybody, feuds of hundreds of years, and memories sometimes of just a few years. It is time, in a new century, to stop the killings, to finally allow Northern Ireland, this beautiful land, to move forward and join the rest of the island in the new economic prosperity—but in peace.

As a group of mothers, Catholic and Protestant, told me once—together—they agreed with my speech of the night before in which I had said in Belfast—or just outside of Belfast—that I condemn violence from either side. They said how much they agreed, and what they wanted was for their children to be able to go to school and be educated, to live in peace, to walk down the street without worrying about being shot. What mother would want otherwise?

Frankly, those in Sinn Fein who have called on their friends here in the Congress to help them with visas, to help them move forward, best help themselves because it would be tragedy compounded on tragedy if after all these years of seeking peace, after all the work of people such as John Hume and George Mitchell, David Trimble, and Gerry Adams—people who might not want their names put in the same sentence—after all their work, what a tragedy it would be if one party, one piece of this puzzle opted out by not at least doing the first necessary steps to build confidence; that is, give over their weapons.

(Mr. GORTON assumed the Chair.)

THE GROWING CRISIS IN THE ADMINISTRATION OF CAPITAL PUNISHMENT

Mr. LEAHY. Mr. President, I wish to call attention to a growing national crisis in the administration of capital punishment. People of good conscience can and will disagree on the morality of the death penalty. But I am confident that we should all be able to agree that a system that may sentence one innocent person to death for every seven it executes has no place in a civilized society, much less in 21st century America. But that is what the American system of capital punishment has done for the last 24 years.

A total of 610 people have been executed since the reinstatement of capital punishment in 1976. During the same time, according to the Death Penalty Information Center, 85 people have been found innocent and were released from death row. These are not reversals of sentences, or even convictions on technical legal grounds; these are people whose convictions have been overturned after years of confinement on death row because it was discovered they were not guilty. Even though in some instances they came within hours of being executed, it was eventually determined that, whoops, we made a mistake; we have the wrong person.

What does this mean? It means that for every seven executions, one person has been wrongly convicted. It means that we could have more than three innocent people sentenced to death each year. The phenomenon is not confined to just a few States; the many exonerations since 1976 span more than 20 different States. And of those who are found innocent—not released because of a technicality, but actually found innocent—what is the average time they spent on death row, knowing they could be executed at any time? What is the average time they spent on death row before somebody said, we have the wrong person? Seven and a half years.

This would be disturbing enough if the eventual exonerations of these death row inmates were the product of reliable and consistent checks in our legal system, if we could say as Americans, all right, you may spend 7½ years on death row, but at least you have the comfort of knowing that we are going to find out you are innocent before we execute you. It might be comprehensible, though not acceptable, if we as a society lacked effective and relatively inexpensive means to make capital punishment more reliable. But many of the exonerated owe their lives to fortuity and private heroism, having been denied commonsense procedural rights and inexpensive modern scientific testing opportunities—leaving open the very real possibility that there have been a number of innocent people executed over the last few decades who were not so fortunate.

Let me give you a case. Randall Dale Adams. Here is a man who might have been routinely executed had his case not attracted the attention of a filmmaker, Earl Morris. His movie, ''The Thin Blue Line,'' shredded the prosecution's case and cast a national spotlight on Adams' innocence.

Consider the case of Anthony Porter. Porter spent 16 years on death row. That is more years than most Members of the Senate have served. He spent 16 years on death row. He came within 48 hours of being executed in 1998, but he was cleared the following year. Was he cleared by the State? No. He was cleared by a class of undergraduate journalism students at Northwestern University, who took on his case as a class project. That got him out. Then the State acknowledged that it had the wrong person, that Porter had been innocent all along. He came within 48 hours of being executed, and he would have been executed had not this journalism class decided to investigate his case instead of doing something else. Now consider the cases of the unknown and the unlucky, about whom we may never hear.

Last year, former Florida Supreme Court Justice Gerald Kogan said he had ''no question'' that ''we certainly have, in the past, executed . . . people who either didn't fit the criteria for execution in the State of Florida, or who, in fact, were, factually, not guilty of the crime for which they have been executed.'' This is not some pie-in-the-sky theory. Justice Kogan was a homicide detective and a prosecutor before eventually rising to Chief Justice.

This crisis has led the American Bar Association and a growing number of State legislators to call for a moratorium on executions until the death penalty can be administered with less risk to the innocent. This week, the Republican Governor of Illinois, George Ryan, announced he plans to block executions in that State until an inquiry has been conducted into why more death row inmates have been exonerated than executed since 1977 when Illinois reinstated capital punishment. Think of that. More death row inmates exonerated than executed.

Governor Ryan is someone who supports the death penalty. But I agree with him in bringing this halt. He said: ''There is a flaw in the system, without question, and it needs to be studied.'' The Governor is absolutely right. I rise to bring to this body the debate over how we as a nation can begin to reduce the risk of killing the innocent.

I hope that nobody of good faith—whether they are for or against the death penalty—will deny the existence of a serious crisis. Sentencing innocent women and men to death anywhere in our country shatters America's image in the international community. At the very least, it undermines our leadership in the struggle for human rights. But, more importantly, the individual and collective conscience of decent Americans is deeply offended and the faith in the working of our criminal justice system is severely damaged. So the question we should debate is, What should be done?

Some will be tempted to rely on the States. The U.S. Supreme Court often defers to ''the laboratory of the States'' to figure out how to protect criminal defendants. After 24 years, let's take a look at that lab report.

As I already mentioned, Illinois has now had more inmates released from death row than executed since the death penalty was reinstated. There have been 12 executions, and 13 times they have said: Whoops, sorry. Don't pull the switch. We have the wrong person. This has happened four times in the last year alone.

In Texas, the State that leads the Nation in executions, courts have upheld death sentences in at least three cases in which the defense lawyers slept through substantial portions of the trial. The Texas courts said that the defendants in these cases had adequate counsel. Adequate counsel? Would any one of us if we were in a taxicab say we had an adequate driver who was asleep at the wheel? What we are saying is with a person's life at stake the defense lawyer slept through the trial, and the Texas courts say that is pretty adequate.

Meanwhile, in the past few years, the States have followed the Federal lead in expanding their defective capital punishment systems, curtailing appeal and habeas corpus rights, and slashing funding for indigent defense services. The crisis can only get worse.

The States have had decades to fix their capital punishment systems, yet the best they have managed is a system fraught with arbitrariness and error—a system where innocent people are sentenced to death on a regular basis, and it is left not to the courts, not to the States, not to the Federal Government, but to filmmakers and college undergraduates to correct the mistakes. History shows that we cannot rely on local politics to implement our national conscience on such fundamental points as the execution of the innocent.

What about the Supreme Court? In a 1993 case, it could not even make up its mind whether the execution of an innocent person would be unconstitutional. Do a referendum on that one throughout the Nation. Ask people in this Nation of a quarter billion people whether they think executing an innocent person should be considered constitutional or unconstitutional. Most in this country have no doubt that it would be unconstitutional, but that really does not matter: executing an innocent person is abhorrent—it is morally wrong. Whether you support the death penalty or not, executing an innocent person is wrong, and we in this body have the moral duty to express and implement America's conscience. We should be the Nation's conscience. The buck should stop in this Chamber where it always stops in times of national crisis.

How do we begin to stem the crisis? I have been posing this question to experts across the country for nearly a year. There is a lot of consensus over what must be done. In the next few weeks, I will introduce legislation that will address some of the most urgent problems in the administration of capital punishment.

Two problems in particular require our immediate attention. First, we need to ensure that defendants in capital cases receive competent legal representation at every stage in their case. Second, we have to guarantee an effective forum for death row inmates who may be able to prove their innocence.

In our adversarial system of justice, effective assistance of counsel is essential to the fair administration of justice. It is the principal bulwark against wrongful conviction.

I know this from my own experience as a prosecutor. It is the best way to reduce the risk that a trial will be infected by constitutional error, resulting in reversal, retrial, cost, delay, and repeated ordeals for the victim's family. Most prosecutors will tell you they would much prefer to have good counsel on the other side because there is less apt to be mistakes, there is less apt to be reversible error, and there is far more of a chance that you end up with the right decision.

Most defendants who face capital charges are represented by court-appointed lawyers. Unfortunately, the manner in which defense lawyers are selected and compensated in death penalty cases frequently fails to protect the defendant's rights. Some States relegate these cases to grossly unqualified lawyers willing to settle for meager fees. While the Federal Government pays defense counsel $125 an hour for death penalty work, the hourly rate in many States is $50 or less, and some States place an arbitrary and usually unrealistically low cap on the total amount a court-appointed attorney can bill.

New York recently slashed pay for counsel in capital cases by as much as 50 percent. They might say they are getting their money's worth if they cut out all the money for defense counsel. The conviction rate is probably going to shoot up. Let me tell you what else will go up—the number of innocent people who will be put to death.

Congress has done its part to make a bad situation worse. In 1996, Congress defunded the death penalty resource centers. This has sharply increased the chances that innocent persons will be executed.

You get what you pay for. Those who are on death row have found their lives placed in the hands of lawyers who are drunk during the trial—in some instances, lawyers who never bothered to meet their client before the trial; lawyers who never bothered to read the State death penalty statute; lawyers who were just out of law school and never handled a criminal case; and lawyers who were literally asleep on the job.

Even some of our best lawyers, diligent, experienced litigators, can do little when they lack funds for investigators, experts, or scientific testing that could establish their client's innocence. Attorneys appointed to represent capital defendants often cannot recoup even their out-of-pocket expenses. They are effectively required to work at minimum wag or below while funding their client's defense out of their own pockets.

Although the States are required to provide criminal defendants with qualified legal counsel, those who have been saved from death row and found innocent were often convicted because of attorney error. They might not have had postconviction review because their lawyer failed to meet a filing deadline. An attorney misses a deadline by even 1 day, and his death row client may pay the price with his life.

Let me be clear what I am talking about. I am not suggesting that there is a universal right to Johnnie Cochran's services. The O.J. Simpson case has absolutely nothing to do with the typical capital case, in which one or possibly two underfunded and underprepared lawyers try to cobble together a defense with little or no scientific or expert evidence and the whole process takes less than a week. These are two extremes. You go from the Simpson case, where the judge let the whole thing get out of control and we had a year-long spectacle, to the typical death penalty case which is rushed through without preparation in a matter of days. Somewhere there must be a middle ground.

Let me give three examples of some of the worst things that have happened—but not untypical.

Ronald Keith Williamson. In 1997, a Federal appeals court overturned Williamson's conviction on the basis of ineffectiveness of counsel. The court noted that the lawyer, who had been paid a total of $3,200 for the defense, had failed to investigate and present a fact to the jury. What was that fact? Somebody else confessed to the crime. If I were the defense attorney, I think one of the things that I would want to bring to the jury is the fact that somebody else confessed to the crime; Williamson's lawyer did not bother. Then, two years after the appeals court decision, DNA testing ruled out Williamson as the killer and implicated another man—a convicted kidnapper who had testified against Williamson at trial. Of course, he did. He is the one who committed the crime.

Let's next consider George McFarland. According to the Texas Court of Criminal Appeals, McFarland's lawyer slept through much of his 1992 trial. He objected to hardly anything the prosecution did. Here is how the Houston Chronicle described what happened as McFarland stood on trial for his life. This is not for shoplifting. He is on trial for his life.

Let me quote from the Houston Chronicle:

> Seated beside his client . . . defense attorney John Benn spent much of Thursday

afternoon's trial in apparent deep sleep. His mouth kept falling open and his head lolled back on his shoulders, and then he awakened just long enough to catch himself and sit upright. Then it happened again. And again. And again.

Every time he opened his eyes, a different prosecution witness was on the stand describing another aspect of the Nov. 19, 1991, arrest of George McFarland in the robbery-killing of grocer Kenneth Kwan.

When state District Judge Doug Shaver finally called a recess, Benn was asked if he truly had fallen asleep during a capital murder trial. ''It's boring,''' the 72-year-old longtime Houston lawyer explained. . . . Court observers said Benn seems to have slept his way through virtually the entire trial.

Unfortunately for McFarland, Texas' highest criminal court, several of whose members were coming up for reelection, concluded that this constituted effective criminal representation.

I guess they felt because the lawyer was in the courtroom, even though sound asleep, that would be effective representation. If you read the decision they probably would have ruled the same way if he had been at home sound asleep, so long as he had been appointed at some time.

McFarland is still on death row for a murder he insists he did not commit, on the basis of evidence widely reported by independent observers to be weak.

Then we have Reginald Powell, a borderline mentally retarded man who was 18 at the time of the crime. Mr. Powell was eventually executed. Why? Because he accepted his lawyer's advice to reject a plea bargain that would have saved his life.

There were a number of attorney errors at the trial. The advice he received seems to be very bad advice. Some may feel this advice, the advice given to this 18-year-old mentally retarded man, was affected by the flagrantly unprofessional conduct of the attorney, a woman twice Powell's age, who conducted a secret jailhouse sexual relationship with him during the trial. Despite this obvious attorney conflict of interest, Powell's execution went ahead in Missouri a year ago.

I ask each Member of the Senate when you go home tonight, or when you talk to your constituents, and when you consider the bill I will be introducing, to remember these cases and consult your conscience to ask whether these examples represent the best of 21st century American justice.

The judge who presided over McFarland's trial summed up the Texas court's view of the law quite accurately when he reasoned that, while the Constitution requires a defendant to be represented by a lawyer, it ''doesn't say the lawyer has to be awake.'' If your conscience says otherwise, maybe we ought to do something.

My proposal rests on a simple premise: States that choose to impose capital punishment must be prepared to foot the bill. They should not be permitted to tip the scales of justice by denying capital defendants competent legal services. We have to do everything we can to ensure the States are meeting their constitutional obligations with respect to capital representation.

Can miscarriages of justice happen when defendants receive adequate representation? Yes, they can still happen. So I think it is critical to ensure that death row inmates have a meaningful opportunity—not a fanciful opportunity but a meaningful opportunity—to raise claims of innocence based on newly discovered evidence, especially if it is evidence that is derived from scientific tests not available at the time of the trial.

Perhaps more than any other development, improvements in DNA testing have exposed the fallibility of the legal system. In the last decades, scores of wrongfully convicted people have been released from prison—including many from death row—after DNA testing proved they could not have committed the crimes for which they were convicted. In some cases the same DNA testing that vindicated the innocent helped catch the guilty.

Most recently, DNA testing exonerated Ronald Jones. He spent close to 8 years on death row for a 1985 rape and murder that he did not commit. Illinois prosecutors dropped the charges against Jones on May 18, 1999, after DNA evidence from the crime scene excluded him as a possible suspect.

It was also DNA testing that eventually saved Ronald Keith Williamson's life, as I discussed earlier. He spent 12 years as an innocent man on Oklahoma's death row.

Can you imagine how any one of us would feel, day after day for 12 years, never knowing if we were just a few hours or a few days from execution, locked up on death row for a crime we did not commit?

Some of the major hurdles to postconviction DNA testing are laws prohibiting introduction of new evidence—laws that have tightened as death penalty supporters have tried to speed executions by limiting appeals. Only two States, New York and Illinois, require the opportunity for inmates to require DNA testing where it could result in new evidence of innocence. Elsewhere, inmates may try to get DNA evidence for years, only to be shut out by courts and prosecutors.

What possible reason could there be to deny inmates the opportunity to prove their innocence—and perhaps even help identify the real culprits—through new technologies? DNA testing is relatively inexpensive. But no matter what it costs, it is a tiny price to pay to make sure you have the right person.

The National Commission on the Future of DNA Evidence, a Federal panel established by the Justice Department and comprised of law enforcement, judicial, and scientific experts, issued a report last year urging prosecutors to consent to postconviction DNA testing, or retesting, in appropriate cases, especially if the results could exonerate the defendant.

In 1994, we set up a funding program to improve the quality and availability of DNA analysis for law enforcement identification purposes. The Justice Department has handed out tens of millions of dollars to States under this program. Last year alone, we appropriated another $30 million for DNA-related grants to States. That is an appropriate use of Federal funds. But we should not pass up the promise of truth and justice for both sides of our adversarial system that DNA evidence holds out. We at least ought to require that both sides have it available.

By reexamining capital punishment in light of recent exonerations, we can reduce the risk that people will be executed for crimes they did not commit and increase the probability that the guilty will be brought to justice. We can also help to make sure the death penalty is not imposed out of ignorance or prejudice.

I learned, first as a defense attorney and then as a prosecutor, that the pursuit of justice obliges us not only to convict the guilty, but also to exonerate the wrongly accused and convicted. That obligation is all the more urgent when the death penalty is involved.

Let's not have the situation where, today in America, it is better to be rich and guilty than poor and innocent. That is not equal justice. That is not what our country stands for.

I was proud to be a defense attorney. I was very proud to be a prosecutor. I have often said it was probably the best job I ever had. But there was one thought I always had every day that I was a prosecutor. I would look at the evidence over and over again and I would ask myself, not can I get a conviction on this charge, but will I be convicting the right person. I had cases where I knew I could get a conviction, but I believed we had the wrong person, and I would not bring the charge. I think most prosecutors feel that way. But sometimes in the passion of a highly publicized, horrendous murder, we can move too fast.

I urge Senators on both sides of the aisle, both those who support the death penalty and those who oppose it, to join in seeking ways to reduce the risk of mistaken executions.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

BANKRUPTCY REFORM ACT OF 1999—Continued

Mr. SMITH of New Hampshire. Mr. President, I would like to speak briefly

about two amendments that are before the Senate—the Schumer amendment on abortion and the Levin amendment dealing with the so-called gun carve-out.

When I took my oath of office on the floor of the Senate, I swore to support and defend the Constitution of the United States. I am amazed sometimes at the type of things we face in the Senate with amendments and bills that I find to be unconstitutional, at least the way I read it.

These two amendments I am referring to essentially harass Americans who are defending three of our most important constitutional rights—the right to life, which is guaranteed by the 5th and the 14th amendments, the right to free political speech, as guaranteed by the 1st amendment, and the right to keep and bear arms, as guaranteed by the 2nd amendment.

It is interesting, as one listens to the debate on these respective amendments, some take the position that it is OK to support the 2nd but not the 1st; it is OK to support the 1st but not the 2nd; some say it is OK to support the 1st and the 2nd but not the 5th and the 14th. But they are all part of the Constitution. Unless you are going to remove an amendment, as we did once with the 21st amendment repealing the 18th, then I do not think we have the right to stand here and say one thing is constitutional and something else is not.

The Schumer amendment tries to exempt abortion protesters from claiming bankruptcy. This is an amendment that unfairly targets a legitimate form of civil disobedience. I believe there are some acts for which people should not be allowed to file for bankruptcy—such willful acts that might lead to a personal injury or the destruction of property. That is not what we are talking about here. I believe most student loans, taxes, child support, and alimony payments also should not be dischargeable.

This amendment adding abortion protesters to the nondischargeable list under bankruptcy laws—let's call it what it is. It is nothing more than another attempt to financially bankrupt and silence free speech of those who peacefully—peacefully—want to speak out against something they believe in so strongly or oppose so strongly, and that is abortion, those who want to defend the constitutionally guaranteed right to life.

On a talk show yesterday, this issue came up, this supposedly Roe v. Wade rule that abortion is legal under the Constitution. If someone can find the word ''abortion'' in the Constitution, where it says abortion is legal, I will be happy to change my position. If somebody will come down to the floor and point out to me where the word ''abortion'' and the right to an abortion appears in the Constitution—of course, it does not, and if it is not in there, then any power not specifically outlined in the Constitution belong to the States and the people.

There is no right to an abortion under the Constitution. Roe v. Wade was a bad decision; it is an unconstitutional decision. Judges are fallible, they make mistakes, and they made a mistake when they passed that awful decision which has taken the lives of 40 million children—40 million children since Roe v. Wade passed in 1973, 40 million children who will never have the opportunity to live their dreams, never have the opportunity to be a Senator, to be a President, to be a doctor, to be a mom, a dad. Gone. We took them away, almost one-sixth of the entire U.S. population, under that decision, and it is an unconstitutional decision because a young child inside the womb or outside has a constitutional right to life.

Let's talk about what this amendment does.

Antiabortion protests, no matter how you feel about abortion, is political speech, I say to my colleagues. This is political speech. They have a right to speak. I am not talking about protesters who commit violent acts or commit bodily harm to others. I am not in favor of that, nor should we tolerate that. I am talking about people standing outside a clinic holding a sign, praying, protesting peacefully. That is what this amendment is going after. People who do that are now going to be subjected to this provision on bankruptcy, an unfair provision.

It is political speech for somebody to peacefully protest abortion just as much as it is political speech for union organizers or urging other workers not to cross a picket line. What is the difference? Why don't we single them out? But we are not.

My colleague Senator SCHUMER singles out one type of protest, a protest on an issue with which he disagrees. It is not constitutional, and it is not fair. It is political speech just as much as when the NAACP enforced its boycott of southern businesses. The Supreme Court in NAACP v. Claiborne Hardware said so. We already have enough laws on the books harassing abortion protesters, including the Freedom to Access Clinic Entrances, so-called FACE, and the Racketeer-Influenced and Corrupt Organizations Act, known as RICO. The financial penalties under these laws are harsh, unusually harsh for one specific type of protest or protester—a peaceful protester.

This amendment proposes to give these protesters absolutely no way to deal with the treble damages against them under RICO. A recent RICO case against protesters who carried posters of aborted children resulted in $109 million against the pro-lifers; $109 million for peacefully protesting without harming anyone's person or property. It is outrageous. That ought to be enough to chill anyone's free speech. What is next? Free speech under the Constitution is protected.

Another one of the RICO cases currently pending involves a Catholic bishop and religious brother praying the rosary in their car in the driveway of an abortion clinic peacefully.

A pro-life gentleman in another case was standing on a walkway near an unused locked door of a clinic and was not blocking access to that clinic.

How much are they going to have to pay for standing up for what they believe in, such as the marchers did during the civil rights movement when they sat at the lunch counters and marched in the streets? $200 million? $1 billion? Where is it going to stop?

Can you imagine RICO, which was originally drafted to fight mobsters and organized crime, now being used against civil rights demonstrators or antiwar protesters, or abolitionists protesting slavery? What will we say then? We know what we would say. We would say it is wrong, and it is wrong to protest those who respectfully, quietly, peacefully protest what they believe in, which is the right to life.

It is a violation of the first amendment. This is a patently unfair discriminatory amendment, and it does not deserve even the dignity of being offered because it is so flagrantly unconstitutional.

I urge my colleagues, when the vote comes tomorrow, to vote no on the Schumer amendment. Get it off the floor of the Senate because it does not belong here. We should not be talking about unconstitutional bills on the floor of the Senate.

Another amendment which will be offered tomorrow is called the gun carve-out amendment, again, a discriminatory amendment against one group. The Levin amendment proposes to exempt gun manufacturers from bankruptcy laws. In other words, if you are a gun manufacturer, you cannot claim bankruptcy, you cannot be treated like everybody else.

Why? Because the author of the amendment doesn't like gun manufacturers. I guess he believes they shouldn't be allowed to manufacture guns. Under current law, businesses and corporations can discharge their debts through bankruptcy unless the debt is incurred through negligence or intentional misconduct. I agree businesses should be held accountable if they are so irresponsible or malicious to knowingly sell harmful products, but are we really at the point in America when we are going to say if we produce a gun, manufacture a gun, legitimately, as a manufacturer, and then if somebody gets ahold of that gun and commits a crime, that now the manufacturer is responsible? Is this where we have come in our society now, no personal accountability, no personal responsibility?

Why don't we do it with automobiles? Why not? You drive your 1999 Chevy down the road, you hit somebody and kill them, it must be the automobile manufacturer's fault, not you. You are behind the wheel. You can't have any accountability or responsibility. Name another product—a hamburger. There are people who say meat is bad for you.

Maybe we should hold all of the cattle growers responsible for producing hamburger. Maybe we should hold the people who work in the meat packing plants accountable. Where is the individual personal responsibility and accountability?

This is a discriminatory piece of legislation. Again, I regret it is here. The gun industry is selling a legitimate and lawful product. If it is banned, at least that is an honest amendment. I wouldn't agree with it, but at least it would be more honest than it is to say what we are saying, that we are going to exempt you from bankruptcy laws. It is, in fact, a product that is constitutionally protected and specifically mentioned in the second amendment. Everybody knows what it says. There is no secret. It is No. 2 on the amendment list, the Bill of Rights. The right of the people to keep and bear arms shall not be infringed, period. No qualifiers in there. It doesn't say what kind of gun; doesn't say how many guns; doesn't say manufacturer, no exceptions. It just simply says the right of the people—we are people—to keep and bear arms shall not be infringed. That is all it says. And if you have that right under the Constitution to have that weapon to protect yourself, as many do, then you ought to have the right to manufacture it.

This amendment encourages litigation against gun manufacturers and should be called the legislation through litigation amendment. This amendment will have the effect, as follows: If someone sues a gun manufacturer, the manufacturer's bankruptcy will not stop the lawsuit. Outrageous. Gunmakers are already being forced out of business by frivolous, illegitimate, and unconstitutional government-sponsored lawsuits against them. How much more do they have to take? This is a constitutional amendment that specifically says you have the right to keep and bear arms and that right would not be infringed. There is no gray area. It is not as if there is something we have to interpret. There is nothing to interpret. It is right there. When the founders put the ten amendments, the Bill of Rights, onto the Constitution, they made it No. 2.

This amendment singles out a legal industry for unfavorable treatment in bankruptcy proceedings. If successful, it is only going to hasten the demise of the gun industry. That is the purpose of it. That is what is behind this. It is the Bill Clinton agenda. It is being carried out in the Senate. Shut down gun shows. Shut down gun manufacturers. Stop the production of guns in America. Blame the gun manufacturers. Blame everybody except the person behind the gun who commits the crime. For goodness' sake, we wouldn't want to punish that person. Somebody else has to bear the blame. Maybe he had a bad childhood. It must be his father's fault, his mother's fault, the gun manufacturer's fault, the gun seller's fault—everybody but the fault of the person who uses the weapon.

This is what we have come to in America. It is not going to stop here. If legislation such as this slips through, it will be a whole lot of things—hamburger, cars, cigarettes. How about a desk, a chair? You could hurt somebody with that chair if you hit them with it. Well, maybe we ought to sue the manufacturer of the chair. That is what it is coming to. That is how ridiculous it is. Right here in the Senate, we allow it to happen. We debate it day after day trying to stop this stuff as it comes at us in waves, unconstitutional laws. Somebody has to stand up—and some of us do—to stop it because it is outrageous.

Gun controllers cannot win legislatively so they litigate. That is the way to do it. They can't get the American people on their side so they get a few unelected judges on their side. There are many industries that can be considered dangerous, as I said: Carmakers, alcohol, tobacco, fast food, whatever—legal businesses. Are they being singled out in this bankruptcy bill? No, not this one, but maybe next year or next week. Who knows? Just wait. It is going to happen sooner or later. These government-sponsored lawsuits against gun manufacturers and tobacco companies are just the beginning because we have now opened the Pandora's box. We have said defendants should be held liable for damage caused by others even if the damage was totally beyond the defendant's control.

It goes against common sense, and that is what has served our Nation so well, common sense and individual responsibility. That is what America is about. It is not about this kind of nonsensical legislation that puts the blame and the burden on people who shouldn't have the blame and the burden.

I had a shotgun next to my bed as a young man, probably 7 or 8 years old. I used it. I shot it frequently. I didn't shoot at anybody. I didn't take it to school and kill anybody, nor did any of my friends who also had shotguns. Why is that? Why is it that suddenly now all this is a big issue? Because we are trying to pass the burden of responsibility on to somebody else other than ourselves.

We have a cultural problem in this country of the highest magnitude. It isn't about exempting the gun industry from bankruptcy laws. That is not going to get it right. Believe me, what is going to get it right is when we start exercising responsibility in this country again.

The Founding Fathers would turn over in their graves if they could hear this stuff. I can't imagine what Daniel Webster, who wasn't a founder, but he was sitting at the desk that I sit at right over there about 150 years ago, I can't imagine what he would think to be on this floor and debating, blaming the gun manufacturer for somebody else's crime, exempting them from bankruptcy laws. I can't imagine what he would think or Washington or Jefferson or Adams or Madison or Hamilton or any of the great founders who wrote that Constitution, what they would think. In many ways, I am glad they are not here to see it.

In October of 1999, an Ohio court dismissed a suit against the gun industry stating that the suit ''is an improper attempt to have this court substitute its judgment for that of the legislature, something which this court is neither inclined nor empowered to do.'' That was the City of Cincinnati versus Beretta USA Corporation.

In addition, court decisions in Connecticut and Florida this past December ruled that State lawsuits against gun manufacturers have no legal basis whatsoever. Yet here we are on the floor of the Senate trying to do it. The judges in those cases saw that the actions of criminals cannot be controlled by any industry. They were right. So why are we here? Because people are trying to make something happen that they know the American people don't support. So we try to do it this way.

I am heartened by recent polls which show that an overwhelming majority of Americans believe that gun manufacturers should not be blamed for crimes committed with guns. Even if you think there are too many guns, even if you believe that, you better think very carefully before you vote on this as to what might be next. Should we be responsible for the actions of our adult children if they commit a crime? Where is it going to stop?

If there is even one single successful judgment against the gun industry, those who seek to destroy it, and along with it the second amendment, will have a ready means to do so. That is what will happen. So we have two amendments that propose to violate the constitutional rights of the American people, two politically motivated proposals that target politically incorrect targets for unfair treatment; dump on them while they are down. Let me again remind my colleagues of the oath we all took right there at the desk to defend and support the Constitution and abide by American standards of fairness and democracy that have served our Nation so well. Vote no on these two amendments. No matter how you feel about the two issues in question, vote no on these two amendments.

ELIAN GONZALEZ

Mr. SMITH of New Hampshire. Mr. President, on the case of Elian Gonzalez, the young Cuban boy who is now in Miami, I support Senator MACK's private relief bill to give Elian Gonzalez U.S. citizenship. This is something I believe should be done. It is not necessarily going to stop him from being sent back to Cuba, but it is the right thing to do.

I met Elian Gonzalez personally and the great uncle in Little Havana in Miami on January 8. I took the time to go meet Elian. I wanted to talk with him myself. I wanted to look him in

the eye and find out how he felt about the ordeal he went through. Unfortunately, the Attorney General didn't take the time to do that. Elian wasn't important enough for the Attorney General or any of the Attorney General's representatives to meet with him.

On January 6, Attorney General Reno said:

> If there is any information that we are not privy to—I never say I won't reverse myself. I try to be as open minded as I can. But based on all the information we have to date, I see no basis for reversing it.

''It'' being the decision to send Elian back to Cuba.

On January 8, after meeting with Elian Gonzalez, I wrote Attorney General Reno to request a meeting to discuss new information I obtained regarding Elian Gonzalez.

In that meeting on January 8, at the request of the Gonzalez family, I sat with Lazaro Gonzalez, Elian's great-uncle, in a relaxed, informal, nonstressful setting. I spent 2 hours speaking with Elian and members of his family there at the home. Based on those discussions, I have concluded that there are four areas that are critical to this case I would like to briefly share with my colleagues before this vote.

One, and most important, Elian does not want to go back to Cuba. He does not want to go back to Cuba. You might say he is 6 years old and he doesn't know what he wants. If his mother had lived, we would not be talking about this case. He would have his right to be here. She died. She can't speak for him. But he spoke. He made it very clear to me. On several occasions, I looked Elian right in the eye and asked him directly, ''Do you want to go back to Cuba?'' He repeatedly and emotionally said, ''No, no, no.'' In Spanish, he said, ''Ayudame, por favor,'' meaning: Help me, please; I don't want to go back to Cuba.

The second point is very important. Ms. Reno was not interested in hearing it because she never responded to my request. She totally ignored a U.S. Senator's request for a phone conversation, even though I know for a fact she didn't have the information I had to share with her. Elian's father was aware of his son's planned departure from Cuba. Listen carefully to what I am saying. Elian's father is being held in Cuba today against his will. They are not reporting that frequently, but he is. He was aware of his son's departure. Elian's paternal grandfather, who lives in the same household with Elian's father, notified relatives in America that Elian and his mother departed Cuba and to be on the lookout for them.

Third, there is reason to believe that Elian's father intended to defect at a later date with his current wife and child. I was told by Elian's great-uncle that two cousins of Elian's father, now in America, were told directly by Elian's father 5 or 6 months ago that he intended to leave Cuba with his new wife and child.

Fourth, there is reason to believe that intimidation tactics are being used by the Castro government on Elian's father, Juan Gonzalez. Reports from family members say Juan has been removed from his home and is not speaking of his own free will and may even be under psychiatric care.

Let me just say that this is a close-knit family. I am not a family member or a personal friend of the family, but I took the time to sit down and talk with them. I didn't talk with the grandmothers. But the grandmothers, Juan Gonzalez, the uncle, and family members are a family. People say, ''Why are you politicians getting into this?'' Because the mistake was made by this administration by not insisting that the family come here from Cuba and sit down and talk about this as a family. They can't do it because Fidel Castro won't let Juan Gonzalez out. They won't let him out. Even the appointed nun, the go-between, arbitrator, the impartial person who was sent to set up the meeting between the grandmothers and Elian—she is a friend of Janet Reno's—she said the same thing: They are under pressure and Elian should not go back.

So the integrity of American immigration policy rests on due process and fairness. I was shocked to learn that INS Commissioner Doris Meissner never requested a meeting with Elian and never heard his voice.

Now, maybe some of you sitting out there who are going to vote on this and maybe some of my friends out in America across the land can be callous enough to say you don't care what that little boy thinks, he is 6 years old, what does he know. Let me tell you what he knows and what he has experienced. He sat in an inner tube. You know what that is; it is a small tube that is big enough to fit inside of a tire of an automobile. That is an inner tube. He floated around in that inner tube for 2 and a half days in the open sea—sometimes 30-foot seas—and bounced around out there, and he survived. He was picked up by a fisherman. He lived, but he watched his mother die. The last words his mother said to the two other survivors were, ''Get Elian to America.'' That is what he went through.

As an adult, how would you like to go through that—to sit on a tube in 30- or 40-foot seas for 2 and a half days, floating from the north of Cuba to Fort Lauderdale, FL, and go through that when your mother tried to get you here for freedom, and you would send him back without so much as even giving him the opportunity to talk. If we do that, then what has this country come to?

The fisherman who picked him up out of the water gave an emotional comment about it. He said, ''I am an American. I was born here. I plucked this kid out of the ocean. If you send him back, you are doing the wrong thing and I don't know what happened to my country.'' The equivalent would be, during the Cold War a mother with a child in her arms races to the Berlin Wall, shots are fired, and she tosses her child over the Berlin Wall to freedom. Would we send him back? Apparently so, under this administration.

This isn't about father and son separation; this is about bringing the father and the grandparents and the rest of them here to America where they can decide without the pressure of Fidel Castro. Let's find out what they can say and do without Fidel Castro there. Had Elian's mother lived, right now Elian would be enjoying due process under the Cuban Adjustment Act. Elian Gonzalez, my colleagues, is being punished because his mother died. I don't want to punish Elian Gonzalez for his mother's death. I can't believe any of my colleagues would want to do it either.

This case is about one thing: the best interest of a little boy who sought freedom from Communist Cuba with his family. Sending Elian back to Cuba without due process and allowing Castro to exploit this brave, courageous kid who drifted helplessly at sea for 2 days on an inner tube in a desperate search for survival and freedom would not only be an outrage, it would be the grossest miscarriage of justice I can think of in my lifetime. Yet we have people in this very body who say we should do just that.

I met with the other two survivors, a young married couple. When the boat sank, Nivaldo Fernandez and Arriane Horta were with Elizabet when she was on the boat that made the trip to the Florida coast. She told them, ''Please make sure that my son makes America. Save my son. Please see that he gets to the United States.'' Nivaldo showed me his leg, which was scarred because he was bitten by fish while floating off the coast of Florida. You can still see the effect this had on him, and he is an adult.

Yet this little boy who was so brave—can you imagine, after enduring all of that, when people would come to his house —when I came, and I am a pretty big guy, he wanted to know: ''Hombre malo'' or ''hombre bueno''? Good man or bad man. He wanted to know whether I was a good guy who was going to be nice to him or bad guy coming to take him away.

Can you imagine this poor little boy sitting in that home, when somebody comes to the door, thinking the INS is going to take him out of his home in the dark of night and take him back to Cuba? That is what he is living through now after enduring 2 and a half days in the open sea. This is a child, and he doesn't have any rights? Baloney. Yes, he does have rights. We should be protecting them.

As I said, I met another brave individual, Donato Dalrymple, the fisherman. He was very touched. He asked me personally to help Elian because he told him the same thing: ''I don't want to go back to Cuba.''

Based on this new information that Elian's father was planning to come,

and some other information, I asked the Attorney General to meet with me or take a phone call. She refused either. Not only did she refuse to do that, she put on an artificial deadline that caused the family more consternation and the Cuban American community more concern by having this arbitrary deadline that says: OK, on January 14 you go back. Then they rolled that back. That is fine. It is very nice to say, OK, we have a deadline; but how would you like to be little Elian, knowing that and wondering what happens on midnight of January 14? Where is the concern for this brave little kid?

I support this private relief bill which grants Elian immediate U.S. citizenship, and I further support allowing the courts to make this decision with the family, without the pressure of Fidel Castro, and I hope the Senate will support me on that.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from Kansas is recognized.

Mr. BROWNBACK. Mr. President, I ask unanimous consent to speak as in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. BROWNBACK pertaining to the introduction of S. 2021 are located in today's RECORD under ''Statements on introduced Bills and Joint Resolutions.'')

Mr. BROWNBACK. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORRIE THOMPSON

Mr. MURKOWSKI. Mr. President, I rise to pay tribute to a very dear friend of mine who was in the Alaska Airlines plane that had the tragic accident yesterday afternoon off the coast of California near Los Angeles.

Morrie Thompson and I go back a long way, all the way to Fairbanks, AK, when I first became involved in banking activities in that community. He was a young Native leader. The paths that we took after that time in the early 1970s resulted in numerous meetings and conversations. His temperament and sensitivity to the advancement of the Native people of Alaska are almost as though he came on the scene to be a man of his time. I speak about that in reference to the significant portion of our aboriginal community, our Alaskan Natives, people who were in a transition from a subsistence, nomadic lifestyle into contemporary competition for education, competition for jobs, competition for development.

Morrie and his companion, Thelma, not only were good friends, but the contribution they made to the community of Alaska as a whole, Native and non-Native alike, was a powerful one. What they leave is a legacy that we can all share with pride and a sense of a job well done by Morrie and Thelma, because what they have left in the formation of the Alaska Native community is a structure where our Native people have an ownership, not only in the village corporations, but the regional corporations from which their traditional geographic association springs and their well being can be secured.

As a consequence of that, if you look at the Native American on the reservation systems throughout the United States and see the comparison with the advancement of the settlement in Alaska, the results speak for themselves—due, in no small measure, to the guidance of Morrie Thompson.

He and I served together when I was running a financial institution in Alaska. We had a large number of branches in smaller communities: Barrow, Tok, Nenana, Koyukuk, Nome. As president of that organization, I found the advice and counsel of Morrie Thompson most valuable as we addressed our responsibility in meeting the needs of Alaska's developing Native community.

A few months ago, Morrie Thompson announced he intended to step down as chairman and chief executive officer of the Doyon Corporation, the regional Native corporation. There was a retirement party for Morrie. There was a great tribute paid to him by the men and women who knew him, loved him, and worked with him. A very substantial fund was established in his name for the benefit of young Native Alaskans.

I think that area, young Native Alaskans, is where the real tribute to Morrie Thompson belongs because he encouraged involvement and education to maintain the attributes of our Native people allowing them to be competitive in job markets and educational opportunities.

As a consequence of the terrible tragedy that took his life and that of his wife and daughter—he leaves two other daughters and he leaves grandchildren—he leaves a legacy for all of us to reflect on: a legacy of leadership, a legacy of inspiration, a legacy of genuine trust.

He was probably one of the nicest and most decent men I have ever met. As we note the passing of Morrie Thompson, I say to his family and friends, he will be deeply missed, but his legacy and contribution will live in Alaska.

THE HIGH PRICE OF OIL

Mr. MURKOWSKI. Mr. President, I would like to reflect a little bit on what is happening in our Nation. We got a little snow outside. Snow is not unknown to me or the State I represent. It is part of our livelihood. We live with the cold weather. We know how to handle it.

But there is suddenly a great concern among a number of my colleagues and their constituents about the high price of heating and transportation fuels in the country, particularly in the northeastern part of the Nation. This morning in New Hampshire they said it was cold and clear. People were out to vote, but they were worried about the price of heating oil. I would like to discuss for a moment why some of these price increases are occurring, as well as appropriate and perhaps inappropriate ways we could respond.

In mid-January, spot prices for heating oil spiked by about 50 cents. At one point, they closed at $1.36 per gallon. Gulf coast prices spiked, but they were pulled up, to a large degree, by the spike in New York State. One of the first places where consumers felt the impact was in home heating oil prices where, on January 21, they were up anywhere from 35 cents to 60 cents per gallon in the Northeast over the prior week. This was also felt in diesel prices, which have also risen dramatically. This is causing our trucking industry to seriously consider steep price increases, or even parking some of their trucks for a while.

If you have not bought an airplane ticket this month, you should try it because you will find there is a $20 surcharge added to your ticket. This is to offset the increased costs of fuel oil. You cannot run these aircraft on hot air. You run them on kerosene.

What is the cause of this price increase? For the most part, there are short-term causes that have so dramatically impacted the price in the Northeast, but there are also long-term issues that have impacted and will continue to impact the Nation.

If we are looking at a quick fix, we can do that or we can look at the long run and figure out how we are going to take care of this problem.

The short term problems include the combination of relatively low stocks of inventory, forecasts for colder than normal weather through early February, some barges being delayed because of storms, and some unexpected refinery problems.

Additionally, we have refineries that were in transition. We have not built any new refineries in this country for a couple of decades for a very good reason: Nobody wants to invest in them because of the concern over the environmental consequences, the Superfund exposure, and so forth.

Here we are, on the one hand, with an increasing demand for petroleum products, but because of the laws that were made by Congress which are so draconian, the investment community is reluctant to put in new, efficient refineries.

As a consequence of the low stocks, the existing refiners are scurrying to locate immediate supplies, a number of utilities are chasing the limited supply, and we have a peaking cold weather demand. As you walk home tonight you will feel it. In short, it was a basic

problem of too much demand chasing too little supply.

There is some relief in that the New York spot distillate problem appears to be easing because the current refinery capacity currently is adequate to meet the needs, but there is going to be some delay in getting the supply delivered. Additionally, The good news about the high prices is that it usually speeds the arrival of product from someplace else. Indeed, it has been reported that at least a dozen tankers full of heating oil are on their way from Europe heading to the East Coast right now. There is an indication that as a result of this the price has dropped in the last few days.

Unfortunately, even when this immediate problem is resolved, it is possible recurrences will happen as stocks are likely to stay low for the remainder of the winter.

According to the Energy Information Agency, the EIA, ''the low-stock situation is worldwide and is not necessarily limited to distillate. It stems directly from what is happening in the crude oil markets.'' That is what we have to look toward. A continuing crude oil supply shortage is driving crude prices up, causing refiners worldwide to draw down stocks as the higher crude price squeeze margins.

What is happening in those crude markets? If one looks at the worldwide crude market, it is evident there has been more petroleum demand than supply, requiring the use of stocks to meet petroleum demands.

Following the extremely low prices at the beginning of 1999, OPEC, the Organization of Petroleum Exporting Countries, as well as Mexico, agreed to remove about 6 percent of the world's production from the market in order to work off excess inventories. And what else? To bring prices back. And they have been successful.

Remarkably, the producing countries have shown strong discipline in adhering to these quotas. This has caused worldwide stocks, including those in the U.S., to be drawn down at very low levels. In particular, refiners drew stocks down in the fall rather than build them up for the winter.

We are now in the middle of that winter, the usual high point of world demand, and we have low stocks. On top of this, OPEC members have been indicating that they will maintain their production cutbacks at least through March and possibly June, so there is no panacea here. The news, along with the cold weather, increased demand in Asia due to a faster than expected recovery of the Asian economy is behind the current crude surge which pushed west Texas intermediate crude past $30 a barrel briefly in January.

There is a response to this. One I think is inappropriate and the other is appropriate. Let's look at the first one: How should we react.

A number of my colleagues and some senior members of the administration have made suggestions about how we should react to this. The first suggestion made by some of my colleagues is let's release the oil from the Strategic Petroleum Reserve, or SPR, to combat the high price of crude. This is the reserve we have in the salt caverns in the southern part of Louisiana and other areas. That oil is there for the national and energy security of the country in case there is an emergency.

I believe such a decision to sell that oil would be disastrous from the standpoint of both national and security policy. Our Government has never tapped SPR to manipulate crude prices, and I do not think they should do so now. It is fair to say the administration tapped SPR to meet some of their budget requirements, but to manipulate crude prices is totally inappropriate.

SPR was set up as a way to protect us from a severe supply disruption. By tapping SPR to manipulate price, we make ourselves even more vulnerable to the supply disruption. We need to recognize that price volatility has been a fundamental feature of crude oil markets for three decades and is common in the commodity markets.

We also need to recognize we have made some classic policy blunders in attempting to reduce this volatility. Invariably, these measures, such as price controls in the seventies, clearly aggravated and perpetuated what would otherwise have been a much shorter lived problem.

The second problem with this approach is it would only represent a partial plan. We cannot move forward with an energy strategy of ''sell oil when prices are high'' and not have a companion strategy of ''buy oil when prices are low.'' We have to mix the price structure in SPR. At one time, the administration proposed to buy and was buying at $40. The next minute, they wanted to sell at $27. There is a mentality up there that we somehow can make up the difference in volume. That does not work. What would be the purpose of depleting a reserve if we do not have a concrete plan to fill it?

The second suggestion is to encourage other countries to ramp up their production levels so the United States can import more of their oil. Think about that. We are encouraging other nations to increase their production so we can get more of their oil so that we can be even more vulnerable to that particular supply. Even some of my friends on Pennsylvania Avenue have advocated this as a resolve.

The Secretary of Energy has been quoted as saying: I am going to meet with the oil ministries of Venezuela, of Norway, Saudi Arabia, and others. This is a strategy to encourage the Venezuelans and Saudis to produce more oil and for the United States to become more dependent on those sources.

Their strategy is to spend millions of dollars supporting development of oil fields in other nations. Here is the kicker: They have even supported policies that have allowed the Iraqis to produce more oil. That is our good friend, Saddam Hussein. Are the people of Iraq benefiting or are his Republican Guards? I do not have to tell you, Mr. President, because you know as well as I do.

Their answers lead to nothing more than the export of American jobs and increased imports of foreign oil. Their answers make us more susceptible to price volatility in the future, not less.

Finally, the third suggestion is that Congress appropriate more money next year to subsidize the Low-Income Housing Energy Assistance Program. I do not oppose this. However, throwing more money toward that program will not solve the underlying problem, and the underlying problem is very simple: We are not producing enough oil and gas in the United States. This is not to imply nothing can be done to protect ourselves from vulnerability to aggressive price policy by OPEC, there is a solution, and it begins at home.

The old adage, charity begins at home, is a far better approach to reducing our vulnerability to OPEC pricing, and that should begin by addressing the problems of our domestic U.S. oil and gas industry. We can do that very easily. We do not have the luxury in the United States of manipulating stocks and influencing price. The reason we do not is because we are 56-percent dependent on imported oil. We are currently not that big, in terms of oil production, to manipulate world prices. We have to make our strategic decisions through drilling strategies, and when we look at what has happened to drilling in the United States, we ought to be gravely concerned about the future volatility of heating and transportation fuel prices in the U.S.

In 1998, there was a decline of almost 60 percent in rigs drilling for oil in the United States. This was followed by a decline in the number of new and producing oil wells which was followed by a drop in our reserves. In 1998, only 24 percent of our domestic oil production was replaced by proven oil reserves.

The bare results of 1998 was that thousands of oil industry workers were laid off, drilling contractors were cut to the bone, our stripper wells went dry, and marginal wells were shut in.

This did not just happen. The administration knew what was going on. What did it do? It continued to thwart access by our domestic oil and gas industry to Federal lands where there was a promising likelihood of discovery.

It continues to try to force an unfair rule change for calculating oil royalties down the throats of our domestic producers. This is a not-so-subtle message to our domestic producers—you are not wanted here. The only effect these policies will have is to ensure that we continue to be susceptible to being taken hostage by aggressive OPEC pricing strategies and that we continue to encourage an outflow of U.S. capital, ingenuity, and investment to foreign shores to produce foreign oil so we can become more dependent on those sources.

Common sense tells us that if we are to become less dependent on OPEC pricing, if we want to be better able to respond to future price fluctuations, we must reinforce our domestic petroleum industry.

I understand my Northeast colleagues' concern about their constituents paying too high a price for heating and transportation oil. Frankly, we pay a higher price in Alaska. But I am not here to debate that issue at this time. I am also puzzled that many of those same Members of this body have continued to support efforts that would increase our susceptibility to this price volatility. You can't have it both ways. We are dependent on foreign stocks for 56 percent of our supplies. The only way we are ever going to break this cycle of dependence on foreign oil and our vulnerability to price is by boosting our own production here at home.

I can suggest that a good place to start is on the west coast. A good place to start is in my State of Alaska, where we have been supplying this Nation with 20 percent of its domestic oil for the last 20 years. Recently the U.S. Geologic Survey estimated that an area set aside by Congress for an evaluation of its oil and gas potential could have up to 16 billion barrels of recoverable oil. The 1998 estimate is the highest estimate ever published regarding the 1002 area. This body voted in 1995 to support environmentally sound exploration in this area. The Senate voted on this bill, but the Clinton administration vetoed the bill. They vetoed the ANWR bill. It has become a cry for environmentalism all over the country. If you initiate oil exploration in ANWR, you are going to violate this area, this pristine area.

How many people have taken the time to understand the significance of ANWR? There are 19 million acres in ANWR. It is an area about the size of the State of South Carolina. What have we done to try to maintain protection in these areas? We have taken 8 million acres of the 19 million acres and put it in wilderness in perpetuity. We have taken another 9.5 million acres and protected it as a refuge in perpetuity. But we set aside 1.5 million acres in the coastal plain, the so-called 1002 area, under the jurisdiction of the Congress to make a determination whether that portion and that portion only could be opened up for exploration.

Some of my colleagues talk about charity beginning at home, and suggest we ought to open up SPR. These are temporary measures that are basically impractical, that cut to the crux, if you will, of our national security interests, and don't resolve a long-term solution. What we should do is continue to advance science and technology, and develop domestic petroleum reserves.

The conclusion is obvious: If you don't support the industry's expertise and capability through advanced technology to continue to explore whether it be onshore or offshore, then you better be prepared for higher prices and the Northeast corridor better be prepared for price hikes as a consequence of cold weather, because we are looking right down the double barrels of the guns of control. Those guns of control come from the Mideast countries.

I think Secretary of Energy Bill Richardson has been quite correct in his response. He has agreed that the Strategic Petroleum Reserve is to be used only for emergencies associated with our national energy security interests and not for price manipulation. He has also postponed delivery on 5 million barrels of oil that the SPR would take at this time, an action which I think is responsible because it is intended to put more oil into the market and ease prices. It is going to help, but it is not going to help enough.

The President has released 44 million in emergency heating fuel funds. While I support these efforts, they alone are not enough. These are stopgap measures. They don't address the real problem of our continuing reliance on foreign oil and the resulting fact that we are going to be dancing to the tune of OPEC for the foreseeable future until we have the intestinal fortitude to recognize that we can develop domestic sources of oil and gas in the United States, and we can keep our jobs at home and lessen our dependence on imported oil.

Look at the facts. The fact is, during the tenure of this administration, U.S. demand for oil has increased 14 percent, and our domestic production, strangled by this administration's policies, has decreased 17 percent. You can't have it both ways. I am sympathetic to those Members who represent the Northeast corridor and are feeling the impact of a cold winter and high fuel prices. I would propose the following to address these concerns through the enhancement of a domestic industry policy.

First, give the industry greater access to Federal lands in the United States, both on and offshore, limiting to those States that want OCS activity. Louisiana is a good example; Texas is another. They recognize the contribution. They recognize the capability of the industry to do it safely. For the most part, the industry has done a pretty good job.

We should, second, develop incentive programs to make the U.S. oil and gas market more competitive in the world market. We should open up that tiny area of the Arctic oil reserve to environmentally sound exploration. Let's face it. Alaska produces 20 percent of the crude oil that this country enjoys today. That was authorized by the Senate on a tie vote where the Vice President had to break the tie to authorize the development of that.

There was great speculation that the 800-mile pipeline would somehow stop the caribou, would stop the moose. That has survived earthquakes, dynamite, shootings. It is one of the construction wonders of the world. Where would we have been without it? You would have had higher prices today, Mr. President.

Third, strengthen the Department of Energy's research and development program. We are going to be using petroleum products for a long, long time. You are not going to fly an airplane on solar or wind. You are going to fly it on fuel. Fourth, once and for all, throw out the MMS's attempts to change the rules on oil valuation.

Finally, let me refer to some who suggest that we don't need to look to the future of oil. We have a lot of gas in this country. It is just a matter of time. Gas is cheap. Let me refer you to a recent report by the National Petroleum and Gas Council. The demand for gas is going to be increasing about one-third in the next 10 years. There are going to be about 14 million new hookups for gas. The expenditure for that gas is going to be about $1.5 trillion. Hearings that we have had in the Energy and Natural Resources Committee show us that we do not have the infrastructure in place and we don't have access domestically to areas that have the potential for producing gas because the administration won't open them up for exploration.

I see my good friend from New York on the floor. I know of his interest in this crisis that is hitting the Northeast corridor. I encourage him and others to look toward a long-term solution. A long-term solution speaks for itself. It suggests through technology, with proper environmental safeguards, we can encourage more oil and gas exploration and development right here in this country, as opposed to increasing our dependence on OPEC where we are going to continue to have this problem, not just this February, but we are going to have it this March. And we are going to have it next November and December and January, only by that time we might be 60 to 65 percent dependent on imported oil, as the Department of Energy suggests. Then you are going to have prices that are going to be coming down around our ears, and inflation will be attributed to a large degree to the price of oil and gas as a consequence to our increased dependence on imports.

Bottom line: Charity begins at home.

Mr. SCHUMER. Will the Senator from Alaska yield?

Mr. MURKOWSKI. I am happy to yield for a question.

Mr. SCHUMER. I thank the Senator.

First, I thank him not only for his leadership on this issue but for his very thoughtful remarks, which I will certainly chew over and look at. I saw them on the screen and wanted to do that. I certainly agree with the Senator from Alaska, that what he is talking about deals with the long-term problem which we have to deal with and what myself and the Senator from Maine, Ms. COLLINS, and some of us have been talking about as a short-term problem, which is the oil. For instance, home heating oil is higher in my State than it has ever, ever been,

even though the price of oil itself is not higher than it has ever, ever been.

I would like to ask the Senator a question. On the short-term issue, which I understand the Senator's point, which is you are not going to solve the long-term issue. You will be back with short-term issues time and time again. But given the crisis that we have, the proposal that Senator COLLINS and I have made is to not deplete the oil reserve, the SPR, but rather to at this point sell a small amount of it, let's say 500,000 barrels a day, from now until March 31, that the experts we have talked to have told us that that is likely to crack OPEC's unity, and also not just OPEC, but Mexico and Norway, which in the past had not always marched in lockstep with OPEC. I would be against depleting the reserve. The first question I ask the Senator is: If he was assured that the oil would be bought back at either a higher or lower price—and most experts think it would be considerably lower—would that assuage some of his concerns? I don't want to burden the Senator, but he is an expert, and I would like to get the benefit of his wisdom.

If a program were developed of swaps and were put in automatically so that oil was bought for the SPR when the price was rather low, oil was sold when the price was rather high, but there was a guaranteed commitment that if the oil was sold during a high price, that it would be bought back at a low price, and you could put a time limit on—one of the things mentioned was that you would have to do it in a year regardless—would that not deal with the long-term problem that the Senator is addressing in most of his remarks? But would that assuage some of his concerns about the short-term issue that many of us in the Northeast have such problems with?

I yield to the Senator to answer that question.

Mr. MURKOWSKI. I will respond to that. I recognize the sensitivity of my good friend, and the Senator from Maine, also. There are a couple of factors I think are very important to understand, and that is the ability of the strategic petroleum reserve to be moved out in a relatively short period of time the crude it has accumulated, or any portion of it, and transport it to refineries that aren't already up to the maximum capacity of their refining capability, and then move it to market because this winter isn't going to last forever. But right now, it is significant and very meaningful, as evidenced by the price associated with heating oil.

As I indicated in my floor statement, we have evidence by the Department of Energy that there are a number of ships in transit from Europe bringing heating oil. So there will be price relief soon. As you and I know, the price goes up a lot faster than it comes down. The idea of swaps certainly has merit and has been done before. But, traditionally, the manner in which the Federal Government in manipulating the sales of SPR has resulted in a situation where we have purchased high and sold low, and there is a mentality that suggests that we will make up the difference, with the taxpayers taking it in the shorts, so to speak—I am not suggesting we would not go back and replace SPR. Indeed, there are some logistic problems with the idea. One, you don't move it out of SPR very fast because it is in the salt caverns and there is only so much pumping capability and you have to move it to the refinery and then you have to refine it. The realization is that the refineries, as I understand it, in proximity to the SPR are pretty much up to their designed capacity. So what we need is an SPR of heating oil for you. That would be my best assessment of the current situation. But I am sensitive to the Senator's concern.

Mr. SCHUMER. I know the Senator is sensitive to that, and I very much appreciate that. The experts with whom I have checked at least have said it would take about 30 days from the time the President were to order selling of the SPR to the time it could be removed and refined appropriately. I think more to the point —or maybe not more to the point but also to the point, many people, certainly the majority I have talked to, believe that even if we were to announce we were going to sell some of the SPR on the open market, the odds are quite high that from that point, the OPEC nations, countries such as Mexico and Norway—that would crack their unity.

My main goal, at least, in offering this solution is not simply to temporarily reduce the price of oil but rather to sort of break OPEC. In the past, what our Government would do would be go to the governments of Mexico and Norway and say, hey, help us out. In the past, they would. When they pumped a little more oil, the unity of the 11 OPEC nations would crack. Well, Mexico and Norway are not fulfilling that role for a variety of reasons, some of which I am aware and some of which I am not. So we would be fulfilling the same role.

I guess my only question to the Senator from Alaska, chairman of the Energy and Natural Resources Committee, is—and maybe my information is wrong—if it would take 30 days, would that change his view? Secondly, does he think that it might have a good chance, if we did even announce this and began to do it, to crack OPEC's unity and that would solve our problem—short-term admittedly and not long-term—right away rather than pumping small amounts of oil ourselves?

Mr. MURKOWSKI. In response to my good friend from New York, I anticipate it would take at least 30-plus days to see any significant movement from the SPR, which is crude oil transported to a refinery in enough time to relieve the crisis of the high price in the Northeast. The problem is, the reserves of heating oil are down. I have discussed the rationale of why the reserves are low, but the fact is they are low. So as a consequence, we are left with a situation where price follows supply and demand, and we are certainly feeling the price. I think we should converse with our Secretary of Energy, who is attempting to interject with the Saudis, Venezuelans, Norwegians, and other oil-producing countries to try to encourage them to, if you will, increase their OPEC volume, which they have been remarkably solid in their ability to hold together and not do that.

They operate under two theories. One is they would like to have the highest possible price and produce the least amount of oil. But if that cartel cracks, then they still have to have the same volume of dollars to benefit their government, so they will produce more oil to get it. What we have seen as a consequence is the cartel coming together and holding tough. Subject to the ability of the Secretary of Energy to convince them to do otherwise, I would not look for immediate relief from that area. I think there is relief coming, but your constituents are going to be exposed to some high prices. As sympathetic as I am, I don't know the answer.

I just don't think SPR is going to be able to meet the demand in a timely enough manner by the time you get past another 30 days and some of this production in to your constituents. I don't think that is going to do what the market is doing now, which is bringing more heating oil that is already refined in Europe into the United States. I would much rather work ultimately for a long-term solution to our exposures because you have to look at the reality. We are going to be more and more exposed to the whims of OPEC. We have allowed Saddam Hussein and Iraq to come in with another 2 million barrels a day. That helps us and hurts us when you think about it. Who benefits from that? It is a complex problem. I have a hard time accepting that part of the role of SPR is to meet the domestic price manipulations as opposed to the philosophy that went into SPR, which was its design to be a strategic petroleum reserve in the sense of a time when our supplies may be cut off. There has been a great deal of criticism in my committee of the ability of SPR to be able to produce if a demand is there. There are a lot of shortcomings within SPR's makeup.

Mr. SCHUMER. I thank the Senator.

MORNING BUSINESS

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that there be a period for the transaction of routine morning business, with each Senator permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, January 31, 2000, the Federal debt stood at $5,711,285,168,951.46 (Five trillion, seven hundred eleven billion, two hundred eighty-five million, one hundred sixty-eight thousand, nine hundred fifty-one dollars and forty-six cents).

Five years ago, January 31, 1995, the Federal debt stood at $4,815,827,000,000 (Four trillion, eight hundred fifteen billion, eight hundred twenty-seven million).

Ten years ago, January 31, 1990, the Federal debt stood at $2,974,584,000,000 (Two trillion, nine hundred seventy-four billion, five hundred eighty-four million).

Fifteen years ago, January 31, 1985, the Federal debt stood at $1,679,916,000,000 (One trillion, six hundred seventy-nine billion, nine hundred sixteen million).

Twenty-five years ago, January 31, 1975, the Federal debt stood at $494,140,000,000 (Four hundred ninety-four billion, one hundred forty million) which reflects a debt increase of more than $5 trillion—$5,217,145,168,951.46 (Five trillion, two hundred seventeen billion, one hundred forty-five million, one hundred sixty-eight thousand, nine hundred fifty-one dollars and forty-six cents) during the past 25 years.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting a treaty and sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT TO THE CONGRESS ON THE U.S. ARCTIC RESEARCH PLAN—MESSAGE FROM THE PRESIDENT—PM 80

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Governmental Affairs.

To the Congress of the United States:

Pursuant to the provisions of the Arctic Research and Policy Act of 1984, as amended (15 U.S.C. 4108(a)), I transmit herewith the sixth biennial revision (2000–2004) to the United States Arctic Research Plan.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 1, 2000.*

REPORT TO THE CONGRESS ON PRESIDENTIAL DETERMINATION 99–37 RELATIVE TO THE AIR FORCE'S OPERATING LOCATION NEAR GROOM LAKE, NEVADA—MESSAGE FROM THE PRESIDENT—PM 81

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Environment and Public Works.

To the Congress of the United States:

Consistent with section 6001(a) of the Resource Conservation and Recovery Act (RCRA) (the ''Act''), as amended, 42 U.S.C. 6961(a), notification is hereby given that on September 20, 1999, I issued Presidential Determination 99–37 (copy enclosed) and thereby exercised the authority to grant certain exemptions under section 6001(a) of the Act.

Presidential Determination 99–37 exempted the United States Air Force's operating location near Groom Lake, Nevada, from any Federal, State, interstate, or local hazardous or solid waste laws that might require the disclosure of classified information concerning that operating location to unauthorized persons. Information concerning activities at the operating location near Groom Lake has been properly determined to be classified, and its disclosure would be harmful to national security. Continued protection of this information is, therefore, in the paramount interest of the United States.

The determination was not intended to imply that in the absence of a Presidential exemption, RCRA or any other provision of law permits or requires the disclosure of classified information to unauthorized persons. The determination also was not intended to limit the applicability or enforcement of any requirement of law applicable to the Air Force's operating location near Groom Lake except those provisions, if any, that would require the disclosure of classified information.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *January 31, 2000.*

REPORT TO THE CONGRESS ON THE AGREEMENT BETWEEN THE U.S. AND LATVIA CONCERNING FISHERIES OFF THE COASTS OF THE U.S.—MESSAGE FROM THE PRESIDENT—PM 82

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committees on Environment and Public Works; and Foreign Relations.

To the Congress of the United States:

In accordance with the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), I transmit herewith an Agreement between the Government of the United States of America and the Government of the Republic of Latvia extending the Agreement of April 8, 1993, Concerning Fisheries Off the Coasts of the United States, with annex, as extended (the ''1993 Agreement''). The present Agreement, which was effected by an exchange of notes at Riga on June 7 and September 27, 1999, extends the 1993 Agreement to December 31, 2002.

In light of the importance of our fisheries relationship with the Republic of Latvia, I urge that the Congress give favorable consideration to this Agreement at an early date.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *January 31, 2000.*

MESSAGE FROM THE HOUSE

At 10:20 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 1733. An act to amend the Food Stamp Act of 1977 to provide for a national standard of interoperability and portability applicable to electronic food stamp benefit transactions.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 244. Concurrent resolution permitting the use of the rotunda of the Capitol for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust.

The message further announced that the House has agreed to the amendments of the Senate to the bill (H.R. 2130) to amend the Controlled Substances Act to add gamma hydroxybutyric acid and ketamine to the schedules of controlled substances, to provide for a national awareness campaign, and for other purposes.

The message also announced that the House has agreed to the amendment of the Senate to the resolution (H. Con. Res. 221) authorizing printing of the brochures entitled ''How Our Laws Are Made'' and ''Our American Government,'' the pocket version of the United States Constitution, and the document-sized, annotated version of the United States Constitution.''

The message further announced that pursuant to section 702(b) of the Intelligence Authorization Act for fiscal year 2000 (50 U.S.C. 401) and the order of the House of Thursday, November 18, 1999, the Speaker on Wednesday, January 12, 2000, appointed the following Member of the House to the National Commission for the Review of the National Reconnaissance Office: Mr. GOSS of Florida; and from private life: Mr. Eli S. Jacobs of New York and Mr. Larry D. Cox of Maryland.

The message also announced that pursuant to section 5(a) of the Commission on the Advancement of Women and Minorities in Science, Engineering and Technology Development Act (42 U.S.C. 1885a) and the order of the House

of Thursday, November 18, 1999, the Speaker on Monday, January 3, 2000, appointed the following individuals on the part of the House to the Commission on the Advancement of Women and Minorities in Science, Engineering and Technology Development to fill the existing vacancy thereon: Mr. Charles E. Vela of Maryland.

The message further announced that pursuant to section 852(b) of Public Law 105–244 (as amendment by Public Law 106–113), the Chairman of the Committee on Education and the Workforce appointed the following Member to the Web-Based Education Commission: Mr. ISAKSON of Georgia.

At 4:03 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 245. Concurrent resolution to correct technical errors in the enrollment of the bill H.R. 764.

MEASURE REFERRED

The following concurrent resolution was read and referred as indicated:

H. Con. Res. 244. Concurrent resolution permitting the use of the rotunda of the Capitol for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust; to the Committee on Rules and Administration.

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–7071. A communication from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''HUD Acquisition Regulation; Miscellaneous Revisions'' (RIN2535–AA25) (FR–4291–F–02), received January 24, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–7072. A communication from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''HUD Acquisition Regulation; Miscellaneous Revisions'' (RIN2535–AA24) (FR–4115–F–03), received January 24, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–7073. A communication from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Requirements for Notification, Evaluation and Reduction of Lead-Based Paint Hazards in Housing Receiving Federal Assistance and Federally Owned Residential Property Being Sold; Corrections'' (RIN2501–AB57) (FR–3482–C–07), received January 24, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–7074. A communication from the Chief, Programs and Legislation Division, Office of Legislative Liaison, Department of the Air Force, transmitting, a report relative to a cost comparison being conducted at the Air Force Reserve Personnel Center in Denver, CO; to the Committee on Armed Services.

EC–7075. A communication from the Chief, Programs and Legislation Division, Office of Legislative Liaison, Department of the Air Force, transmitting, a report relative to a cost comparison conducted at Elmendorf Air Force Base, AK; to the Committee on Armed Services.

EC–7076. A communication from the Chief, Programs and Legislation Division, Office of Legislative Liaison, Department of the Air Force, transmitting, a report relative to a cost comparison conducted at Westover Air Reserve Base, MA; to the Committee on Armed Services.

EC–7077. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of the texts and background statements of international agreements, other than treaties; to the Committee on Foreign Relations.

EC–7078. A communication from the Associate Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Olives Grown in California: Decreased Assessment Rate'' (Docket Number FV00–932–1 IFR), received January 27, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7079. A communication from the Associate Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Hazelnuts Grown in Oregon and Washington; Establishment of Interim and Final Free and Restricted Percentages for the 1999–2000 Marketing Year'' (Docket Number FV00–932–1 IFR), received January 27, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7080. A communication from the Associate Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture transmitting, pursuant to law, the report of a rule entitled ''Onions Grown in South Texas: Decreased Assessment Rate'' (Docket Number FV00–959–1 FR), received January 27, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7081. A communication from the Associate Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture transmitting, pursuant to law, the report of a rule entitled ''Tomatoes Grown in Florida: Decreased Assessment Rate'' (Docket Number FV99–966–1 FIR), received January 27, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7082. A communication from the Chairman, Merit Systems Protection Board, transmitting, pursuant to law, the Board's report under the Government in the Sunshine Act for calendar year 1998; to the Committee on Governmental Affairs.

EC–7083. A communication from the Executive Director, Committee for Purchase from People who are Blind or Severely Disabled, transmitting, pursuant to law, the report of a rule entitled ''Additions to the Procurement List'', received January 24, 2000; to the Committee on Governmental Affairs.

EC–7084. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–168, ''Service Improvement and Fiscal Year 2000 Budget Support Special Education Student Funding Increase Nonservice Nonprovider Clarifying and Technical Temporary Amendment Act of 1999''; to the Committee on Governmental Affairs.

EC–7085. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–169, ''Advisory Neighborhood Commission Procurement Exclusion Temporary Amendment Act of 1999''; to the Committee on Governmental Affairs.

EC–7086. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–170, ''Advisory Neighborhood Commission Vacancy Temporary Amendment Act of 1999''; to the Committee on Governmental Affairs.

EC–7087. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–181, ''Office of the Inspector General Powers and Duties Amendment Act of 1999''; to the Committee on Governmental Affairs.

EC–7088. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–171, ''Management Supervisory Service Temporary Amendment Act of 1999''; to the Committee on Governmental Affairs.

EC–7089. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–186, ''Retail Service Station Amendment Temporary Act of 1999''; to the Committee on Governmental Affairs.

EC–7090. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–205, ''Motor Coach Vehicles Tax Exemption Amendment Act of 1999''; to the Committee on Governmental Affairs.

EC–7091. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–204, ''Campaign Finance Reform Amendment Act of 1999''; to the Committee on Governmental Affairs.

EC–7092. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–196, ''Elections Amendment Act of 1999''; to the Committee on Governmental Affairs.

EC–7093. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–194, ''Blanket Order Blitz Increased Opportunity for Local, Small, and Disadvantaged Business Enterprises Temporary Amendment Act of 1999''; to the Committee on Governmental Affairs.

EC–7094. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–191, ''Choice of Driver's License Number Amendment Act of 1999''; to the Committee on Governmental Affairs.

EC–7095. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–192, ''Digital Audio Radio Satellite Service Companies Tax Exemption Act of 1999''; to the Committee on Governmental Affairs.

EC–7096. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–190, ''Safe Teenage Driving Amendment Act of 1999''; to the Committee on Governmental Affairs.

EC–7097. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of 28 rules relative to Regatta Regulations (RIN2115–AE46), received January 24, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7098. A communication from the Chief, Office of Regulations and Administrative

Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of 254 rules relative to Safety/Security Zone Regulations (RIN2115–AA97), received January 24, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7099. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Trip Limit Reduction of the Commercial Hook-and-Line Fishery for King Mackerel in the West Coast Subzone'', received January 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7100. A communication from the Acting 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; Pacific Cod by Vessels Using Hook-and-Line or Pot Gear in the Bering Sea and Aleutian Islands'', received January 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7101. A communication from the Deputy Assistant Administrator, 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; Bycatch Rate Standards for the First Half of 2000'', received January 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7102. A communication from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Exclusive Economic Zone Off Alaska; Steller Sea Lion Protection Measures for the Pollock Fisheries off Alaska'' (RIN0648–AM32), received January 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7103. A communication from the Secretary of Transportation, transmitting, a report relative to air service between the U.S. and Murtula Mohammed International Airport, Nigeria; to the Committee on Commerce, Science, and Transportation.

EC–7104. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Changes in Permissible Stage 2 Airplane Operations; Notice of Statutory Changes [12/17–12/20]'' (RIN2120–ZZ23), received December 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7105. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Jet Routes J–78 and J–112; Evansville, IN Docket No. 99–AGL–48 [12/20–12/20]'' (RIN2120–AA66) (1999–0402), received December 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7106. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''FAA Policy and Final Guidance Regarding Benefit Cost Analysis on Airport Capacity Projects for FAA Decisions on Airport Improvement Program Discretionary Grants and Letters of Intent [12/15–12/16]'' (RIN2120–ZZ22), received December 16, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7107. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Various Transport Category Airplanes Equipped With Mode 'C' Transponder(s) With Single Gillham Code Altitude Input; Request for Comments; Docket No. 99–NM–328 (11/12–11/18)'' (RIN2120–AA64) (1999–0449), received November 19, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7108. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Certification Requirements: Aircraft Dispatchers (12/8–12/6)'' (RIN2120–AG04), received December 6, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7109. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Prohibition Against Certain Flights Within the Territory and Airspace of Sudan; Withdrawal'' (RIN2120–AG67) (1999–0001), received November 29, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7110. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Part 91 Amendment; General Operating and Flight Rules; Technical Amendment; Docket No. 29833; (11/30–12/2)'' (RIN2120–ZZ21), received December 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7111. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of VOR Federal Airways; AK Docket No. 98–AAL–14 [11/29–12/2]'' (RIN2120–AA66) (1999–0379), received December 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7112. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Change in Name of Using Agency For Restricted Area R–5203; Oswego, NY; Docket No. 99–AEA–12 [11/8–11/18]'' (RIN2120–AA66) (1999–0365), received November 19, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7113. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Emission Standards for Turbine Engine Powered Airplanes; Correction'' (RIN2120–AG68) (1999–0002), received November 19, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7114. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Flight Plan Requirements for Helicopter Operations Under Instrument Flight Rules [1/20–1/20]'' (RIN2120–AG53), received January 24, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7115. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revisions to Digital Flight Recorder Requirements for Airbus Airplanes; Correction [1/14–1/20]'' (RIN2120–AG88) (2000–0001), received December 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7116. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments; Amdt. No. 1967 [12–30/12–30]'' (RIN2120–AA65) (1999–0062), received January 4, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7117. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (40); Amdt. No. 1966 [1–5/1–6]'' (RIN2120–AA65) (2000–0001), received January 6, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7118. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (76); Amdt. No. 1964 [12–20/12–20]'' (RIN2120–AA65) (1999–0061), received December 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7119. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (60); Amdt. No. 1965 [12–20/12–20]'' (RIN2120–AA65) (1999–0060), received December 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7120. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (34); Amdt. No. 1961 [11–19/11–22]'' (RIN2120–AA65) (1999–0057), received November 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7121. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (60); Amdt. No. 1959 [11–9/11–18]'' (RIN2120–AA65) (1999–0055), received November 19, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7122. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (66); Amdt. No. 1958 [11–9/11–18]'' (RIN2120–AA65) (1999–0054), received November 19, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7123. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (56); Amdt. No. 1963 [12–2/12–2]'' (RIN2120–AA65) (1999–0059), received December 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7124. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled

''Standard Instrument Approach Procedures; Miscellaneous Amendments; Amdt. No. 418 [11–24/12–2]'' (RIN2120–AA63) (1999–0004), received December 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7125. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (56); Amdt. No. 1962 [12–2/12–2]'' (RIN2120–AA65) (1999–0058), received December 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7126. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (23); Amdt. No. 420 [1–14/1–20]'' (RIN2120–AA63) (2000–0001), received January 24, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7127. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments; Amdt. No. 419 [11–24/12–2]'' (RIN2120–AA63) (1999–0005), received December 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7128. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Stigler, OK; Direct Final Rule; Request for Comments; Docket No. 2000–ASW–02 [1–21/1–24]'' (RIN2120–AA66) (2000–0013), received January 24, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7129. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Burlington, VT; Direct Final Rule; Request for Comments; Docket No. 99–ANE–92 [1–26/1–27]'' (RIN2120–AA66) (2000–0015), received January 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7130. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Burlington, VT; Direct Final Rule; Request for Comments; Docket No. 99–ANE–91 [12–6/12–13]'' (RIN2120–AA66) (1999–0393), received December 13, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7131. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Okeechobee, FL; Docket No. 99–ASO–21 [12–29/12–30]'' (RIN2120–AA66) (1999–0415), received January 4, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7132. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; St. Michael, AK; Final Rule; Correction; Docket No. 99–AAL–21 [11–19/11–22]'' (RIN2120–AA66) (1999–0396), received November 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7133. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Koliganek, AL; Docket No. 99–AAL–15 [11–22/11–29]'' (RIN2120–AA66) (2000–0372), received November 29, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7134. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Pine River, MN; Docket No. 99–AGL–47 [12–3/12–9]'' (RIN2120–AA66) (1999–0391), received December 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7135. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Montague, CA; Docket No. 95–AWP–44 [11–18/11–18]'' (RIN2120–AA66) (1999–0367), received November 19, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7136. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Batesville, IN, CA; Docket No. 99–AGL–44 [11–22/11–29]'' (RIN2120–AA66) (1999–0375), received November 29, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7137. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Leonardtown, MD; Docket No. 99–AEA–13 [1–5/1–6]'' (RIN2120–AA66) (2000–0002), received January 6, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7138. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Camberon, MO; Docket No. 99–ACE–49 [12–29/12–30]'' (RIN2120–AA66) (1999–0409), received January 4, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7139. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Fredericktown, MO; Docket No. 99–ACE–47 [12–29/12–30]'' (RIN2120–AA66) (1999–0410), received January 4, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7140. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Glendive, MT; Docket No. 99–ANM–08 [12–22/12–23]'' (RIN2120–AA66) (1999–0408), received December 23, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7141. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Brownsville, PA; Docket No. 99–AEA–16 [1–5/1–6]'' (RIN2120–AA66) (2000–0011), received January 24, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7142. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Puerto Rico, PR; Docket No. 99–ASO–17 [1–18/1–20]'' (RIN2120–AA66) (2000–0008), received January 24, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7143. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Herington, KS; Docket No. 99–ACE–41 [12–6/12–13]'' (RIN2120–AA66) (1999–0392), received December 13, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7144. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Marshall, MO; Direct Final Rule: Request for Comments; Docket No. 99–ACE–5 [1–31/1–20]'' (RIN2120–AA66) (2000–0010), received January 24, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7145. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Winfield/Arkansas City, KS; Direct Final Rule: Confirmation of Effective Date; Docket No. 99–ACE–44 [12–3/12–6]'' (RIN2120–AA66) (1999–0380), received December 13, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7146. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Emmetsburg IA; Direct Final Rule: Confirmation of Effective Date; Docket No. 99–ACE–39 [12–6/12–13]'' (RIN2120–AA66) (1999–0397), received December 13, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7147. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Malden, MO; Direct Final Rule: Confirmation of Effective Date; Docket No. 99–ACE–42 [12–6/12–13]'' (RIN2120–AA66) (1999–0396), received December 13, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7148. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Sikeston, MO; Direct Final Rule; Confirmation of Effective Date; Docket No. 99–ACE–43 [12–6/12–13]'' (RIN2120–AA66) (1999–0395), received January 24, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7149. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Hutchinson, KS; Direct Final Rule; Request for Comments; Docket No. 99–ACE–48 [12–6/12–13]'' (RIN2120–AA66) (1999–0394), received December 13, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7150. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Iowa City, IA; Direct Final Rule; Request for Comments; Docket No. 99–ACE–50 [12–29/12–30]'' (RIN2120–AA66) (1999–0414), received January 4, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7151. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Mountain View, MO; Direct Final Rule; Confirmation of Effective Date; Docket No. 99–ACE–46 [12–29/12–30]'' (RIN2120–AA66) (1999–0413), received January 4, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7152. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Marshalltown, IA; Direct Final Rule: Request for Comments; Docket No. 99–ACE–52 [12–29/12–30]'' (RIN2120–AA66) (1999–0411, received January 4, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7153. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Estherville, IA; Direct Final Rule; Request for Comments; Docket No. 99–ACE–54 (1–5/1–6)'' (RIN2120–AA66) (2000–0001), received January 6, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7154. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Lewiston, ID; Establishment of Class E Airspace; Grangeville, ID; Docket No. 99–ANM–01 [11–23/11–29]'' (RIN2120–AA66) (1999–0370), received November 29, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7155. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class D and Establishment of Class E Airspace; Fort Rucker, AL; Correction; Docket No. 99–ASO–14 [11–22/11–29]'' (RIN2120–AA66) (1999–0371), received November 29, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7156. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision to Class E Airspace; Popint Lay, AK; Docket No. 99–AAL–12 [11–22/11–29]'' (RIN2120–AA66) (1999–0370), received November 29, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7157. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision to Class E Airspace; El Paso, TX; Direct Final Rule; Confirmation of Effective Date; Docket No. 99–ASW–26 [1–6/1–10]'' (RIN2120–AA66) (2000–0005), received January 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7158. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision to Class E Airspace; Beaumont, TX; Direct Final Rule; Confirmation of Effective Date; Docket No. 99–ASW–25 [1–6/1–10]'' (RIN2120–AA66) (2000–0004), received January 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7159. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision to Class E Airspace; Mineral Wells, TX; Direct Final Rule; Confirmation of Effective Date; Docket No. 99–ASW–20 [12–9/12–9]'' (RIN2120–AA66) (1999–0386), received December 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7160. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision to Class E Airspace; Corpus Christi, TX; Direct Final Rule; Confirmation of Effective Date; Docket No. 99–ASW–22 [12–9/12–9]'' (RIN2120–AA66) (1999–0384), received December 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7161. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision to Class E Airspace; Alice, TX; Direct Final Rule; Confirmation of Effective Date; Docket No. 99–ASW–23 [12–9/12–9]'' (RIN2120–AA66) (1999–0387), received December 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7162. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision to Class E Airspace; Falfurrias, TX; Direct Final Rule; Confirmation of Effective Date; Docket No. 99–ASW–21 [12–9/12–9]'' (RIN2120–AA66) (1999–0382), received December 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7163. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision to Class E Airspace; Georgetown, TX; Direct Final Rule; Confirmation of Effective Date; Docket No. 99–ASW–18 [12–9/12–9]'' (RIN2120–AA66) (1999–0385), received December 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7164. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision to Class E Airspace; Corsicana, TX; Direct Final Rule; Request foe Comments; Docket No. 2000–ASW–0 [1–21/1–24]'' (RIN2120–AA66) (2000–0012), received January 24, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7165. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision to Class E Airspace; Artesia, NM; Direct Final Rule; Request for Comments; Docket No. 99–ASW–30 [12–17/12–20]'' (RIN2120–AA66) (1999–0406), received December 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7166. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision to Class E Airspace; Carrizo Springs, TX; Direct Final Rule; Request for Comments; Docket No. 99–ASW–29 [12–17/12–20]'' (RIN2120–AA66) (1999–0405), received December 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7167. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision to Class E Airspace; Lake Jackson, TX; Direct Final Rule; Request for Comments; Docket No. 99–ASW–27 [12–17/12–20]'' (RIN2120–AA66) (1999–0404), received December 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7168. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision to Class E Airspace; Georgetown, TX; Direct Final Rule; Confirmation of Effective Date; Docket No. 99–ASW–18 [12–9/12–9]'' (RIN2120–AA66) (1999–0385), received December 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7169. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Removal of Class E Airspace; Fulton, MS; Docket No. 99–ASO–22 [12–3/12–3]'' (RIN2120–AA66) (1999–0388), received December 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7170. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Maple Lake, MN; Docket No. 99–AGL–45 [11–22/11–29]'' (RIN2120–AA66) (1999–0374), received November 29, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7171. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Fort Wayne, IN; Docket No. 99–AGL–46 [11–22/11–29]'' (RIN2120–AA66) (1999–0376), received November 29, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7172. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Willows-Glen County Airport, CA; Docket No. 99–AWP–22 [11–8/11–18]'' (RIN2120–AA66) (1999–0368), received November 19, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7173. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Caledonia, MN; Docket No. 99–AGL–49 [12–3/12–6]'' (RIN2120–AA66) (1999–0381), received December 6, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7174. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Marquette, MI; Revocation of Class E Airspace;

Sawyer, MI, and K.I. Sawyer; Docket No. 99–AGL–42 [12–3/12–9]'' (RIN2120–AA66) (1999–0390), received December 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7175. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of the San Juan Low Offshore Airspace Area, PR; Docket No. 99–ASO–1 [11–8/11–18]'' (RIN2120–AA66) (1999–0366), received November 19, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7176. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class D Airspace; Jacksonville, NAS, FL; Docket No. 99–ASO–10 [1–1/1–10]'' (RIN2120–AA66) (2000–0007), received January 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7177. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class D Airspace; Jacksonville Whitehouse NOLF, FL; Docket No. 99–ASO–27 [1–10/1–10]'' (RIN2120–AA66) (2000–0006), received January 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7178. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class D Airspace; Eastover, SC; Docket No. 99–ASO–18 [12–14/12–16]'' (RIN2120–AA66) (1999–0399), received December 16, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7179. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class D Airspace; Elgin AFB, FL; Docket No. 99–ASO–19 [12–14/12–16]'' (RIN2120–AA66) (1999–0398), received December 16, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7180. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class D Airspace; Jacksonville, NAS Cecil Field , FL; Docket No. 99–ASO–20 [12–14/12–16]'' (RIN2120–AA66) (1999–0007), received December 16, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7181. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class D Airspace; Jacksonville Whitehouse NOLF, FL; Docket No. 99–ASO–27 [1–26/1–27]'' (RIN2120–AA66) (2000–0014), received January 27, 2000; to the Committee on Commerce, Science, and Transportation.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. GRAMM for the Committee on Banking, Housing, and Urban Affairs.

Alan Greenspan, of New York, to be Chairman of the Board of Governors of the Federal Reserve System for a term of four years. (Reappointment)

(The above nominations were reported with the recommendation that they be confirmed subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and second time by unanimous consent, and referred as indicated:

By Mrs. HUTCHISON (for herself, Mr. ABRAHAM, and Ms. SNOWE):

S. 2018. A bill to amend title XVIII of the Social Security Act to revise the update factor used in making payments to PPS hospitals under the medicare program; to the Committee on Finance.

By Mr. KYL:

S. 2019. A bill for the relief of Malia Miller; to the Committee on the Judiciary.

By Mr. COCHRAN (for himself and Mr. LOTT):

S. 2020. A bill to adjust the boundary of the Natchez Trace Parkway, Mississippi, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BROWNBACK (for himself, Mr. LEAHY, Mr. COCHRAN, Mr. JEFFORDS, Mr. HELMS, Mr. DURBIN, Mr. LUGAR, Mr. EDWARDS, Mr. VOINOVICH, Mr. MCCAIN, and Mrs. FEINSTEIN):

S. 2021. A bill to prohibit high school and college sports gambling in all States including States where such gambling was permitted prior to 1991; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ASHCROFT (for himself, Mr. BOND, Mr. FITZGERALD, and Mr. DURBIN):

S. Res. 250. A resolution recognizing the outstanding achievement of the St. Louis Rams in winning Super Bowl XXXIV; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. HUTCHISON (for herself, Mr. ABRAHAM, and Ms. SNOWE):

S. 2018. A bill to amend title XVIII of the Social Security Act to revise the update factor used in making payments to PPS hospitals under the Medicare program; to the Committee on Finance.

THE AMERICAN HOSPITAL PRESERVATION ACT

Mrs. HUTCHISON. Mr. President, I rise today to introduce, along with my distinguished colleague from Michigan, Mr. ABRAHAM, the American Hospital Preservation Act.

This legislation builds upon legislation we introduced last year to preserve the ability of American hospitals to continue to provide the highest level of health care to be found anywhere in the world. The bill will fully restore scheduled cuts in annual inflation adjustments for in-patient services given to hospitals under the Medicare program.

Mr. President, last year Congress passed legislation restoring almost $17 billion over five years in scheduled cuts and reductions in increases in provider reimbursement payments for various Medicare services. While some of these cuts were mandated by the 1997 Balanced Budget Act, or ''BBA,'' which laid the historic foundation for the balanced federal budget we enjoy today, many more of the cuts and the dramatic impact of some of the cuts came as a direct result of policies and practices of the Health Care Financing Administration. All told, Medicare providers faced an estimated $200 billion in reduced payments over the next five years, far in excess of the 1997 estimate of $116 billion in savings. On top of this, in 1999 the Clinton Administration proposed an additional $9 billion in cuts from the Medicare program, on top of the BBA savings.

All of this began to spell disaster for American hospitals, the backbone of our nation's health care delivery system and those health care providers most heavily dependent on, and sensitive to, the Medicare system. Last year, I and many of my colleagues in Congress began to hear from hospital administrators, trustees, and health professionals that they were struggling to maintain their quality and variety of health services in the face of mounting budgetary pressures. With the HCFA-imposed cuts they were seeing, many well-reputed and efficiently run hospitals even began for the first time to run deficits and to project closure in the next few years.

For many of these hospitals, particularly those in the rural areas of our nation, to close would mean not only the loss of life-saving medical services to the residents of the area, but also the loss of one of the core components of the local community. Jobs would be lost, businesses would wither, and the sense of community and stability that a local hospital brings would suffer.

The Balanced Budget Refinement Act Congress passed last year made the situation a little brighter for a number of these struggling hospitals. It eases the transition from cost-based reimbursement to prospective payment for hospital outpatient services, it restores some of the cuts to disproportionate share (''DiSh'') payments, and it provides targeted relief for teaching hospitals and cancer and rehabilitation hospitals.

I was particularly pleased that the bill contained a portion of the legislation I introduced last year, an expanded version of which I am introducing today. While my bill proposed restoring in-patient inflation adjustments for all hospitals, the final legislative package included such relief only for fiscal year 2000 and only for

designated ''sole community provider'' hospitals. While this was a step in the right direction, more must be done not only to ensure survival among our nation's hospitals, but also to ensure that they continue to be able to provide the highest level and quality of care that they can to their patients.

Hospitals continue to struggle to meet the continued rise in personnel costs, prescription drugs, and blood supplies, just to name a few areas. And this is coming at a time when hospitals are being doubly squeezed by the pressures of flat or reduced government health care reimbursement rates and the rapid growth of cost-conscious managed care private insurance.

The bill we are introducing today will make sure that hospitals are able to adjust to these changes by ensuring that their Medicare payments for their in-patient services actually keep up with the rate of hospital inflation. It will restore the full 1.1 percent in scheduled reductions from the annual inflation updates for in-patient services called for by the BBA. Moreover, rather than just applying to a small group of hospitals, this legislation would benefit every hospital in America, providing an estimated $6.9 billion in additional Medicare payments over the next five years.

Mr. President, I realize that this bill will require some budgetary offset, and that the overall goal of maintaining a solvent and strong Medicare system for our nation's seniors is and will remain the overriding goal. I look forward to working with my colleagues on both sides of the aisle to ensure that this bill meets that objective and fits within our overall budget constraints.

But I believe that, as we enter a new millennium and a new era of medical breakthroughs the likes of which we can only now dream about, we simply must continue to invest in the core infrastructure of our nation's health delivery system—our hospitals. Doing so will ensure the future health and longevity of all Americans. This bill will take a significant step in that direction, and I urge my colleagues to cosponsor and support it.

By Mr. BROWNBACK (for himself, Mr. LEAHY, Mr. COCHRAN, Mr. JEFFORDS, Mr. HELMS, Mr. DURBIN, Mr. LUGAR, Mr. EDWARDS, Mr. VOINOVICH, Mr. MCCAIN, and Mrs. FEINSTEIN):

S. 2021. A bill to prohibit high school and college sports gambling in all States including States where such gambling was permitted prior to 1991; to the Committee on the Judiciary.

HIGH SCHOOL AND COLLEGE GAMBLING PROHIBITION ACT

Mr. BROWNBACK. Mr. President, today I introduce a bill along with Senators LEAHY, COCHRAN, JEFFORDS, HELMS, DURBIN, LUGAR, EDWARDS, VOINOVICH, MCCAIN, and FEINSTEIN, which seeks to protect the integrity of high school and college sports and reduce the unseemly influences that gambling has on our student athletes.

I think you can tell by the coalition of people putting in this bill we are introducing today that this is a bipartisan issue that crosses virtually all ideological lines but is deeply concerned about the integrity of intercollegiate athletics and amateur sports. What we are seeking to do by this bill is to make it clear that it is illegal to wager on intercollegiate athletics, to wager on the Olympics.

The High School and College Gambling Prohibition Act is in direct response to recommendations made by the National Gambling Impact Study Commission (NGISC), which last year concluded a 2-year study on the impact of legalized gambling on our country.

The recommendation called for a ban on all legalized gambling on amateur sports and is supported by the National Collegiate Athletic Association (NCAA), which represents more than 1,000 colleges and universities nationwide. This bipartisan bill will prohibit all legalized gambling on high school and college sports, as well as the Summer and Winter Olympic Games.

Gambling on college games and student athletes is not only inappropriate, it can be disastrous. There have been more point-shaving scandals on our colleges and universities in the 1990's than in every other decade before it combined.

There have been 10 such cases in the 1990s. Those are the ones who were caught. How many went on that we don't know about? These scandals are a result of an increasing amount of gambling that is taking place on amateur sports. We now have annually around $1 billion a year bet legally on amateur athletic games. That may sound like a lot, and it is. It is a lot to influence those games, but for the overall gambling industry it is a small percentage. It is less than a half of 1 percent. So to the industry that is small. To amateur athletics it is big, and it is leading to a burgeoning problem that we are having of point shaving cases amongst college athletics.

The scandal also points to another problem, and this gambling increase actually points to another problem.

A recent Gallup poll found that betting on college sports was twice as prevalent among teenagers (18%) as adults (9%). The American Academy of Pediatrics estimates that there are more than a million compulsive teenage gamblers, whose first experience with gambling is on sports. The National Gambling Impact Study Commission warned that sports gambling ''can serve as gateway behavior for adolescent gamblers, and can devastate individuals and careers.''

Critics have claimed this is a State issue, not a Federal one. Certainly, I am listening to that debate and am a person who is a strong supporter of States rights and believe strongly in devolution of authority from the Federal Government to the State government. But this argument just doesn't hold water.

Congress already determined that it is a federal issue with the passage of Professional and Amateur Sports Protection Act (PASPA) in 1992. In addition, while Nevada is the only state where legal gambling on collegiate and Olympic sporting events occurs, Nevada's gaming regulations prohibit gambling on any of Nevada's own teams because of the potential to jeopardize the integrity of those sporting events.

Let me give you the truth of the situation. You can go to Nevada and you cannot bet on UNLV in the basketball game. But you can bet on the University of Kansas basketball team and game. The reason the Nevada Legislature, I understand, took issue with betting on Nevada teams is by saying, well, it creates an unseemly situation and the potential for abuse. If the potential is there in Nevada, it is there across the rest of the country. That is what the NCAA is citing, and that is why this is their top legislative issue. They are saying this is important because it is starting to influence more and more sporting events and that we are afraid that may happen in the future.

The NCAA used to be headquartered in Kansas. Until recently, it was headquartered in my State.

We all consider ourselves to be advocates of state's rights, but in our eyes that means a state's authority to determine how best to govern within that state's own boundaries—not the authority to set laws that allow a state to impose its policies on every other state while exempting itself. Gambling on college sports, both legal and illegal, threatens the integrity of the game—and that threat extends beyond any one state's border.

This legislation will have minimal economic impact on the Nevada casino industry. The NCAA has reported that sports betting makes up less than 1% of the total revenue by casinos in Las Vegas. The National Gambling Impact Study Commission Report recognized that sports wagering does not ''contribute to local economies or produce many jobs or create other economic sectors.''

This is not an economic issue. It is not even a gambling issue. This is about the integrity of amateur athletics. It is about the integrity of the Olympics and whether or not there are going to continue to be more and more of these point-shaving cases involved because of the amount of money involved in the gambling and the ability to impact some of the athletes who are involved.

I want to make one other point too; that is, we are not talking about office pools or ''March Madness'' and people having an office pool that looks at the NCAA Final Four. Those activities we are not talking about at all. They go on. But we are not addressing that issue in this bill. What we are talking about is the legalized sports betting that takes place in casinos in Nevada

and how those large-scale bets impact on intercollegiate athletics across this country.

Senator LEAHY was on the floor earlier. And I, along with Senator DURBIN and TIM ROEMER from the House of Representatives had a press conference earlier today with the NCAA. At that press conference, we had the gentleman who orchestrated the northwest football point-shaving scheme problem that they had during the decade of the 1990s. He said if it wasn't for the ability to place the $20,000 legal bet in Nevada, he wouldn't have had the system in place to be able to organize and put the money out there to organize this scheme. He had a powerful statement of his personal contrition and how he feels about having been a part of that. He blames only himself. But he said the system was there—and the temptation clearly is. We are trying to move collegiate athletics into a legal area.

This nation's college and university system is one of our greatest assets. We offer the world the model for post-secondary education. Gambling on the outcome of college sporting events tarnishes the integrity of sports and diminishes respect and regard for our colleges and universities. This bill removes the ambiguity that surrounds gambling on college sports. It sends the clear and unmistakable message that it is illegal. We should not gamble with the integrity of our colleges, or the future of our college athletes. Our young athletes deserve legal protection from the seedy influences of the gambling industry, and fans deserve to know that athletic competitions are honest and fair. This legislation ensures that it will be so. I welcome your support.

I welcome anybody in this body and the House of Representatives to support us in this effort. It is important. I fear if we don't pass something like this, you are going to see more and more of these point-shaving scandals come about, as you see more and more athletes having the pressure they are facing with the potential for dollars occurring.

In the decade of the 1990s—I want to repeat this one fact because I think it is so important—there were 10 illegal point-shaving cases the NCAA caught and prosecuted. Those were the ones caught. During the decade of the 1980s, there were two; in the 1970s, one; and in the prior fifties and forties, one each. So we had won, one, two in the 1980s, and then 10 in the 1990s that we know about. How many more were there? Or worse still, how many more will there be in this decade of 2000 to 2010? Let's stop that. Let's send that clear message, that signal. Let's help our student athletes. Let's protect the integrity of the sport.

I introduce this bill, and I welcome any cosponsors.

Mr. LEAHY. Mr. President, I am pleased to join the senior senator from Kansas today to introduce legislation to ban all betting on college and high school sporting events, the High School and College Sports Gambling Prohibition Act. The recent report of the National Gambling Impact Study Commission recommended this ban and the National Collegiate Athletic Association (NCAA) strongly supports it to protect the integrity of college sports across the nation. I look forward to working with the Chairman of the Senate Judiciary Committee to pass our bipartisan legislation this year.

Our bipartisan bill would close a loophole in the Professional and Amateur Sports Protection Act of 1992. That law prohibits most sports betting on amateur events but continued to grandfather some sports gambling activity that our bill would now prohibit in light of the recent recommendations of the National Gambling Impact Study Commission.

I believe our legislation is needed to ensure the integrity of college sports across the country. Sports betting puts student athletes in vulnerable positions and threatens their integrity and the integrity of college and Olympic sports. It can devastate individuals and careers. In the past decade, college sports has suffered too many gambling scandals involving student athletes. For example, four football players at Northwestern University pled guilty to perjury charges related to gambling on their own games and, one player admitted to intentionally fumbling near the goal line in a 1994 game against Iowa. Just last year, a California State University at Fullerton student was charged with point shaving after allegedly offering $1,000 to a player on the school's basketball team to shave points in a game against the University of the Pacific. Other sports gambling scandals have rocked the football programs at Boston College and the University of Maryland, and the basketball programs at Arizona State University and Bryant College, in the 1990s.

Legal college sports betting undermines college sports across the country and encourages gamblers to tempt college students into gambling problems and point-shaving schemes. A national ban on college and high school sports betting will send a strong message to students that sports gambling and point shaving schemes will not be tolerated in this country, and it will help prevent these ravages.

In addition, the National Gambling Impact Study Commission found in its June 1999 report that sports wagering has serious social costs. Indeed, the Commission reported: ''Sports wagering threatens the integrity of sports, it puts student athletes in a vulnerable position, it can serve as gateway behavior for adolescent gamblers, and it can devastate individuals and careers.'' A national ban on amateur and college sports betting may help prevent these ravages of sports wagering.

The Commission concluded that legal sports betting spurs illegal gambling, finding ''legal sports wagering—especially the publication in the media of Las Vegas and offshore-generated point spreads—fuels a much larger amount of illegal sports wagering.'' Many newspapers publish point spreads on college games because wagers can be legally placed on college sporting events given the loophole in current law. Point spreads do not contribute to the popularity of sport; they only contribute to the popularity of sports gambling.

As a result of all of these findings, the Commission recommended that ''the betting on collegiate and amateur athletic events that is currently legal be banned altogether.'' I wholeheartedly agree. Closing this loophole is one of the Commission's clearest recommendations, and it is also a step that can find a clear consensus in Congress.

In addition, our legislation outlaws betting on competitive games at the Summer or Winter Olympics. The Olympic tradition honors sport at its purest level. We, in turn, should honor that proud tradition by cherishing the integrity of the Olympics and prohibiting gambling schemes on the Summer or Winter Games. There have been enough stories about corruption in connection with bidding on venues for Olympic Games. We do not need a scandal having to do with gamblers seeking to influence the outcome of Olympic events. If we act soon, we have the opportunity to put this into place before the next Olympic games.

During my time in the Senate, I have always tried to protect the rights of Vermont state and local legislators to craft their laws free from interference from Washington. As a defender of states' rights, I carefully considered the imposition of a total Federal ban on high school and college sports. After careful thought I have come to the conclusion that this ban is appropriate. Congress has already established a national policy against high school and college sports betting with passage of the Professional and Amateur Sports Protection Act of 1992. Our bill closes a loophole in that law.

I want to make it clear that gambling on professional sports is also a serious matter, worthy of national attention. Congress recognized this fact explicitly when it passed the Professional and Amateur Sports Protection Act of 1992 to arrest the growth of state sponsored sports gambling. By focusing our legislation today on amateur sports gambling, we take a first step toward resolving a fundamental problem. In hearings before the Senate Judiciary Committee, I am confident that the companion subject of gambling on professional sports will be addressed.

Mr. President, our bipartisan bill is supported by a broad coalition of organizations dedicated to excellence in education and athletics.

Mr. President, I urge my colleagues to support the High School and College Sports Gambling Prohibition Act and I urge its swift passage into law.

I ask unanimous consent that a letter endorsing our legislation from more

than 25 of these organizations be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

FEBRUARY 1, 2000.

Hon. SAM BROWNBACK,
Hon. PATRICK LEAHY,
U.S. Senate,
Washington, DC.

DEAR SENATORS BROWNBACK AND LEAHY: The undersigned wish to express their full endorsement for the legislation you have introduced to eliminate all exceptions for legalized betting on high-school, college and Olympic sports. We urge the U.S. Senate to pass this bill that will send a clear, no-nonsense message that it is wrong to gamble on college students.

The proposed legislation is especially important to our community because it will:

Eliminate the use of Nevada sports books for gain in point shaving scandals.

Eliminate the legitimacy of publishing point spreads and advertising for sports tout services.

''Re-sensitize'' young people and the general public to the illegal nature of gambling on collegiate sports.

Reduce the numbers of people who are introduced to sports gambling.

Eliminate conflicting messages as we combat illegal sports wagering that say it is okay to wager on college some places but not in others.

We stand ready to provide support as this bill progresses through the legislative process.

The National Collegiate Athletic Association; The American Council on Education; National Association of Independent Colleges and Universities; American Association of State Colleges and Universities; Conference Commissioners Association; National Association of Collegiate Directors of Athletics; National Association of Collegiate Women Athletics Administrators; American Football Coaches Association; National Association of Basketball Coaches; American Federation of Teachers; U.S. Olympic Committee; National Federal of State High School Associations; American Association of Universities; Divisions I, II and III Student Athlete Advisory Councils; The National Football Foundation and College Hall of Fame.

The Atlanta Tipoff Club Naismith Awards; The American Association of Collegiate Registrars and Admissions Officers; College Golf Foundation; College Gymnastics Association; USA Volleyball; National Field Hockey Coaches Association; USA Track and Field; Team Handball; National Soccer Coaches Association of America; American Volleyball Coaches Association; American Association of Community Colleges; Golf Coaches Association of America.

ADDITIONAL COSPONSORS

S. 285

At the request of Mr. MCCAIN, the names of the Senator from New York (Mr. SCHUMER) and the Senator from Oregon (Mr. SMITH of Oregon) were added as cosponsors of S. 285, a bill to amend title II of the Social Security Act to restore the link between the maximum amount of earnings by blind individuals permitted without demonstrating ability to engage in substantial gainful activity and the exempt amount permitted in determining excess earnings under the earnings test.

S. 344

At the request of Mr. BOND, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 344, a biil to amend the Internal Revenue Code of 1986 to provide a safe harbor for determining that certain individuals are not employees.

S. 484

At the request of Mr. CAMPBELL, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 484, a bill to provide for the granting of refugee status in the United States to nationals of certain foreign countries in which American Vietnam War POW/MIAs or American Korean War POW/MIAs may be present, if those nationals assist in the return to the United States of those POW/MIAs alive.

S. 708

At the request of Mr. DEWINE, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 708, a bill to improve the administrative efficiency and effectiveness of the Nation's abuse and neglect courts and the quality and availability of training for judges, attorneys, and volunteers working in such courts, and for other purposes consistent with the Adoption and Safe Families Act of 1997.

S. 717

At the request of Ms. MIKULSKI, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 717, a bill to amend title II of the Social Security Act to provide that the reductions in social security benefits which are required in the case of spouses and surviving spouses who are also receiving certain Government pensions shall be equal to the amount by which two-thirds of the total amount of the combined monthly benefit (before reduction) and monthly pension exceeds $1,200, adjusted for inflation.

S. 1007

At the request of Mr. JEFFORDS, the names of the Senator from Minnesota (Mr. WELLSTONE) and the Senator from New Jersey (Mr. TORRICELLI) were added as cosponsors of S. 1007, a bill to assist in the conservation of great apes by supporting and providing financial resources for the conservation programs of countries within the range of great apes and projects of persons with demonstrated expertise in the conservation of great apes.

S. 1074

At the request of Mr. TORRICELLI, the names of the Senator from Maine (Ms. SNOWE) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 1074, a bill to amend the Social Security Act to waive the 24-month waiting period for medicare coverage of individuals with amyotrophic lateral sclerosis (ALS), and to provide medicare coverage of drugs and biologicals used for the treatment of ALS or for the alleviation of symptoms relating to ALS.

S. 1272

At the request of Mr. NICKLES, the names of the Senator from Indiana (Mr. LUGAR), the Senator from New York (Mr. MOYNIHAN), and the Senator from Kentucky (Mr. BUNNING) were added as cosponsors of S. 1272, a bill to amend the Controlled Substances Act to promote pain management and palliative care without permitting assisted suicide and euthanasia, and for other purposes.

S. 1396

At the request of Mr. FITZGERALD, the names of the Senator from Arkansas (Mr. HUTCHINSON), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Mississippi (Mr. LOTT), and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 1396, a bill to amend section 4532 of title 10, United States Code, to provide for the coverage and treatment of overhead costs of United States factories and arsenals when not making supplies for the Army, and for other purposes.

S. 1413

At the request of Mr. DURBIN, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1413, a bill to amend the Internal Revenue Code of 1986 to increase the deduction from the estate tax for family-owned business interest.

S. 1472

At the request of Mr. SARBANES, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1472, a bill to amend chapters 83 and 84 of title 5, United States Code, to modify employee contributions to the Civil Service Retirement System and the Federal Employees Retirement System to the percentages in effect before the statutory temporary increase in calendar year 1999, and for other purposes.

S. 1590

At the request of Mr. CRAPO, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1590, a bill to amend title 49, United States Code, to modify the authority of the Surface Transportation Board, and for other purposes.

S. 1619

At the request of Mr. DEWINE, the names of the Senator from Oregon (Mr. WYDEN), the Senator from Minnesota (Mr. GRAMS), and the Senator from Colorado (Mr. ALLARD) were added as cosponsors of S. 1619, a bill to amend the Trade Act of 1974 to provide for periodic revision of retaliation lists or other remedial action implemented under section 306 of such Act.

S. 1653

At the request of Mr. SMITH of New Hampshire, his name was added as a cosponsor of S. 1653, a bill to reauthorize and amend the National Fish and Wildlife Foundation Establishment Act.

S. 1716

At the request of Mr. TORRICELLI, the name of the Senator from Connecticut

(Mr. LIEBERMAN) was added as a cosponsor of S. 1716, a bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to require local educational agencies and schools to implement integrated pest management systems to minimize the use of pesticides in schools and to provide parents, guardians, and employees with notice of the use of pesticides in schools, and for other purposes.

S. 1822

At the request of Mr. MCCAIN, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 1822, a bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans provide coverage for treatment of a minor child's congenital or developmental deformity or disorder due to trauma, infection, tumor, or disease.

S. 1874

At the request of Mr. ROBB, his name was added as a cosponsor of S. 1874, a bill to improve academic and social outcomes for youth and reduce both juvenile crime and the risk that youth will become victims of crime by providing productive activities conducted by law enforcement personnel during non-school hours.

S. 1921

At the request of Mr. CAMPBELL, the names of the Senator from Kentucky (Mr. BUNNING), the Senator from North Carolina (Mr. EDWARDS), the Senator from Virginia (Mr. ROBB), the Senator from Connecticut (Mr. DODD), and the Senator from Virginia (Mr. WARNER) were added as cosponsors of S. 1921, a bill to authorize the placement within the site of the Vietnam Veterans Memorial of a plaque to honor Vietnam veterans who died after their service in the Vietnam war, but as a direct result of that service.

S. 1941

At the request of Mr. DODD, the names of the Senator from Maine (Ms. COLLINS), the Senator from New York (Mr. SCHUMER), the Senator from Massachusetts (Mr. KERRY), the Senator from Maryland (Mr. SARBANES), the Senator from Illinois (Mr. DURBIN), and the Senator from Vermont (Mr. JEFFORDS) were added as cosponsors of S. 1941, a bill to amend the Federal Fire Prevention and Control Act of 1974 to authorize the Director of the Federal Emergency Management Agency to provide assistance to fire departments and fire prevention organizations for the purpose of protecting the public and firefighting personnel against fire and fire-related hazards.

S. 1957

At the request of Mr. SCHUMER, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1957, a bill to provide for the payment of compensation to the families of the Federal employees who were killed in the crash of a United States Air Force CT–43A aircraft on April 3, 1996, near Dubrovnik, Croatia, carrying Secretary of Commerce Ronald H. Brown and 34 others.

S. 1984

At the request of Mr. LUGAR, the names of the Senator from Minnesota (Mr. GRAMS), the Senator from Nebraska (Mr. HAGEL), and the Senator from Illinois (Mr. FITZGERALD) were added as cosponsors of S. 1984, a bill to establish in the Antitrust Division of the Department of Justice a position with responsibility for agricultural antitrust matters.

S. 1995

At the request of Mr. KOHL, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 1995, a bill to amend the National School Lunch Act to revise the eligibility of private organizations under the child and adult care food program.

S. 2003

At the request of Mr. JOHNSON, the names of the Senator from Kentucky (Mr. BUNNING), and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. 2003, a bill to restore health care coverage to retired members of the uniformed services.

S. 2004

At the request of Mrs. MURRAY, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 2004, a bill to amend title 49 of the United States Code to expand State authority with respect to pipeline safety, to establish new Federal requirements to improve pipeline safety, to authorize appropriations under chapter 601 of that title for fiscal years 2001 through 2005, and for other purposes.

S. 2005

At the request of Mr. BURNS, the names of the Senator from Georgia (Mr. COVERDELL), and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of S. 2005, a bill to repeal the modification of the installment method.

S.J. RES. 30

At the request of Mr. KENNEDY, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S.J. Res. 30, a joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for women and men.

S. RES. 87

At the request of Mr. DURBIN, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. Res. 87, a resolution commemorating the 60th Anniversary of the International Visitors Program

S. RES. 237

At the request of Mrs. BOXER, the names of the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Virginia (Mr. ROBB), and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. Res. 237, a resolution expressing the sense of the Senate that the United States Senate Committee on Foreign Relations should hold hearings and the Senate should act on the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

S. RES. 247

At the request of Mr. CAMPBELL, the names of the Senator from Oklahoma (Mr. NICKLES) and the Senator from Nevada (Mr. BRYAN) were added as cosponsors of S. Res. 247, a resolution commemorating and acknowledging the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers.

SENATE RESOLUTION 250—RECOGNIZING THE OUTSTANDING ACHIEVEMENT OF THE ST. LOUIS RAMS IN WINNING SUPER BOWL XXXIV

Mr. ASHCROFT (for himself, Mr. BOND, Mr. FITZGERALD, and Mr. DURBIN) submitted the following resolution; which was considered and agreed to:

S. RES. 250

Whereas, in 1995 the Los Angeles Rams relocated to St. Louis, Missouri and became the St. Louis Rams;

Whereas, the arrival of the St. Louis Rams ushered in a new era of unity in the St. Louis community fortified by the enthusiasm and energy of the St. Louis Rams' fans and the spirit and drive of the St. Louis Rams organization;

Whereas, the St. Louis Rams' fans have incorporated the unifying spirit of the Rams into the community, making the St. Louis area an even better place to live and work;

Whereas, the members of the St. Louis Rams' team, including Kurt Warner, Marshall Faulk, and Isaac Bruce, exemplify the character, sportsmanship, and integrity—both on and off the field—to which all Americans can aspire;

Whereas, the St. Louis Rams' rallying cry, ''Gotta Go To Work,'' embodies the great American work ethic, and symbolizes the perseverance, dedication, talent and motivation of the St. Louis Rams football team and the St. Louis community;

Whereas, in the 1999–2000 season, the St. Louis Rams committed themselves to the motto, ''Gotta Go To Work,'' and achieved record accomplishments:

The Rams won the NFC West divisional title with a 13–3 record;

The Rams posted an undefeated record at home, winning all ten games in the Trans World Dome, the longest home winning streak for the Rams since 1978;

Rams' quarterback Kurt Warner enjoyed one of the best seasons by a quarterback in NFL history, becoming only the second player to throw 40 or more touchdown passes in a season (41), recording the fifth-best passer rating in league history, completing a league-best 65 percent of his passes, modeling consistency with ten 300-yard games, and setting a new Super Bowl record of 414 passing yards;

The Rams' offense produced 526 points, the third-highest single regular season total;

Rams' quarterback Kurt Warner was named the Miller Lite NFL Player of the Year, donating the $30,000 award to Camp Barnabas, a Missouri-based Christian summer camp for disabled children, and became only the sixth player to capture both the National Football League's Most Valuable Player and the Super Bowl Most Valuable Player in the same season;

Rams' running back Marshall Faulk, in the regular season, set an all-time record for yards from scrimmage with 2,429, became the second player in NFL history with 1,000 yards rushing and receiving in the same season, had the highest average yards per rush in the league and caught 87 passes, the fourth highest in the NFC;

Rams' wide receiver Isaac Bruce caught 77 passes for 1,165 yards and 12 touchdowns in the regular season and led the Rams in Super Bowl XXXIV with six receptions for 162 yards, including the winning 73-yard touchdown in the fourth quarter;

Rams' left corner back Todd Lyght led the Rams with a regular season career-high six interceptions, including one touchdown, and has started in 97 straight games, the longest current streak with the team;

Rams' linebacker Mike Jones had four interceptions in the regular season, two of which he returned for touchdowns, and had the game winning tackle on the last play of Super Bowl XXXIV;

Rams' wide receiver Torry Holt set a Super Bowl rookie record with seven catches for 109 yards in Super Bowl XXXIV, including a nine-yard touchdown pass in the third quarter.

Whereas, the St. Louis Rams Head Coach Dick Vermeil was named NFL's coach of the year, and is the oldest coach to win a Super Bowl;

Whereas, the St. Louis Rams lead the league with 6 players chosen to start in the 2000 Pro Bowl; and,

Whereas, the St. Louis Rams won Super Bowl XXXIV, defeating the valiant Tennessee Titans 23–16 in the most exciting finish in Super Bowl history. Now, therefore, be it

Resolved, That the Senate

(1) commends the unity, loyalty, community spirit, and enthusiasm of the St. Louis Rams fans;

(2) applauds the St. Louis Rams for their commitment to high standards of character, perseverance, professionalism, excellence, sportsmanship and teamwork;

(3) praises the St. Louis Rams' players and organization for their commitment to the Greater St. Louis, MO community through their many charitable activities;

(4) congratulates both the St. Louis Rams and Tennessee Titans for providing football fans with a thrilling Super Bowl played in a sportsmanlike manner;

(5) recognizes the achievements of all the players, coaches, and support staff who were instrumental in helping the St. Louis Rams win Super Bowl XXXIV;

(6) commends the St. Louis Rams for their victory in Super Bowl XXXIV on January 30 2000; and

(7) directs the Secretary of the Senate to make available enrolled copies of this resolution to the St. Louis Rams' owners, Georgia Frontiere and Stan Kroenke, and to the St. Louis Rams' Head Coach, Dick Vermeil.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CRAIG. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Forests and Public Land Management of the Senate Committee on Energy and Natural Resources.

The hearing will take place on Tuesday, February 22, 2000 at 3:00 p.m., in room SD–366 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of this hearing is to receive testimony on S. 1722, a bill to amend the Mineral Leasing Act to increase the maximum acreage of Federal leases for sodium that may be held by an entity in any 1 State, and for other purposes; and it's companion bill H.R. 3063, a bill to amend the Mineral Leasing Act to increase the maximum acreage of Federal leases for sodium that may be held by an entity in any one State, and for other purposes; and S. 1950, a bill to amend the Mineral Leasing Act of 1920 to ensure the orderly development of coal, coalbed methane, natural gas, and oil in the Powder River Basin, Wyoming and Montana, and for other purposes.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. GRASSLEY. Mr. President, I ask unanimous consent that The Committee on Agriculture, Nutrition, and Forestry be authorized to meet during The session of The Senate on Tuesday, February 1, 2000 at 9:00 a.m., in SR–322, to conduct a full committee hearing to review The authority of The grain inspection, packers and stockyards administration (GIPSA).

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that The Committee on Banking, Housing, and Urban Affairs be authorized to meet during The session of The Senate on Tuesday, February 1, 2000, to conduct a markup on The renomination of Alan Greenspan to be Chairman of The Board of Governors of The Federal Reserve System, and concurrently a hearing on ''Loan Guarantees and Rural Television Service''.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that The Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on ''Medical Errors: Understanding Adverse Drug Events'' during The session of The Senate on Tuesday, February 1, 2000, at 10:00 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered. Subcommittee on Technology, Terrorism and Government Information

Mr. GRASSLEY. Mr. President, I ask unanimous consent that The Committee on The Judiciary Subcommittee on Technology, Terrorism and Government Information be authorized to meet to conduct a hearing on Tuesday, February 1, 2000, at 10:00 a.m, in SD226.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. WELLSTONE. Mr. President, I ask unanimous consent that intern Livia Vedrasco be allowed privilege of the floor today.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

RETIREMENT OF ELMER GATES

• Mr. SANTORUM. Mr. President, I rise today to recognize Elmer Gates as he retires from the Fuller Company of Bethlehem, Pennsylvania, where he served as Chairman, President, and CEO. Mr. Gates joined the Fuller Company as President and Chief Operating Officer in 1982 after a thirty-one year career with General Electric. His mission was to restore Fuller Company to sustained profitability, and under his leadership Fuller not only accomplished this goal but became a world leader in the cement industry. During his tenure at Fuller, Elmer Gates combined his spirit of entrepreneurship with the discipline essential for long term business success.

Throughout his distinguished career, Elmer Gates operated under a business philosophy that put a strong emphasis on the customer while maintaining a high level of quality. He firmly believes that community involvement is crucial for businesses, and that a business leader's first responsibility to the community is to run a profitable business so that good jobs are available, which in turn will improve the community.

Mr. Gates' career has been a model for aspiring community servants to follow. He currently serves as Director of PP&L Resources, chairs their Finance Committee, and serves on their Corporate Governance Committee. He also chairs the Boards of the Lehigh Valley Economic Development Corporation and SI Handling Systems, Inc., and was the Founding Director of Ambassador Bank of the Commonwealth. In addition, Mr. Gates was a member of the U.S. Export-Import Bank Advisory Committee, and was appointed by the State legislature and the Governor to the IMPACT Commission and follow-up PRIME Council, to study and make recommendations for ways to reduce the cost of government while improving service levels. These are but a few of the countless contributions Elmer Gates has made, which have served not only his immediate community, but also his State and Country.

Over his remarkable career, Elmer Gates has received numerous awards for his contributions, including the Distinguished Citizen Award from the Minsi Trail Council of Boy Scouts of America, Americanism Awards from B'nai B'rith and the U.S. Marine Corps

League, and the Distinguished Community Leadership Award from the Bethlehem Chamber of Commerce. I would like to join these organizations in recognizing the tremendous contributions of Elmer Gates, and wish him continued success in all of his future endeavors.●

IN CELEBRATION OF JACK MCKEON DAY IN SOUTH AMBOY

● Mr. TORRICELLI. Mr. President, I rise today behalf of Jack McKeon, a South Amboy native, who led the Cincinnati Reds to within one game of the 1999 National League Playoffs. It is a pleasure for me to be able to recognize his accomplishments.

During his 50 years in Major League Baseball, Jack McKeon has been honored as both ''National League Manager of the Year'' and as ''Major League Manager of the Year.'' In his 26 years of major league managing he has won nearly 700 games with the Kansas City Royals, Oakland Athletics, San Diego Padres, and Cincinnati Reds. In addition, Jack McKeon has also served as General Manager, receiving the ''General Manager of the Year'' award.

Before Jack began his distinguished career, he had already made an impact in New Jersey. As a member of the McKeon Boys Club, Jack played his first organized baseball and went on to become an all-county catcher as a student at St. Mary's High School.

Jack's playing career spanned 10 years in the minor leagues. During that time he discovered his natural ability to lead. His first pro coaching assignment came at the young age of 24, in which he led his club to a 70–67 record. His later success as a rookie manager of the Kansas City Royals in 1973 brought the foundering team new respect in the American League with a 2nd place finish. His later managerial and executive positions led to greater renown as he approached the 1999 season. The strong finish of the Cincinnati Reds earned Jack the respect of his peers and the national press which named his Manager or the Year.

So it gives me great pleasure to recognize a leader of great stature in New Jersey. His tremendous accomplishments in baseball, as a player, manager, and executive have made a significant contribution to the national pastime. I am pleased that one of New Jersey's native sons is now being honored, and I hope my colleagues join me in congratulating Jack on his success.●

ON PASSING OF GEORGE ORESTIS

● Ms. SNOWE. Mr. President, I rise to pay tribute to a remarkable man and cherished member of the community of Lewiston-Auburn, Maine who sadly passed away in December at the age of 86.

When I learned of the passing of George Orestis, I was stricken by the news. George was quite honestly one of the finest people I have ever had the privilege to know—a remarkable man and true gentleman who cared deeply about the community he loved, and was a devoted leader of my church, Holy Trinity Greek Orthodox Church of Lewiston, Maine. He was one of those rare individuals who could make you feel a better person just for having met him. Indeed, by always seeing the best in people, he helped others to see the best in themselves—and his compassion for humankind has left an indelible mark on all those whose hearts he touched.

My memories of George go back to my earliest days, and they are fond ones. He was a wonderful and dear friend, whose generous spirit I will feel fortunate to carry with me throughout my days. His loss is especially difficult for all of us in Maine's Greek-American community—his kindness and spirituality formed the heart and soul of our Church, and his devotion was the bedrock upon which Holy Trinity Church was quite literally built.

As the Church's chanter for over two decades, he expressed his faith with soaring eloquence and brought us all closer to God. His words reached out to us in a warm embrace, comforting us in our darkest days. George was always there for us, and today we know that he is now in the company of angels, dwelling forever in the glow of God's eternal love.

George Bernard Shaw once said, ''Life is no brief candle to me—it is like a splendid torch which I have hold of for the moment, and I want it to burn as brightly as possible before handing it over to the next generation.'' For 86 years, George Orestis shined as brightly as any mortal being could, and his is a light that will never be diminished for any of us who knew and loved him. In particular, I know what a special and loving relationship he and his wife Toni shared. My thoughts and prayers continue to be with Toni and her entire family—my love is with them always.

With his values and beliefs—in the way he conducted his life—George was as close to God as one could ever hope to be. We will miss you, George, more than words have the power to convey. We were so very grateful to have you in our lives—now, you belong to God.

Mr. President, I request that the following article from the Lewiston Sun Journal regarding the life of George Orestis be printed in the RECORD.

The article follows:

[From the Lewiston Sun Journal, Dec. 14, 1999]

LEADER OF THE BANK—FRIENDS RECALL GEORGE ORESTIS AS 'A BACKBONE'

(By Michael Gordon)

AUBURN—George Orestis had a politician's love for the microphone—but he spoke much better.

William Hathaway acknowledges it. He remembers the night three decades ago that Orestis outshined both him and Sen. Edward ''Ted'' Kennedy at the dais.

Hathaway had recently been elected to the U.S. House, and he brought the Democratic senator from Massachusetts to Lewiston for a fund-raiser to pay off some campaign debts. Orestis was Hathaway's campaign treasurer.

All three men addressed the audience, and ''George made a better speech than both of us,'' Hathaway said Monday.

Orestis was a natural in front of an audience, smooth, charming, a skill he'd honed in the 1930s as the leader of Rudy Vallee's band, the Fenton Brothers Orchestra.

He loved to entertain. Just as much, Orestis loved to stand up and tell people's stories, to celebrate their accomplishments, to sing their praises.

''He remembered everything about you,'' said George Simones, a lifelong friend.

On Monday, it was Simones, Hathaway and others who were doing the talking, the remembering, about a good man and a good friend.

On Sunday, 10 days after his 86th birthday, Orestis died at Central Maine Medical Center in Lewiston. His funeral will be at 11 a.m. Wednesday at the Greek Orthodox Church of the Holy Trinity on Hogan Road in Lewiston; The Most Rev. Metropolitan Mothodies of Boston will preside.

A son of Greek immigrants, Orestis took great pride in his heritage and was ''a backbone'' of the local church, said its priest, Harry Politis. Orestis led the fund drive to build the church, and was its chanter for 27 years.

''He was a great singer, even when he was losing his hearing. He never missed a note,'' said George Simones, Jr., who sang in the choir Orestis directed.

His service to the Orthodox church had no bounds. He served on the executive councils of both the National Archdiocese and the New England Archdiocese. Twice he was awarded the Cross of St. Andrew.

The poor and handicapped knew his kindness. Orestis established the area's first Good Will store. As a Kiwanian, he led the organization's effort to help the mentally retarded.

''George had a great respect for every human being,'' Politis said. ''He was able to confront every situation. He had a very realistic point of view.''

''Whatever life dealt, he would say those are the circumstances,'' said Orestis' nephew, George. He was named for his uncle.

''That's kind of a Greek expression,'' he said. ''When things are not going so well, you sort of say, 'Well, circumstances.' and get on with it.''

''He'd break into song, he'd tell jokes; he was very personable. I think what was responsible for all the affection others had for him was he was so approachable,'' his nephew said.

Born in Nashua, N.H., Orestis grew up in Lewiston and went to school there.

Simmons remembers him as a leader even then among the boys of the Greek neighborhood.

Orestis attended Bates College, and studied composing, conducting and arranging with Rupert Neily of Portland. In 1929, he landed the job leading the Fenton Brothers Orchestra. It turned into a 12-year gig. At one point, Simones said, the band made the top 10 in the ''Lucky Strike Parade.''

When America went to war, Orestis joined the U.S. Army. Commissioned as a second lieutenant, he was assigned to the medical corps.

When the fighting was over, he came home, not to the sound of waltzes but of washing machines. He ran the family's laundry business, American Linen, from 1947 to 1961.

When I think of my uncle, I think of the four brothers in the laundry, how a small immigrant family took a business and made it a big success. That's the sort of thing Uncle George would do,'' his nephew said. He said

the family sold the company in the mid-1960s.

In 1962, Orestis married Antoinette ''Toni'' Marois. They later became the owners of her family's restaurant on Lisbon Street.

On Monday night, Simmons held a Christmas party there for his own employees. He wanted to reschedule, out of respect for the Orestis family, but he said Toni Orestis insisted it be held.

''She said, 'George would always say, the show must go on.' And she's right,'' he said.

Now living in McLean, Va., Hathaway was a lawyer in Lewiston when he met Orestis around 1953. Hathaway lived on Webster Avenue and sent his laundry to American Linen. He and Orestis would meet for lunch.

When the lawyer decided to run for Congress, Orestis offered his help.

''I don't think George was too much for politics,'' Simones recalled. Hathaway agreed. But he capitalized on his friend's skill as an orator. He said Orestis could give a five-minute impromptu speech better than most people who prepared one. Orestis later used that talent in helping his nephew, John, get elected as the mayor of Lewiston.

In 1975, Gov. James Longley, also a Lewiston native, appointed George Orestis as the first director of the Maine State Lottery. He served for four years.

Orestis never liked gambling, Simones noted. Smiling, he said his friend ''always wanted the sure thing.

To his many friends, Orestis was a sure thing.

''Anything you wanted, he was there,'' Simones said. ''There isn't enough you could do for George. He's one in a million.''●

ON THE SERVICE OF RED WOOD TO SULLIVAN'S ISLAND

● Mr. HOLLINGS. Mr. President, I rise today to recognize my friend William J. ''Red'' Wood who, since 1948, has been making Sullivan's Island, SC a better place to live and work. He came to the island, married, bought a home and raised six children, all the while giving back to a community that he deeply loves.

Red Wood's decades of service to Sullivan's Island make him one of the town's most valuable resources. It is only fitting that the Moultrie News recently recognized his achievements. Red has never hesitated to get involved. He joined the volunteer fire department during his early years on the island and helped to organize the Island Club, which sponsored the local Boy Scout troop. Red also helped start the island's Little League program and served on the township's recreation committee.

He has served on the town council for five terms and, during his first term, held the building inspector's post. In that capacity, he worked on several significant projects including East Cooper Hospital and the first hotel built in Mount Pleasant, SC. He believes his greatest civic achievement, however, is having a hand in incorporating Sullivan's Island.

Red worked for over 30 years in the engineering department of the Charleston Naval Shipyard and has devoted his time to numerous commitments on Sullivan's Island, his wife Monica and their children.

My wife, Peatsy, and I salute all of Red's accomplishments and his continuing service to Sullivan's Island. We wish him many peaceful days of fishing and shrimping. He certainly deserves them.●

IN RECOGNITION OF CULLMAN COUNTY

● Mr. SHELBY. Mr. President, I rise today to recognize the work of the Cullman County Commission in Cullman County, Alabama, for its positive work in the community. I specifically want to pay tribute to Mr. George Spear, the Commission Chairman, as an individual who exemplifies the positive impact a public official can have on a community. Through his direct efforts, Mr. Spear has established the Cullman 2000 Committee, a year-long celebration bringing together both young and old in the area to honor the county's unique heritage and shared future.

Founded in 1873 by Col. John G. Cullmann, the county's roots are firmly entrenched in Alabama history. Cullman County is well known for its industry, modern health care, and agriculture production, which ranks at the top of the state. The many events planned throughout the year are designed to celebrate the county's history and successes and to give residents a sense of pride in their community and the common bond they share as members of the county. It will give all residents of Cullman County a sense of their place in county history.

I commend the Cullman County Commission and particularly Mr. Spear for his hard work and sense of civic pride. Without the efforts of the Commission, the Cullman 2000 Committee would not have been possible. As Cullman County looks toward the future, it is reassuring to know that the leaders of the county are keeping in mind the importance of the county's colorful past.●

APPOINTMENT OF ENVIRONMENTAL REPRESENTATIVES TO INDUSTRY SECTOR ADVISORY COMMITTEES

● Mr. BAUCUS. Mr. President, I rise today to express my deep disappointment at the administration's decision to appeal the Federal District Court decision that requires the appointment of environmental representatives to the advisory committees, the ISACs, that advise the Commerce Department and USTR on trade policy with respect to forest products.

At the recent WTO meeting in Seattle, President Clinton reminded all of us of the importance of making the trade policy process more open and transparent. I share the view that incorporating environmental and labor concerns into our trade policy is a necessary element in ensuring confidence in the global trading system. The need for openness and transparency is not only for international negotiations and dispute resolution, but also for the establishment of trade policy here at home. Indeed, the Clinton administration has been the principal advocate of this.

It is, therefore, surprising and disappointing that the administration seems reluctant to bring more openness and transparency into its own trade policy advisory committees. Specifically, in the case of the administration's proposals to reduce or eliminate tariffs on forest products (a goal that I share), environmental groups have raised legitimate issues about the impact on conservation. This should be part of our domestic debate.

I understand that enhancing the role of environmental and other groups in this advisory process raises some concerns at USTR and the Commerce Department. We don't want to make the process inefficient, and we must continue to protect confidential information. But, to my mind, we can increase openness and transparency without compromising efficiency or confidentiality.

I call on the administration to reconsider its policy and take the necessary measures to incorporate fully those who are trying to express legitimate environmental concerns.

Finally, let me be clear. If the decision by the Western District of Washington is overturned on appeal, I will introduce legislation mandating the appointment of representatives of the environmental community to these two advisory committees.

At this critical time when concerns over globalization threaten the consensus for expanding global trade, we must increase public confidence in government. That means more openness and transparency, not less.●

RECOGNITION OF JOHN S. BROUSE

● Mr. SANTORUM. Mr. President, I rise today to recognize John S. Brouse, who will receive the American Heritage Award from the Anti-defamation League on Thursday, February 3. Mr. Brouse, President and CEO of Highmark, Inc. will be honored for his professional accomplishments, concern and commitment to his community.

As President and CEO of Highmark, Inc., John Brouse is responsible for the day-to-day business operations of a health insurance corporation that exceeds $7.5 billion in annual revenues and has more that 18 million customers nationwide. Mr. Brouse was the architect of Highmark's national business strategy for dental and vision programs, and has had a tremendous impact on the success of the corporation. Prior to becoming President of Highmark, Mr. Brouse served as Senior Vice President and Chief Operating Officer for Pennsylvania Blue Shield, where he was responsible for the administration and overall operations of the organization.

In addition to his successful career achievements, John Brouse has always

maintained a commitment to serving his community. Mr. Brouse serves on the Board of Directors of the Blue Cross and Blue Shield Association, and is a member of the Association's Executive Committee. He is also on the Boards of Inter-County Health Plan, Inc. and Inter-County Hospitalization, Inc., and is a member of the Board and Executive Committee of Keystone Central. Mr. Brouse serves on numerous other business, civic and cultural boards including the Greater Pittsburgh Chamber of Commerce, the Western Pennsylvania Caring Foundation for Children, and the Advisory Committee for the Caring Place.

Over his remarkable career, John Brouse has shown in countless ways that he is deserving of the Anti-defamation League's American Heritage Award. His dedication and leadership have had an immeasurable impact on his community, from assuring quality health care coverage for millions of Americans to participating in local community organizations. I would like to join the Anti-defamation League in honoring John S. Brouse, a man who is truly deserving of recognition.●

KURT WARNER OF THE ST. LOUIS RAMS

● Mr. HARKIN. Mr. President, I rise to pay tribute to the two Iowans who led the St. Louis Rams to victory in Sunday's Super Bowl. Quarterback Kurt Warner, a native of Cedar Rapids, Iowa and Offensive Lineman Adam Timmerman, a native of Cherokee, Iowa. It is a bittersweet irony that a third Iowa native, injured Quarterback Trent Green, couldn't play this season and so Kurt Warner stepped in to the position.

Nobody—I mean nobody—could have predicted that Kurt Warner would be holding the Super Bowl trophy under the Georgia Dome last Sunday. Not Kurt Warner who was stocking the shelves of the Hy-Vee Market in Cedar Falls, Iowa a few years ago. Not Kurt Warner who was bypassed by the NFL draft out of college and went straight to the Iowa Barnstormers and then the Amsterdam Admirals. And certainly not the Kurt Warner who warmed the bench at the University of Northern Iowa.

This is a true American success story. An Iowa boy comes from the bench to Super Bowl 2000 where he sets a Super Bowl record for passing yards—414 yards in all, topping Joe Montana's 1989 Super Bowl record of 357 yards. It doesn't get much better than that!

And Kurt Warner had help from another Iowa boy, Adam Timmerman, the Rams offensive lineman, a native of Cherokee, Iowa. Timmerman and the Rams offensive line held the Titans to one sack in the entire game, allowing Warner time to complete the passes that won him his Super Bowl record.

You know, I am sure many of you have heard me talk about the ladder of opportunity, about leaving the ladder down so others can climb up. Well, Kurt Warner built his own ladder of opportunity, sticking with it at every turn, persevering against odds that would sink a weaker man. It is great to see him at the top.

Iowa is proud of its native sons and daughters. For the past several months, Iowa has been in the public eye because of the caucuses. And now that the Iowa caucuses are behind us, Iowans are proud to share the spotlight with homegrown heroes Kurt Warner and Adam Timmerman. I know we all wish Kurt and Adam good luck in this Sunday's Pro Bowl in Honolulu.●

ELIAN GONZALEZ

● Mr. LEVIN. Mr. President, there are few, if any, who haven't been moved by the triumphant story of Elian Gonzalez, a brave young boy found clinging to a raft on Thanksgiving Day. Elian endured a harrowing journey from Cuba to Florida, after his mother was lost at sea.

Now, Elian finds himself in the center of an international tug-of-war. Both sides are entrenched in an emotional debate, that centers more around the Castro regime than it does around the young boy.

No matter how hard it may be, for Elian's sake, politics must be taken out of the equation. The Immigration and Naturalization Service has made its ruling, that Elian father's has the authority to speak for his son. His father, Juan Gonzalez, has asked that applications for admission and asylum for Elian be withdrawn.

Congress should not ignore the bond between father and child, and the responsibility a father has for his son, regardless of where they reside.

People with a legal interest in the matter may test the INS order in Court. Congress should not undermine the Court proceedings, and in the process, possibly trample on the family values we so often claim to honor.

Elian's extended relatives in Miami filed their lawsuit in federal court to block the child's return, and any action by Congress to bypass the Court on this matter is inappropriate. The Court will hopefully analyze the facts and decide Elian's future based on his interests, not heated debate or political rigidity. This is an issue that deserves an appropriate forum, one away from politics, where Elian's future can be based on the rules of law that this country has held out to the world.●

BUDGET SCOREKEEPING REPORT

● Mr. DOMENICI. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under Section 308(b) and in aid of Section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32, the First Concurrent Resolution on the Budget for 1986.

This report shows the effects of congressional action on the budget through January 27, 2000. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the 2000 Concurrent Resolution on the Budget (H. Con. Res. 68). The budget resolution figures incorporate revisions submitted to the Senate to reflect funding for emergency requirements, disability reviews, adoption assistance, the earned income tax credit initiative, and arrearages for international organizations, peacekeeping, and multilateral banks.

The estimates show that current level spending is above the budget resolution by $10.3 billion in budget authority and below the budget resolution by $2.3 billion in outlays. Current level is $17.8 billion above the revenue floor in 2000. The current estimate of the deficit for purposes of calculating the maximum deficit amount is $20.6 billion, which is $5.7 billion below the maximum deficit amount for 2000 of $26.3 billion.

Since my last report, dated September 28, 1999, the Congress has passed and the President has signed the following acts: Veterans, HUD and Independent Agencies Appropriations Act, 2000 (P.L. 106–74), Agriculture and Rural Development Appropriations Act, 2000 (P.L. 106–78), Defense Appropriations Act, 2000 (P.L. 106–79), Gramm-Leach-Bliley Act (P.L. 106–102), an Act Making Consolidated Appropriations for FY 2000 (P.L. 106–113), Veterans' Millennium Health Care and Benefits Act (P.L. 106–117), an act to convey property in Sisters, Oregon (P.L. 106–144), an act to require the Secretary of the Treasury to mint various commemorative coins (P.L. 106–126), Foster Care Independence Act of 1999 (P.L. 106–169), and Ticket to Work and Work Incentives Improvement Act of 1999 (P.L. 106–170). These actions have changed the current level of budget authority, outlays, and revenues. This is my first report for the second session of the 106th Congress.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, January 28, 2000.

Hon. PETE V. DOMENICI,
Chairman, Committee on the Budget,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed report for fiscal year 2000 shows the effects of Congressional action on the 2000 budget and is current through January 27, 2000. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of H. Con. Res. 68, the Concurrent Resolution on the Budget for Fiscal Year 2000. The budget resolution figures incorporate revisions submitted to the Senate to reflect funding for emergency requirements, disability reviews, adoption assistance, the earned income tax credit initiative, and arrearages for international organizations, peacekeeping, and multilateral banks. These revisions are required by section 314 of the Congressional Budget Act, as amended.

Since my last report, dated October 6, 1999, the Congress has passed, and the President has signed the following acts: Veterans, HUD

and Independent Agencies Appropriations Act, 2000 (P.L. 106–74), Agriculture and Rural Development Appropriations Act, 2000 (P.L. 106–78), Defense Appropriations Act, 2000 (P.L. 106–79), Gramm-Leach-Bliley Act (P.L. 106-102), an Act Making Consolidated Appropriations for FY 2000 (P.L. 106–113), Veterans' Millennium Health Care and Benefits Act (P.L. 106–117), an act to convey property in Sisters, Oregon (P.L. 106–144), an act to require the Secretary of the Treasury to mint various commemorative coins (P.L. 106–126), Foster Care Independence Act of 1999 (P.L. 106–169), and Ticket to Work and Work Incentives Improvement Act of 1999 (P.L. 106–170). These actions have changed the current levels of budget authority, cutlays, and revenues. This is my first report for the second session of the 106th Congress.

Sincerely,

BARRY B. ANDERSON
(For Dan L. Crippen, Director).

Enclosures.

TABLE 1.—FISCAL YEAR 2000 SENATE CURRENT LEVEL REPORT, AS OF CLOSE OF BUSINESS, JANUARY 27, 2000

[In billions of dollars]

	Budget resolution	Current level [1]	Current level over/under resolution
ON-BUDGET			
Budget Authority	1,455.0	1,465.2	10.3
Outlays	1,434.4	1,432.2	−2.3
Revenues:			
2000	1,393.7	1,411.5	17.8
2000–2009	16,139.1	16,914.0	774.9
Deficit [2]	26.3	20.6	−5.7
Debt Subject to Limit	5,628.4	5,686.9	58.5
OFF-BUDGET			
Social Security Outlays:			
2000	327.3	327.2	[3]
2000–2009	3,866.9	3,866.6	−0.3
Social Security Revenues:			
2000	468.0	467.8	−0.2
2000–2009	5,681.9	5,681.8	−0.1

[1] Current level is the estimated revenue and direct spending effects of all legislation that the Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. The current level of debt subject to limit reflects the latest information from the U.S. Treasury.

[2] Section 314 of the Congressional Budget Act of 1974, as amended, requires the deficit in the budget resolution to be changed to reflect increases in outlays as the result of funding for specific actions (emergency requirements, disability reviews, adoption assistance, the earned income tax credit initiative, and arrearages for international organizations, peacekeeping, and multilateral banks). Sec. 211 of the Concurrent Resolution on the Budget for Fiscal Year 2000 (H. Con. Res. 68) allows for a decrease in revenues by an amount equal to the on-budget surplus on July 1, 1999, as estimated by CBO, but does not allow an equal adjustment to the deficit. Therefore, the deficit number for the budget resolution shown above reflects only the outlay increases made to the budget resolution between May 19, 1999, and November 1, 1999.

[3] Less than $50 million.

Source: Congressional Budget Office.

TABLE 2.—SUPPORTING DETAIL FOR THE FISCAL YEAR 2000 ON-BUDGET SENATE CURRENT LEVEL REPORT, AS OF CLOSE OF BUSINESS, JANUARY 27, 2000

[In millions of dollars]

	Budget authority	Outlays	Revenues
Enacted in previous sessions:			
Revenues			1,408,082
Permanents and other spending legislation		874,007	
Appropriation legislation		247,166	
Offsetting receipts	−295,703	−295,703	
Total, enacted in previous sessions	616,573	825,470	1,408,082
Enacted this session:			
Signed into law:			
1999 Education Flexibility Partnership Act (P.L. 106–25)		32	
1999 Miscellaneous Trade and Technical Corrections Act (P.L. 106–36)		−2	−19
Water Resources Development Act (P.L. 106–53)	−19	−19	
National Defense Authorization Act, 2000 (P.L. 106–65)	−97	−97	
Gramm-Leach-Bliley Act (P.L. 106–102)	−35	−31	1
Veterans' Millennium Health Care and Benefits Act (P.L. 106–117)	61	−4	
An act to require the Secretary of the Treasury to mint various coins (P.L. 106–126)	−1	−1	
An act to convey property in Sisters, Oregon (P.L. 106–144)	1	1	
Foster Care Independence Act of 1999 (P.L. 106–169)	39	−22	
Emergency Supplemental Appropriations Act, 1999 (P.L. 103–31)	1,955	7,360	
Emergency Steel Loan and Emergency Oil and Gas Guaranteed Loan Act (P.L. 106–51)		19	
Agriculture and Rural Development Appropriations Act, 2000 (P.L. 106–78)	68,641	48,539	
Defense Appropriations Act, 2000 (P.L. 106–79)	265,366	176,618	13
Military Construction Appropriations Act, 2000 (P.L. 106–52)	8,374	2,459	
Legislative Branch Appropriations Act, 2000 (P.L. 106–57)	2,457	2,111	
Treasury and General Government Appropriations Act, 2000 (P.L. 106–58)	27,929	24,970	
Energy and Water Appropriations Act, 2000 (P.L. 106–60)	21,280	13,297	
Transportation Appropriations Act, 2000 (P.L. 106–69)	14,369	17,883	
Veterans, HUD and Independent Agencies Appropriations Act, 2000 (P.L. 106–74)	95,850	55,861	
An Act Making Consolidated Appropriations for FY 2000 (P.L. 106–113) [1]	334,111	251,109	3,330
Ticket to Work and Work Incentives Improvement Act (P.L. 106–170)	18	18	116
Total, enacted this session	840,299	600,101	3,441
Entitlements and mandatories:			
Adjustments to appropriated mandatories to reflect baseline estimates	8,362	6,580	
Total Current Level	1,465,234	1,432,151	1,411,523
Total Budget Resolution	1,454,952	1,434,420	1,393,684
Current Level Over Budget Resolution	10,282		17,839
Current Level Under Budget Resolution		2,269	
Memorandum:			
Emergency designations	31,309	27,279	

[1] Public Law 106–113 provides funding for five regular appropriation bills: District of Columbia; Commerce, Justice, State; Foreign Operations; Interior; and Labor, HHS, Education. This act also incorporates by reference a miscellaneous appropriations bill and two bills that affect direct spending.

Source: Congressional Budget Office.

P.L. = public law; HHS = Health and Human Services; HUD = Housing and Urban Development.•

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 106–18

Mr. MURKOWSKI. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on February 1, 2000, by the President of the United States:

Treaty with the Hellenic Republic on Mutual Legal Assistance in Criminal Matters (Treaty Document No. 106–18).

I further ask that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty Between the Government of the United States of America and the Government of the Hellenic Republic on Mutual Legal Assistance in Criminal Matters, signed at Washington on May 26, 1999.

The Treaty is one of a series of modern mutual legal assistance treaties being negotiated by the United States in order to counter criminal activities more effectively. The Treaty should be an effective tool to assist in the prosecution of a wide variety of crimes, including terrorism and drug-trafficking offenses. The Treaty is self-executing.

The Treaty provides for a broad range of cooperation in criminal matters. Mutual assistance available under the Treaty includes taking testimony or statements of persons; providing documents, records, and other items; locating and identifying persons or items; serving documents; transferring persons in custody for testimony or other purposes; executing requests for searches and seizures; assisting in proceedings relating to immobilization and forfeiture of assets, restitution, and collection of fines; and any other form of assistance not prohibited by the laws of the Requested State.

I recommend that the Senate give early and favorable consideration to the Treaty and give its advice and consent to ratification.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 1, 2000.*

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE SESSION

Mr. MURKOWSKI. Mr. President, as in executive session, I ask unanimous consent that immediately following the completion of the bankruptcy bill and notwithstanding rule XXII, the Senate proceed to executive session and the consideration of the nomination of Alan Greenspan. I further ask unanimous consent that there then be the following debate time, to be divided as follows:

Senator LEAHY, 20 minutes; Senator DORGAN, 30 minutes; Senator HARKIN, 60 minutes; Senator WELLSTONE, 60 minutes; Senator REID, 30 minutes; the chairman and ranking member, 90 minutes equally divided.

I further ask unanimous consent that following the use or yielding back of time, the Senate proceed to a vote on the confirmation of the nomination at a time to be determined by the two leaders. I finally ask unanimous consent that following the vote, the President be notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR WEDNESDAY, FEBRUARY 2, 2000

Mr. MURKOWSKI. 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 Wednesday, February 2. I further ask unanimous consent that on Wednesday, immediately following the prayer, the Journal of the proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and the Senate then resume debate on S. 625, the bankruptcy reform bill, and Senator SCHUMER be recognized to call up his two remaining amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. MURKOWSKI. Mr. President, for the information of all Senators, the Senate will resume consideration of the bankruptcy reform bill at 9:30 a.m. tomorrow. There are several amendments remaining, and these amendments will be debated throughout the morning. All votes, including final passage of the bankruptcy legislation, will be stacked and are expected to occur at approximately 12 noon. After disposition of the bankruptcy bill, the Senate is expected to begin consideration of the nomination of Alan Greenspan to continue as chairman of the Federal Reserve.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. MURKOWSKI. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:14 p.m., adjourned until Wednesday, February 2, 2000, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate February 1, 2000:

DEPARTMENT OF STATE

ROSS L. WILSON, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF AZERBAIJAN.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATHAN O. HATCH, OF INDIANA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2006, VICE JOHN HAUGHTON D'ARMS, RESIGNED.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS COMMANDER, PACIFIC AREA, UNITED STATES COAST GUARD, AND TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 50:

To be vice admiral

REAR ADM. ERNEST R. RIUTTA, 2216

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS VICE COMMANDANT, UNITED STATES COAST GUARD, AND TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 47:

To be vice admiral

VICE ADM. THOMAS H. COLLINS, 9096

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. WILLIAM N. SEARCY, 9559

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS A PERMANENT PROFESSOR, UNITED STATES AIR FORCE ACADEMY, UNDER TITLE 10, U.S.C., SECTION 9333(B):

To be colonel

MARK K. WELLS, 2227

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES AIR FORCE AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be colonel

WILLIAM P. ABRAHAM, 9047
MICHAEL J. AINSCOUGH, 2857
CARL M. ALLEY, 2348
KATHRYN M. AMACHER, 3624
DOUGLAS J. AMMON, 0405
DAVID P. ARMSTRONG, 2247
JEFFERY W. ARMSTRONG, 0718
ANTHONY H. ARNOLD, 3341
WENDALL C. BAUMAN, 1894
MARCUS P. BEYERLE, 4889
DAVID L. BROWN, 2732
*JOHN B. BUDINGER, 5171
STEPHEN M. BURNS, 0578
JAMES L. BYERS, 6114
*BYRON C. CALHOUN, 2349
STEVEN L. CARDENAS, 7409
ROBERT E. CARROLL, 4761
*STEPHEN F. W. CAVANAH, 1731
PETER J. CHENAILLE, 1092
MATTHEW COATSWORTH, 7680
KORY G. CORNUM, 3611
STEVE R. CURTIS, 6507
DAVID E. DEAS, 3596
MALCOLM M. DEJNOZKA, 6139
ROBERT L. DITCH, 7566
DANIEL J. DONOVAN, 4254
*JOHN R. DOWNS, 2123
LOUIS D. ELDREDGE, 0960
*JOHN E. EVERETT, 7491
BRYAN J. FUNKE, 6269
DENNIS C. FUREY, 8850
GARY L. GEORGE, 5493
WILLIAM J. GRAY, 8278
*TIMOTHY K. GUTHRIE, 5504
*JAMES C. HAAK, 2565
FRED M. HANNAN, 8508
KAREN L. HARTER, 6741
BETH HASELHORST, 2091
ARNE HASSELQUIST, 5737
WILFRID J. HILL, 9290
GLORIA J. HOBAN, 1385
SUSAN L. HUFSMITH, 5039
JAMES S. ICE, 0429
WALTER J. JAMES, 4970
KAREN E. JONES, 0046
ROBERT P. KADLEC, 9146
DAVID N. KENAGY, 6733
*JAMES E. KING, 0466
*KID KUSS, 0994
JOHN R. LAKE, 1818
HOBSON E. LEBLANC, 9959
JAMES R. LITTLE, 7080
*JUDITH A. LOMBEIDA, 3905
DAVID J. LOUIS, 1159
PETER B. MAPES, 5076
ABUBAKR A. MARZOUK, 3146
MARGARET B. MATARESE, 1935
MARK F. MATHEWS, 6862
PATRICK A. MATTIE, 0263
JOHN C. MCCAFFERTY, 4474
*GREGORY P. MELCHER, 7745
BENNY C. MERKEL, 7514
JEFFREY L. MIKUTIS, 1537
WILLIAM J. MITCHELL, 7844
ANDREW R. MONTEIRO, 2571
MARYANN MORREALE, 4855
SEAN L. MURPHY, 9198
RONALD G. NELSON, 0212
KAY L. NESS, 4463
JAY C. NEUBAUER, 7136
DANNY W. NICHOLLS, 3832
FRANCESCO R. OLIVITO, 3141
PAUL A. ONNINK, 7486
KEVIN P. N. OSHEA, 4430
CARROLL A. PALMORE, 5647
LEE E. PAYNE, 6332
ALAN L. PEET, 5747
ROBERT PERSONS, 9492
JAMES PETTEY, 9622
KEVIN A. POLLARD, 5895
MARK A. PRESSON, 7852
ROBERT G. QUINN, 7034
KENNETH G. REINERT, 2647
ROLLAND C. REYNOLDS, 9234
*JOSE E. RODRIGUEZVAZQUEZ, 7986
ROBERT M. SAAD, 8554
VICTOR P. SALAMANCA, 4790
FREDERICK L. SCHAEFER, 9443
JAMES W. SCHUMACHER, 7554
JOE D. SPARKS, 3235
MICHAEL W. SPATZ, 2546
DAVID A. STANCZYK, 6597
WILLIAM C. STENTZ, 4050
DONALD E. TAYLOR, 9755
*JEFFREY M. THOMPSON, 9525
ROBERT F. TODARO, 0300
RUSSELL A. TURNER, 8203
SCOTT W. VANVALKENBURG, 2359
ANN M. VRTIS, 9337
NANCY A. WAITE, 9874
DOUGLAS J. WASSON, 3942
STEVEN J. WHITNEY, 8327
ROBERT A. WILLIAMSON, 4216
DAVID E. WOMACK, 0664

To be lieutenant colonel

*ROBERT M. ABBOTT, 1099
RONALD A. ABBOTT, 8209
*JOHN L. ANDRESHAK, 7047
*KATHLEEN M. ANKERS, 4172
DAVID A. ARRIGHI, 0219
*STEPHEN S. BAKER, 3803
*WOODY C. BAKER, 4124
THOMAS S. BINGHAM, 0722
DAVID P. BLAKE, 9395
*RICHARD E. BRANSDORF, 3350
*THOMAS M. BROWN, 0744
*LESLIE R. BRYANT, 1022
*DANIEL G. BURNETT, 0011
MARK S. CAMPBELL, 5411
*CRAIG Y. CASTILLO, 4002
RICHARD D. CESPEDES, 0003
*ROBERT G. CHANDLER, 1915
WILBERT E. CHARLES, 4231
*DAVID B. CHIESA, 8432
*CHARLES R. CLINCH, 2666
*JOHN M. COCUZZI, 7746
*LEONARD G. COINER, 2239
*JULIE M. COLLINS, 9784
JAN C. COLTON, 8382
JOHN J. DEGOES, 0665
*ROBERT I. DELO, 4681
*PAUL D. DEVEAU, 1621
ROBERT J. DIGERONIMO, 1737
PAUL S. DOAN, 5598
*GINA R. DORLAC, 6816
WARREN C. DORLAC, 2123
*MARY D. DVORAK, 9614
KATHLEEN B. ELMER, 2857
*DREW W. FALLIS, 1623
*MICHAEL FERGUSON, 4220
*PAUL M. FORTUNATO, 4280
DAIN N. FRANKS, 9238
SPENCER J. FRINK, 8063
EMILY M. GARSCADDEN, 3686
*JAMES W. GASQUE, 0604
*MARC V. GOLDHAGEN, 6990
*SCOTT L. GOLDSTEIN, 6834
TERESA D. GOODPASTER, 2959
*DWIGHT E. GURLEY, 6272
*DANIEL HABERMAN, 0290
*JENNIFER A. HARTE, 8790
*TERRY L. HASKE, 5136
*PAUL H. HAYASHI, 1373
*BRIAN P. HAYES, 3741
*DAVID J. HEICHEL, 6347
*JAMES H. HENICK, 8954
*LINWOOD J. HENRY, 8875
STEPHEN W. HIGGINS, 0032
*DONALD R. HOAGLIN, 4448
*HARRY HOLIDAY, 5042
*HELEN M. HOOTSMANS, 2726
*BRYAN N. HOUSE, 6234
DARRYL C. HUNTER, 0715
*TIMOTHY A. HURSH, 2080
*MARK D. IAFRATI, 6803
*KENNETH K. KNIGHT, 4940
MARK A. KOENIGER, 7398
EDWARD R. KOST, 7265
*JOSEPH S. KROBOCK, 9083
*TIMOTHY J. LACY, 8728
*KI HYEOK LEE, 6491
JOHN G. LEVASSEUR, 9365
VIKI T. LIN, 3375
*STEVEN J. LIPSCOMB, 5940
*DAVID S. LOUDER, 8890
MICHAEL D. MANN, 0137
*THOMAS O. MARKEL, 1478
*MICHAEL J. MAYERCHAK, 8614
*KENNETH P. MCDONNELL, 4975
KRISTA L. MCFARREN, 5022
*ROBERTA M. MELTON, 4530
*ROBYN R. MILLER, 9390
*RONALD J. MORRELL, 9080
MICHAEL R. MURCHLAND, 5324
*KEVIN J. MURPHY, 7755
*DIANE C. NAPOLI, 3474
*JARED W. NELSON, 9357
*SCOTT B. NORRIS, 4157
*JOSEPH E. NOVAK, 1564
*SANDRA S. OSSWALD, 8848
RANDALL A. OW, 9261
CRAIG S. PACKARD, 7255
*RONALD W. PAULDINE, 1113
*DE TAGLE SUSAN M. PEREZ, 1636
*GERALD E. PETERS, 3489
GORDON C. PETERS, 7367
*DAVID H. PFOTENHAUER, 1385
*MICHAEL S. PHILLIPS, 9577
*KRISTINA H. PHILPOTT, 2451
*GARY M. PIORKOWSKI, 8012
*THOMAS W. POLLARD, 3833
*DAVID B. POWERS, 8982
DAVID W. RIRIE, 2166
*EUGENIO RIVERA, 1100
TIMOTHY D. ROBINETTE, 4666
*JEFFREY S. SCHACK, 5591
CHRISTINE M. SCHAFER, 8777
*MARTHA P. SCHATZ, 5722
*MICHAEL D. SIGNORELLI, 4629
GALE J. SKOUSEN, 4024
*DAVID M. SMITH, 0826
*ROY E. SMITH, 6680
*JOHN B. STEA, 8297
ERIC B. STONE, 5069
*JOHN A. SUNDELL, 9258
*JEFFREY S. THOMPSON, 2726
*WILLIAM E. VENANZI, 9603
JOSE VILLALOBOS, 6974
*RODNEY M. WAITE, 9921
*LISA J. WAIZENEGGER, 1521
*JAMES F. WALROTH, 6449
*KAREN L. WATSONRAMIREZ, 9460
MARK E. WERNER, 5900
*DEAN H. WHITMAN, 1313
*GERALD V. WIEST, 3817
*JOHN M. WIGHTMAN, 6027
*DAVID A. WILLIAMS, 6750
*ROBERT B. WORTHINGTON, 8002
*ERIC G. YOUNG, 9741

To Be Major

ANTHONY J. ABENE, 2068
JAVIER A. ABREU, 8637
MICHAEL J. ACHINGER, 8131
PATRICK J. AHRENS, 1387
BRADLEY W. ANDERSON, 9987
ROBERT J. ANDERSON, 0941
THOMAS T. ANDREW, 6259
SCOTT K. ANDREWS, 8050
LLOYD H. ANSETH, 4398
LENA M. ARVIDSON, 7560
BONNIE C. ARZE, 8598

GARTH A. ASHBECK, 6456
ERIC J. ASHMAN, 4738
JEFFREY E. ASKEW, 8911
DAVID E. BACHOFER, 0409
JOSEPH C. BAER, 7019
MATT A. BAPTISTA, 7540
PHILIP R. BARONE, 9947
DEBORAH L. BARUCHBIENEN, 9345
KIMBERLY C. BAY, 9376
BRADY N. BENHAM, 2212
JEFFREY S. BENNETT, 9243
ERIC B. BENZ, 6256
JOSEPH R. BERGER, 1356
ANDREW T. BERGGREN, 9263
TODD M. BERTOCH, 5354
NINA LUCAS BETETA, 2826
DAVID W. BIDDLE, 0551
MARK R. BIEDRZYCKI, 0194
VIJAY K. BINDINGNAVELE, 9373
TODD E. BLATTMAN, 2451
TIMOTHY D. BODE, 6757
WILLIAM F. BODENHEIMER, 8987
ROBERT M. BOLDY, 0240
DONATO J. BORRILLO, 2922
RYAN G. BOSCH, 9160
LARS O. BOUMA, 1168
ANDREW N. BOWSER, 5329
DALE J. BRADLEY, 3963
JENNINE M. BRANDT, 6641
JOHN G. BRAWLEY, 5167
CHRISTINE E. BRICCETTI, 0311
KEITH R. BRILL, 4473
TRACY L. BROBYN, 5459
LAURA A. BRODHAG, 5509
ELISA L. BROWN, 2330
JOSEPH M. BRUNO, 5962
HANS C. BRUNTMYER, 7073
JAMES E. BRYANT, 3888
JOHN E. BUCK, 0657
MARK A. BUONO, 3089
DAVID M. BUSH, 4690
AMY E. BUTLER, 5647
THATCHER R. CARDON, 6682
STEVE J. CASEY, 9897
ERIC L. CATHEY, 9671
MARY E. CHAPPELL, 5614
MICHAEL A. CHEEK, 2180
MARTIN S. CHIN, 6595
YUN C. CHONG, 4015
DANIELLE B. CLAIR, 9458
STEVEN L. CLARK, 9245
CHRISTINE S. CLARKE, 9398
GEORGE A. CLARKE, 8095
DAVID S. COCKRUM, 4351
KIMBERLY A. COLLINS, 1231
MARK R. COMNICK, 4029
GREGREY A. COMPTON, 8164
GISELLE M. CONLIN, 5067
KEVIN P. CONNOLLY, 7028
THOMAS J. CONNOLLY, 4512
MARK O. COVINGTON, 4700
RONALD L. COX, 0816
GLYNDA G. CRABTREE, 1376
HARRY S. CRAWFORD, 3746
DANA K. CRESSLER, 2963
JOHN W. CROMMETT, 2928
JIM D. CROWLEY, 4787
JEFFREY R. CUMMINGS, 2169
TIMOTHY M. CURLEY, 8454
JOSEPH J. CZARNECKI, 5396
SMITH MARY F. DAILEY, 1120
CHEVAUGHN V. DANIEL, 3263
ERIC C. DAUB, 2483
PATRICK G. DAUS, 9642
ELIZABETH E. DAVIES, 6211
JOSEPH Y. DEJESUS, 2423
CHRIS T. DERK, 1101
PETER K. DERUSSY, 7999
GREGORY A. DEYE, 8732
JAMES D. DIXON, 1524
SARA A. DIXON, 3724
KEVIN M. DRECHSEL, 5736
ERIC J. DUDENHOEFER, 4260
JOSIAH W. DUKE, 9555
JAMES S. DUNN, 0520
STEVEN J. DURNING, 9794
MARK A. EASTERDAY, 4177
RICHARD J. ECKERT, 1581
ROBIN M. EICKHOFF, 8720
MARK L. ELDORE, 7911
STEPHEN C. ELIASON, 6893
MARK A. ENGLEMAN, 0351
TONTA L. FANCHER, 1800
RAYMOND FANG, 4769
SUSAN C. FARRISH, 7278
JILL C. FEIG, 3941
JAMES E. FEISTE, 9869
STEVEN L. FINEBERG, 1585
PATRICK J. FITZSIMMONS, 4096
DEANNE L. FOSNOCHT, 5321
ANGELA G. FOWLER, 3561
CHRISTOPHER M. FOWLER, 5875
FARON J. FOX, 0248
DENISE WRIGHT FRANCOIS, 0587
LAUREN B. FRANKLIN, 2856
JEFFREY J. FREELAND, 4919
CARL A. FREEMAN, 3818
DOUGLAS J. FREEMAN, 0982
KRISTEN A. FULTSGANEY, 7261
THOMAS J. GAL, 9962
STEPHEN M. GALVIN, 5931
FANG YUN GAN, 0407
MERRI A. GANDHI, 9440
RICHARD F. GARRI, 7289
JUAN GARZA, 4797
TINA C. GAUNT, 2644
MARTIN F. GIACOBBI, 7787
MICHAEL W. GISH, 7068
ROBERT A. GOINS, 8949
KAREN M. GOLD, 7186
TRACEY A. GOLDEN, 5141
RUSSELL S. GORNICHEC, 0571
STEVEN M. GRAY, 6606
BARRY J. GREER, 1839
MICHAEL S. GRIMLEY, 3069
KEVIN A. HACHMEISTER, 3985
JOHN D. HALLGREN, 9761
WILLIAM HALLIER, 8960
DEREK B. HAMBLIN, 2275
BRIAN R. HAMLIN, 2349
CHRISTINE D. HAMRICK, 1946
VERN A. HARCHENKO, 1995
DONALD S. HARPER, 4681
SCOTT A. HARTWICH, 5077
GRANT E. HASSON, 6592
BOBBI J. HAWK, 7970
DEREK G. HEBERT, 6600
RICHARD A. HEINER, 0313
CHRISTINA L. HELTERBRAND, 2778
DAVID L. HEMPHILL, 5534
ANDRE A. HENRIQUES, 5621
GEORGE E. HERRIOTT, 5735
SUSAN L. HILL, 6984
JEANNEMARIE D. HINKLE, 6985
MARK A. HINTON, 9125
JACQUELINE HO, 7127
ERRIN J. HOFFMAN, 3824
GREGORY D. HOMER, 0981
DREW M. HORLBECK, 4154
MARK T. HORROCKS, 8988
KAI YUN HSU, 2244
JEFFREY M. HUFFMAN, 7236
DUSTAN T. HUGHES, 6700
JOHN W. HULTQUIST, 3928
CELESTA M. HUNSIKER, 5216
TIMOTHY J. HUSCHKE, 3728
BRENDON B. HUTCHINSON, 2875
CHRISTOPHER S. HYDO, 4030
ANTHONY M. INAE, 6698
ALAN J. IVERSON, 7417
DARIN R. JACOBY, 1825
KELSEY G. JAMES, 0860
MICHAEL J. JENKS, 2115
MONICA L. JOHNSON, 3551
KATHLEEN M. JONES, 7837
RAYMOND C. JONES, 5215
WAYNE P. JUSTICE, 6809
BENJAMIN C. KAM, 1723
MICHELLE Y. KARNEY, 6857
JAY D. KERECMAN, 1533
DAVID B. KIESER, 8148
KIKU E. KIM, 3036
KYUWON KIM, 0244
BRIAN D. KIMBALL, 2430
HENRY J. KISER, 9625
SVEN KLAUSS, 2661
TAMMY M. KNAPP, 1682
COLIN G. KNIGHT, 6590
MARK W. KOLASA, 7234
THOMAS E. KOLKEBECK, 3211
AARON B. KOONCE, 2222
MICHAEL R. KOTELES, 1381
JANE P. KRAMAR, 7434
KYLE R. KREINBRING, 1891
ROY E. KUHL, 6164
JOHN I. KUNG, 0525
SHARI J. KUSHWAHA, 4347
DAE T. KWAK, 6394
JERRY D. LABSON, 9700
ROBERT E. LACLAIR, 6728
JOHN C. LACUNZA, 8913
DAVID M. LAMBERT, 4760
DANIEL R. LANCE, 7467
JENNIFFER L. LAPOINTE, 3148
JEFFRY J. LARSON, 5236
JAMES LEE, 0334
JACK B. LEWIS, 7084
KENNETH M. LIGHTHEART, 4868
RODNEY D. LINDSAY, 7193
ROBERT F. LINN, 4062
PAUL M. LITTLE, 0316
KAMALA H. LITTLETON, 8255
BRADLEY A. LLOYD, 3468
DEBORAH S. LOMAKOSKI, 6943
LARRY K. LONG, 8456
ANN LOPES, 6918
JAMES D. LOWE, 1894
DERON J. LUDWIG, 2368
ANDREA L. LUNDELL, 8576
JAMES J. LYONS, 3459
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DANIEL M. MACALPINE, 6156
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MARK E. MANLEY, 7904
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SUMNER T. MCALLISTER, 4380
CARL L. MCGLOSTER, 7538
RHETT F. MCLAREN, 5035
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KEVIN E. MCVANEY, 4697
MICHAEL R. MEASE, 6408
JOSEPH B. MENDOZA, 1435
KURT D. MENTZER, 0172
CHRISTINA L. MERSKI, 6339
MICHELLE F. METZGER, 1225
MICHAEL T. MEYER, 3397
SCOTT R. MEYER, 8111
GIOVANNI G. MILLARE, 8286
DAVID P. MILLER, 6802
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PATRICK J. MILLER, 1376
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PATRICK B. MONAHAN, 8138
ROBERT M. MONBERG, 7936
LISA A. MONKMAN, 8274
RICHARD L. MOONEY, 9257
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SUSAN O. MORAN, 6394
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DARIN K. MORGAN, 9387
WILLIAM P. MUELLER, 9005
CHRISTOPHER C. MUENCHEN, 3815
JOSEPH A. MUHLBAUER, 5218
MICHAEL J. MULLEN, 1151
HOLLY C. MUSGROVE, 6202
BASEEMAH S. NAJEEULLAH, 8177
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PAIGE L. NEIFERT, 8603
PETER E. NEIFERT, 8609
DANA L. NELSON, 3049
MARY E. NEWMAN, 0753
KHOI N. NGUYEN, 0192
NGHIA H. NGUYEN, 5252
TAN LOC P. NGUYEN, 3082
GRACE S. NIEVES, 5294
JENNIFER M. NIXON, 3836
TERRI J. NUTT, 4989
MICHAEL P. O'BRIEN, 4758
CAREY L. O'BRYAN, 0243
WENDELL C. OCASIO, 6253
ANTHONY B. OCHOA, 9672
KELLY A. OFFUTT, 4025
RICHARD M. OLEY, 0999
KENNETH D. OSORIO, 1830
ALBERT L. OUELLETTE, 7058
MARK D. PACKER, 8370
ANTS PALMLEIS, 9494
MYUNG S. PARK, 6367
GERALD L. PARKER, 8472
PAUL C. PARRISH, 6960
JOSEPH R. PARSONS, 7094
ERIC P. PECK, 4649
STEVEN J. PECKHAM, 4416
BRETT A. PENNEY, 6983
DAWN E. PEREDO, 6682
LEONLOURDES DAPH PEREZROMAN, 2923
FREEDOM F. PERKINS, 9539
PAUL C. PETERSON, 5148
JAMES A. PHALEN, 9364
CHRISTOPHER P. PILLER, 4324
LAURA L. PLACE, 3510
SHAWN G. PLATT, 5780
PAUL W. PLOCEK, 8129
RAY L. PLUMLEY, 6296
MATTHEW C. POLING, 5076
BRENT A. PORTER, 9695
HARRIS R. PRAGER, 8150
SUSAN J. QUICK, 0440
JOHN C. RABINE, 1427
KEVIN J. RAINSFORD, 2313
MICHAEL RAJNIK, 7923
STEVEN E. RASMUSSEN, 8416
JON D. RAWLING, 1306
LINDA M. REICHLER, 3323
CHARLES D. REILLY, 6133
XIAO LI REN, 6870
BRIAN S. RETHERFORD, 6711
MARK S. REYNOLDS, 5211
SCOTT A. RIISE, 3873
STUART O. RIMES, 1493
MATTHEW J. RIVARD, 9460
ERIC D. ROBERSON, 0543
KENNETH E. ROBINSON, 0621
JAMES A. ROCHESTER, 4429
MICHAEL D. ROLLER, 8890
HENRY M. ROQUE, 2310
KAREN J. ROSE, 9134
JOSHUA S. ROTENBERG, 7630
MILDRED A. ROTZOLL, 9001
RYLLIS A. ROUSSEAU, 5268
JAMES L. RUBLE, 9667
TIMOTHY P. RYDELL, 1411
RUBEN S. SAGUN, 4484
JAMES L. SANDERSON, 0269
JEFFREY R. SANTI, 8139
DANIEL A. SAVETT, 0030
KATHRYN M. SCHAT, 3613
LARRY R. SCHATZ, 7922
MARK D. SCHENKMAN, 5533
JEFFERSON A. SCHOTT, 9169
REBEKAH R. SCHROEDER, 7855
DARLENE P. SCHULTZ, 1731
SARAH A. SCHWEN, 0884
DIETLINDE D. SCOTT, 4038
JEFFREY H. SEDGEWICK, 6007
DALE M. SELBY, 1353
ROBERT S. SHEPERD, 3371
JON R. SHERECK, 6322
STEVEN D. SHOTTS, 1606
BILLY G. SHUMATE, 9105
JOHN U. SIEGRIST, 3366
DANA L. SIMPSON, 6335
PAUL A. SKLUZACEK, 3371
DANIEL T. SMITH, 6358
JAMES D. SMITH, 9760
MENSAH WILLIAM H. SMITH, 8438
RANDALL D. SMITH, 3471
TONY D. SMITH, 7166
JOHN A. SNYDER, 5275
DEBORAH M. SONG, 2374
ROSSANNE M. SOSA, 3039
VERONICA M. STASA, 1072
JOHN J. STEELE, 9939
JOHN P. STEINLAGE, 9760
MICHAEL D. STEVENS, 1438
JAMES A. STITH, 9758
DONALD F. STOREY, 5384
TONI C. STRONG, 7862
ERIKA J. STRUBLE, 5284
ERIC A. SUESCUN, 4194
JAY W. SWETT, 6244
WADE R. TALLEY, 6761
ERIC S. TAUSCHER, 5452
GERALD N. TAYLOR, 2507
ANTHONY A. TERRERI, 7165
TODD A. THAMES, 0337
CHRISTINE THOMAS, 5845
LYNNE D. THOMAS, 2775
MARK J. THOMPSON, 4725
VALERIE V. F. TIGNO, 4251
DAVID A. TILLES, 7639
JOSIAH B. TILTON, 5586
HERBERT J. TOMASO, 2991
BRADLEY J. TOUCHET, 9376
GEOFFREY D. TOWERS, 9207
JAMES B. TRUMBLE, 7245
BLAINE A. TUFT, 1228
CHARLES A. TUJO, 3073
TERRANCE C. TUOMINEN, 5094
BRIAN K. TWEDT, 5196
DONALD TYLER, 4592
LALITHA VADLAMANISIMMERS, 8783
SCOTT A. VANDEHOEF, 0815
RANDALL E. VILLALOVAS, 4949
TERRI L. VITAL, 7771
BRIAN A. VROON, 0844
TIFFANY L. VROON, 0332
RICHARD A. WACHS, 7380
LINCOLN R. WALLACE, 1132
MICHAEL C. WALTERS, 6408
DAI YUAN WANG, 7105
JAMES M. WARD, 8989
HARRISON F. WARNER, 9816
NATHAN P. WATKINS, 2255
CHARLES N. WEBB, 9182
MARK A. WEISKIRCHER, 7336
KYLE S. WENDFELDT, 9900
CHRISTINA G. WESTON, 5658
JACQUE R. WETTLAUFER, 2011
DANIEL W. WHINNEN, 1835
DARLA D. WHITFIELD, 2206
JEFF T. WILKINS, 8486
DAVID B. WILSON, 6287
JENNIFER M. WILSON, 5948
ANITA JO ANNE WINKLER, 6296
JERALD L. WINTER, 0153
LINDY W. WINTER, 8391
MARY H. WITT, 6191
STEPHEN D. WITZKE, 1390
RANDY W. WOBSER, 8638
LAURA ANN WOLFF, 0499
MATTHEW P. WONNACOTT, 0083
DAVID A. WOOD, 4423
DAVID A. WOOD, 4654
MICHAEL J. WOOD, 3137
RAWSON L. WOOD, 5462
SAMUEL K. WOOD, 2628
TIMOTHY G. WOODS, 4472
DARWIN B. WOOTEN, 9551
KEITH R. WORKMAN, 7147
DAE YOUNG YANG, 7369
SCOTT TZU CHING YANG, 5250
JEFFREY L. YEE, 8997
KIMSEY P. YOUNG, 1036
KENNETH C. Y. YU, 0052

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. BRUCE H. BARLOW 0873

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

COL. ROBERT E. GAYLORD, 8602

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To Be major general, medical corps

BRIG. GEN. KEVIN C. KILEY, 4471
BRIG. GEN. DARREL R PORR, 8386

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. ROBERT L. HALVERSON, 5509

To be brigadier general

COL. EDMUND T. BECKETTE, 5971
COL. JAMES J. BISSON, 6236
COL. RAYMOND C. BYRNE, JR., 5792
COL. DANIEL D. DENSFORD, 0210
COL. JEFFREY L. GIDLEY, 9702
COL. DANNY H. HICKMAN, 0335
COL. JAMES D. JOHNSON, 9083
COL. DENNIS M. KENNEALLY, 2586
COL. DION P. LAWRENCE, 1257
COL. ROBERT G. MASKIELL, 9965
COL. DARYL K. MCCALL, 2627
COL. TERRELL T. REDDICK, 9266
COL. RONALD D. TAYLOR, 4916
COL. JOHN T. VON TROTT, 1310
COL. WILLIAM H. WEIR, 0308
COL. DEAN A. YOUNGMAN, 4722
COL. WALTER E. ZINK II, 8489

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS A PERMANENT PROFESSOR OF THE UNITED STATES MILITARY ACADEMY IN THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 4333 (B):

To be colonel

ANDRE H. SAYLES, 7549

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. JACK A. DAVIS, 8721

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. GORDON S. HOLDER, 2235

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral

REAR ADM. (LH) JOHN G. COTTON, 6982
REAR ADM. (LH) STEPHEN S ISRAEL, 3464
REAR ADM. (LH) HENRY F. WHITE, 1081

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS DEPUTY JUDGE ADVOCATE GENERAL OF THE UNITED STATES NAVY IN THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 5149:

To be rear admiral

CAPT. MICHAEL F. LOHR, 1245

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS JUDGE ADVOCATE GENERAL OF THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 5148:

To be judge advocate general of the United States Navy

REAR ADM. DONALD J. GUTER, 0275

EXTENSIONS OF REMARKS

RECOGNIZING THE DUTY OF THE MARIANAS SCOUTS

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 2000

Mr. UNDERWOOD. Mr. Speaker, on January 31, 2000, a ceremony will take place in the Commonwealth of the Northern Mariana Islands honoring and recognizing the service of a small group of civilian men who, during WWII on the island of Saipan, willingly put themselves in harm's way to ensure that American soldiers could defeat the occupying Japanese military forces. Commonwealth of the Northern Mariana Islands Resident Representative, the Honorable Juan Babauta, has been key in making sure the sacrifice and service of these men are recognized by the United States. I commend Mr. Babauta for his persistence and wish to submit his statement honoring the "Marianas Scouts" for the RECORD.

AT LAST AMERICA REMEMBERS MARIANAS SCOUTS

They helped American Marines find their way on unfamiliar ground during one of World War II's fiercest battles. And once the Japanese-held island of Saipan was ''secure'' they continued to help: rooting out the hundreds of enemy soldiers who remained a menace, lurking in the dense jungle and hidden deep in limestone caves.

But when the fighting was finally over, the fifty Chamorro and Carolinian men who had volunteered to join the US military after the invasion of Saipan were forgotten by the US. They received no discharges, no campaign ribbons, none of the benefits accorded other US veterans. Only their families and friends remembered the valor of these ''Marine Scouts.''

On Monday, January 31, at least America will remember.

In a ceremony to be attended by Brigadier General R.E. Parker, Commanding General of the US Marine Corps Base in Hawaii and personal representative of Marine Corps Commandant General James L. Jones, the twenty-one surviving Scouts and the memory of those who have already passed on will finally receive the recognition they deserve.

General Parker will present the Scouts or their survivors with the ribbons and medals acknowledging service in the Asiatic-Pacific Campaign and commemorating Victory in the World War II. The men will also receive their official discharges at the rank of corporal.

The Marianas Campaign of 1944 was critical to the outcome of World War II. The fall of the Marianas led directly to the fall of the government in Tokyo, because now America was within bomber range of the Japanese home islands. That strategic significance was reflected in the ferocity of the fighting here and the tenacity of the Japanese defenders.

Even after the battle of Saipan was official over and the Japanese military command had surrendered, still there were hundreds of Japanese soldiers hidden in the dense jungle, squeezed into pockets of limestone in the hillsides. At night they materialized to harass; by day their sniper shots struck without warning. Americans continued to die.

The US Commander of the Military Government decided that local men, who best knew the local terrain and spoke Japanese, could best track down these holdouts.

Fifty Chamorros and Carolinians were selected and put under the command of the 6th Provisional Military Police Battalion. They were issued Marine Corps uniforms, trained to use rifles and grenades, and instructed in hand-to-hand fighting.

Once on duty, platoons of these local Marine Scouts, as they were known, combed Mt. Tapotchau, the hills of Laulau and Kagman, and the ridges of Marpi, exposing and capturing Japanese. The Scouts also took part in the American expeditions to round up the hundreds of Japanese troops on the islands of Pagan and Maug.

The service of these men of the Marianas saved American lives. But their service was never fully acknowledged.

It took six years of work, beginning with exhaustive research in military archives at the National Archives, the Marine Corps Historical Center, and the Naval Archives, through some 50,000 pages of war records and diaries, to uncover the few sentences attesting to the Scouts' service. For the men themselves had no paper record, only their memories.

Then, the materials had to be presented to the Department of Defense Civilian/Military Service Review Board for its scrutiny. On September 30, 1999, two years after the original submission, the decision came down:

''In accordance with the provisions of Public Law 95–202 and upon the recommendation of the Department of Defense Civilian/Military Service Review Board, the Secretary of the Air Force, acting as the Executive Agent of the Secretary of Defense, determines . . . the service of . . . three scouts/guides, Miguel Tenorio, Benedicto Taisacan, and Cristino Dela Cruz, who assisted the U.S. Marines in the offensive operations against the Japanese on the Northern Mariana Islands from 'June 19, 1994, through September 2, 1945,' shall be considered 'active duty' for purposes of all laws administered by the Department of Veterans Affairs.

''Additionally, the service of a group described as 'the approximately 50 Chamorro and Carolinian former, native policemen who received military training in the Donnay area of central Saipan and were placed under the command of Lt. Casino of the 6th Provisional Military Police Battalion to accompany United States Marines on active, combat-patrol activity from August 19, 1945, to September 2, 1945,' shall be considered 'active duty' for purposes of all laws administered by the Department of Veterans Affairs.''

Now, on Janaury 31, the Scouts will receive their discharges, medals, and ribbons.

Among those who should be recognized for their efforts to make this day possible are: Mr. Joseph C. Reyes, President of the US Armed Forces Veterans Association in the Northern Marianas, who was tireless in pursuit of this goal; former members of the Northern Marianas Legislature Crispin I. Deleon Guerrero and Vicente C. Guerrero, who would not let our men be forgotten; both Joseph Palacios, the former Director of the CNMI Veterans Office, and Jesus C. Muna, the present Director, who have been most supportive; Mr. Pete Callahan, Commander of Veterans of Foreign Wars Post 3457, who helped mobilize national recognition; Senator Daniel Akaka of Hawaii, a vet himself, who weighed in with the Pentagon when we needed him; and the Northern Marianas Legislature, under the leadership of Speaker Diego T. Benavente and President Paul A. Manglona, which passed two resolutions on behalf of our World War II veterans, spurred to act by Representatives Frank G. Cepeda and David M. Apatang. Major Harry Blanco, should also be recognized; he extended PX privileges to the Scouts, even before they were declared to be vets; a much appreciated act of faith.

THE ROSTER OF SCOUTS

Ignacio Reyes Ada, Antonio M. Aguon, Antonio Angailen, Pedro SN. Attao, Santiago Miyasaki Babauta, Antonio Manahane Benavente, Juan V. Benavente, Daniel T. Borja, Gregorio Flores Borja, Gregorio Camacho Cabrera, Juan Camacho Cabrera, Albert S. Camacho, Lorenzo Tudela Camacho, Cristino S. Dela Cruz, Joaquin Duenas Dela Cruz, Bernardo C. Deleon Guerrero, Joaquin C. Deleon Guerrero, Jose S. Deleon Guerrero, Lorenzo Diaz Deleon Guerrero, Serafin Borja Kaipat, Juan Limes, Rafael C. Mafnas, Jose Blas Magofna, Miguel Blaz Magofna, Pedro Mettao, Nicolas Quidachai Muna, Francisco Nekai, Juan Quitugua Norita, Isidro Limes Ogarto, Francisco C. Palacios, Joaquin B. Pangelian, Juan San Nicolas Pangelian, Edward M. Peter, Jose Roberto Quitano, Benigno A. Rabauliman, Antonio T. Rogolofoi, Isidro R. Rogopes, Vicente T. Rosario, Ignacio Mangarero Sablan, Segundo Tudela Sablan, Herberto San Nicolas, Pedro F. Sakisat, Felipe Agulto Salas, Gofredo Aguon Sanchez, Juan A. Sanchez, Guillermo P. Saures, Felipe Mazinnis Seman, Juan Malus Tagabuel, Benedicto Satur Taisacan, Antonio Camacho Tenorio, Antonio P. Tenorio, Vicente Olaitiman Taman, Miguel Pangelinan Tenorio, Pedro Peter Teregeyo, and Manuel Seman Villagomez.

UNFAIRNESS IN TAX CODE: MARRIAGE TAX PENALTY

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 2000

Mr. WELLER. Mr. Speaker, I rise today to highlight what is arguably the most unfair provision in the U.S. Tax Code: the marriage tax penalty. I want to thank you for your long term interest in bringing parity to the tax burden imposed on working married couples compared to a couple living together outside of marriage.

This month President Clinton gave his State of the Union Address outlining many of the things he will spend the budget surplus on. House Republicans want to preserve 100% of the Social Security surplus for Social Security and Medicare and use the non-Social Security surplus for paying down the debt and to bring fairness to the tax code.

A surplus provided by the bipartisan budget agreement which cut waste, put America's fiscal house in order, and held Washington's feet to the fire to balance the budget.

While President Clinton parades a long list of new spending totaling $72 billion in new programs—we believe that a top priority after saving Social Security and paying down the national debt should be returning the budget surplus to America's families as additional middle-class tax relief.

This Congress has given more tax relief to the middle class and working poor than any Congress of the last half century.

I think the issue of the marriage penalty can best be framed by asking these questions: Do Americans feel it's fair that our tax code imposes a higher tax penalty on marriage? Do Americans feel it's fair that the average married working couple pays almost $1,400 more in taxes thatn a couple with almost identical income living together outside of marriage? Is it right that our tax code provides an incentive to get divorced?

In fact, today the only form one can file to avoid the marriage tax penalty is paperwork for divorce. And that is just wrong!

Since 1969, our tax laws have punished married couples when both spouses work. For no other reason than the decision to be joined in holy matrimony, more than 21 million couples a years are penalized. They pay more in taxes than they would if they were single. Not only is the marriage penalty unfair, it's wrong that our tax code punishes society's most basic institution. The marriage tax penalty exacts a disproportionate toll on working women and lower income couples with children. In mahy cases it is a working women's issue.

Let me give you an example of how the marriage tax panalty unfairly affects middle class married working couples.

For example, a machinist, at a Caterpillar manufacturing plant in my home district of Joliet, makes $30,500 a year in salary. His wife is a tenured elementary school teacher, also bringing home $30,500 a year in salary. If they would both file their taxes as singles, as individuals, they would pay 15%.

MARRIAGE PENALTY EXAMPLE

	Machinist	School Teacher	Couple	H.R. 6
Adjusted Gross Income	$31,500	$31,500	$63,000	$63,000
Less Personal Exemption and Standard Deduction	6,950	6,950	12,500	[1] 13,900
Taxable Income	24,550	24,550	50,500	49,100
	(x .15)	(x. 15)	(Partial x.28)	(x.15
Tax Liability	$3,682.5	$3,682.5	$8,635	$7,365
Marriage Penalty			$1,270	
Relief				$1,270

[1] Singles times 2.

But if they chose to live their lives in holy matrimony, and now file jointly, their combined income of $61,000 pushes them into a higher tax bracket of 28 percent, producing a tax penalty of $1,400 in higher taxes.

On average, America's married working couples pay $1,400 more a year in taxes than individuals with the same incomes. That's serious money. Millions of married couples are still stinging from April 15th's tax bite and more married couples are realizing that they are suffering the marriage tax penalty.

Particularly if you think of it in terms of a down payment on a house or a car, one years tuition at a local community college, or several months worth of quality child care at a local day care center.

To that end, U.S. Representative DAVID MCINTOSH (R–IN) and U.S. Representative PAT DANNER (D–MO) and I have authored H.R. 6, the Marriage Tax Elimination Act.

H.R. 6, the Marriage Tax Elimination Act will increase the tax brackets (currently at 15% for the first $24,650 for singles, whereas married couples filing jointly pay 15% on the first $41,200 of their taxable income) to twice that enjoyed by singles; H.R. 6 would extend a married couple's 15% tax bracket to $49,300. Thus, married couples would enjoy an additional $8,100 in taxable income subject to the low 15% tax rate as opposed to the current 28% tax rate and would result in up to $1,215 in tax relief.

Additionally the bill will increase the standard deduction for married couples (currently $6,900) to twice that of singles (currently at $4,150). Under H.R. 6 the standard deduction for married couples filing jointly would be increased to $8,300.

H.R. 6 enjoys the bipartisan support of 223 co-sponsors along with family groups, including: American Association of Christian Schools, American Family Association, Christian Coalition, Concerned Women for America, Ethics and Religious Liberty Commission of the Southern Baptist Convention, Family Research Council, Home School Legal Defense Association, the National Association of Evangelicals and the Traditional Values Coalition.

It isn't enough for President Clinton to suggest tax breaks for child care. The President's child care proposal would help a working couple afford, on average, three weeks of day care. Elimination of the marriage tax penalty would give the same couple the choice of paying for three months of child care—or addressing other family priorities. After all, parents know better than Washington what their family needs.

We fondly remember the 1996 State of the Union address when the President declared emphatically that, quote "the era of big government is over."

We must stick to our guns, and stay the course.

There never was an American appetite for big government.

But there certainly is for reforming the existing way government does business.

And what better way to show the American people that our government will continue along the path to reform and prosperity than by eliminating the marriage tax penalty.

Ladies and Gentlemen, we are on the verge of running a surplus. It's basic math.

It means Americans are already paying more than is needed for government to do the job we expect of it.

What better way to give back than to begin with mom and dad and the American family—the backbone of our society.

We ask that President Clinton join with Congress and make elimination of the marriage tax penalty . . . a bipartisan priority.

Speaker HASTERT and House Republicans have made eliminating the marriage tax penalty a top priority. In fact, we plan to move legislation in the next few weeks.

Last year, President Clinton and Vice-President GORE vetoed our efforts to eliminate the marriage tax penalty for almost 28 million married working people. The Republican effort would have provided about $120 billion in marriage tax relief. Unfortunately, President Clinton and Vice President GORE said they would rather spend the money on new government programs than eliminate the marriage tax penalty.

This year we ask President Clinton and Vice-President GORE to join with us and sign into law a stand alone bill to eliminate the marriage tax penalty.

Of all the challenges married couples face in providing home and hearth to America's children, the U.S. tax code should not be one of them.

The greatest accomplishment of the Republican Congress this past year was our success in protecting the Social Security Trust Fund and adopting a balanced budget that did not spend one dime of Social Security—the first balanced budget in over 30 years that did not raid Social Security.

Let's eliminate the Marriage Tax Penalty and do it now!

KOREAN WAR ANNIVERSARY

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2000

Mr. EVANS. Mr. Speaker, I am proud to join with TOM EWING, my colleague from Illinois, as an original cosponsor of this legislation recognizing the 50th anniversary of the Korean war.

On June 25, 1950, Communist North Korea initiated the conflict by invading South Korea with approximately 135,000 troops. President Harry S. Truman and the United Nations drew a line in the sand, committing ground, air, and naval forces. Approximately 5,720,000 members of the Armed Forces served during the Korean war. These men and women deserve our gratitude and respect.

Unfortunately, there was a time when people referred to the Korean war as the Forgotten War. The decisive struggles of this century have been the wars against totalitarianism. The World War II generation faced the Axis powers with honor and great courage. That same honor and courage were displayed in a long series of wars and struggles that led to the fall of the Soviet empire. Korea was the initial confrontation of the nuclear age.

I am honored to cosponsor this bipartisan joint resolution recognizing the 50th anniversary of the Korean war and honoring the sacrifice of those who served. We are introducing the legislation today, calling upon our fellow Members of Congress to support us.

CONGRATULATIONS ON YOUR 100TH BIRTHDAY, ANNIE GOFFREDI

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2000

Mr. McINNIS. Mr. Speaker, I would like to take a moment to recognize a woman who has recently celebrated her 100th birthday.

Annie Goffredi was born on January 5, 1900, in Missouri. She moved to Colorado with her husband so that he could mine for coal.

Annie acknowledges that many changes have taken place in the last 100 years. She has been witness to the first uses of many inventions including: washing machines, electricity, cars and even musical instruments. Annie's first memories of a car involve a man that would give the children rides after school. Annie also rode in a car to go into town to vote.

Annie has enjoyed being able to travel to Russia and Europe. She also enjoys reading and attributes that interest to her father.

Although she does not have an anecdote for living to be 100 years old, Annie says that she is grateful to just live.

It is with this, Mr. Speaker, that I would like to offer my congratulations and best wishes for Annie Goffredi as she celebrates her 100th birthday.y

PERSONAL EXPLANATION

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2000

Mr. BECERRA. Mr. Speaker, due to a commitment in my district on Monday, January 31, 2000, I was unable to cast my floor vote on rollcall Nos. 2–3. The votes I missed include rollcall vote No. 2 on Suspending the Rules and agreeing to H. Con. Res. 244, Authorizing the Use of the Rotunda for Holocaust Memorial; and rollcall vote No. 3 on Suspending the Rules and Agreeing to Senate Amendments to H.R. 2130, the Hillory J. Farias and Samantha Reid Date-Rape Prevention Drug Act of 1999.

Had I been present for the votes, I would have voted "aye" on rollcall votes Nos. 2 and 3.

IN TRIBUTE TO THE HONORABLE LLOYD DUXBURY

HON. MARTIN OLAV SABO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2000

Mr. SABO. Mr. Speaker, today it is my pleasure to pay tribute to a great American, my former Speaker in the Minnesota State House of Representatives—the Honorable Lloyd Duxbury. After 50 years of distinguished service to the people of Minnesota and the Nation, "Dux" has announced his retirement.

During World War II, Lloyd Duxbury served in the U.S. Army, and then went on to finish his undergraduate work at Harvard. After graduating from Harvard Law School in 1949, he returned to his hometown of Caledonia, MN, to join his father's law practice. In 1950, he was elected to the Minnesota State House of Representatives, where he served as Minority Leader from 1959 to 1963, and Speaker from 1963 to 1971.

After leaving the Minnesota State House, Dux made his way to Washington, DC to work as an advocate for Burlington Northern Railroad. He went on to serve on the staff of the U.S. Senate Special Aging Committee. In 1989, Dux joined the staff of the National Committee to Preserve Social Security and Medicare, where for the past 10 years he has served as a tireless advocate for our Nation's seniors.

Although Lloyd Duxbury and I served on different sides of the aisle of the Minnesota State House, I cherish the years I worked with him. His leadership in the legislature was always marked by the finest traditions of public service. I learned a lot from Dux, who is one of the hardest working people I have known. I also remember him as the quickest gavel around—especially during the years when he served as Speaker of the House and I served as Minority Leader. Whenever I turned around, it seemed, there he was, banging his gavel yet again.

On a more serious note, it is clear to me—and to all of us who served with him—that Lloyd Duxbury always considered it a privilege to serve his constituents. I consider myself lucky to have served with him. As he retires and embarks upon a new path in his life back in Minnesota, I know we in Washington will miss Dux's advice and counsel on issues important to Minnesota and the Nation.

Today, Lloyd Duxbury celebrates his 78th birthday. Mr. Speaker, in addition to offering my warmest birthday wishes to my friend Dux, I would like to wish him the best of luck and good health always.

DEPUTY SECRETARY OF STATE STROBE TALBOTT DISCUSSES THE FUTURE OF RUSSIA

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2000

Mr. LANTOS. Mr. Speaker, I would like to call the attention of my colleagues to an excellent speech given by our outstanding Deputy Secretary of State, Strobe Talbott. The speech was given at All Souls College at Oxford University on January 21 of this year. The speech was published in The Washington Times on January 28. I ask that the text of Deputy Secretary Talbott's speech be placed in the RECORD. The future of Russia is a matter of great interest and great concern to the American people. In this speech Strobe Talbott gives us the benefit of his long experience with Russia and his critical insight, and I urge my colleagues to give his comments thoughtful attention.

[From the Washington Times, Jan. 28, 2000]

WHICH WAY RUSSIA? CHECHNYA IS THE TEST

(By Strobe Talbott)

In many ways, Russia is a self-liberated country, but it's also in many ways an unhappy, confused and angry one. That's partly because almost every good thing that has happened there over the past decade—and there are many—has had its dark underside.

For example, the implosion of the monolithic police state has left a vacuum of the kind that nature—especially human nature—abhors. In place of the old, bureaucratized criminality there is a new kind of lawlessness. It's what my friend and colleague Bronislaw Geremek has called "the privatization of power." And it has, quite literally, given a bad name to democracy, reform, the free market, even liberty itself. Many Russians have come to associate those words with corruption and with the Russian state's inadequacy in looking after the welfare of its citizens. For all these reasons, Russia's first decade as an electoral democracy has been a smutnoye vremya, or "time of troubles."

That brings me to Chechnya, which is the most visible and violent of Russia's troubles. That republic is one of 89 regions of Russia—it constitutes less than one-tenth of 1 percent of landmass that stretches across 11 time zones. But with every passing week, the horror unfolding there becomes increasingly the focus of Russia's attention—and the world's condemnation. In just the past few days, Russian forces have renewed their onslaught against Grozny, where thousands of civilians remain trapped, unable to flee to safety. There are reports of Chechen rebels using civilians as human shields, of Russian military units using incendiary devices and fuel-air explosives.

What we are seeing is a gruesome reminder of how hard it is for Russia to break free of its own past. Indeed, Chechnya is an emblematic part of that past. The region has been a thorn in Russia's side for about 300 years. Leo Tolstoy served in the czarist army there and wrote about the often-losing struggle to make those mountain warriors loyal subjects of the Russian Empire. In 1944, Josef Stalin had the perfect totalitarian solution to the problem: wholesale deportation of the Chechen people—or what we would call today ethnic cleansing.

In this decade, Chechnya has been a recurrent obstacle to Russia's movement in the direction that we, and many Russians, hope will mark its course. While elsewhere across the vastness of Russia, reformers have been experimenting with what they call new thinking, the seemingly intractable conflict in the North Caucasus has brought out the worst of old thinking: namely, the excessive reliance on force and the treatment of entire categories of people as enemies.

And by the way: It's not just the old-thinkers who are to blame for this relapse. From 1992 through 1993, a reform-ist government in Moscow left Chechnya largely to its own devices. The combination of Moscow's neglect and miserable local conditions whetted the Chechens' appetite for total independence. Had Chechnya attained that status, it would immediately have qualified as a failed state. Kidnapping, drug trafficking and every other form of criminality were rampant. It was an anarchist's utopia and any government's nightmare.

When Russia tried to reimpose control, the result was a bloody debacle. The first Chechen war, from '94 to '96, ended, in significant measure, because it was so unpopular. Boris Yeltsin wanted the fighting over before he faced re-election, so he ended it on terms that granted the Chechen authorities even more autonomy.

But once again, Moscow, having extricated itself, averted its gaze. The central government made virtually no effort to help establish Chechnya as a secular, peaceful, prosperous polity within the Russian Federation. The deteriorating conditions and free-for-all atmosphere became an even stronger magnet for secessionists, Islamic radicals and other extremists, many indigenous but some foreign as well. Last summer, some of these elements used Chechen territory as a base of offensive operations against other parts of Russia.

Now, here's where the irony is most acute: Unlike the one four years ago, the current war has had broad popular support. That's primarily because most Russians have no doubt that this time, rather than their army being bogged down in some remote and basically alien hinterland, this time it's defending a heartland that is under attack from marauding outsiders—including outsiders within—that is, non-Russians living in Russia.

Thus, Chechnya has fanned the resurgence of another ism—nationalism. That phenomenon was the target of particular passion and eloquence on the part of Sir Isaiah Berlin, the late British historian of ideas. He saw nationalism as inherently conducive to intolerance and friction, both inside states and between them. He recognized that national consciousness exists, by definition, in all nations; but he warned that when the nation in question feels afflicted by the ''wounds'' of ''collective humiliation'' nationalism becomes what he called ''an inflamed condition.''

Russia today suffers from just such a condition. Chechnya has generated fears, resentments and frustrations in its own right. But it has also come to symbolize for many Russians a more general sense of grievance and vulnerability after a decade of other difficulties and setbacks, real and imagined—most conspicuously the enlargement of NATO and the Kosovo war.

But while there are these ominous trends, they haven't by any means won. The political environment of their ebb and flow is still pluralistic. Atavistic voices and forces are contending with modern ones that advocate an open, inclusive society and an open, cooperative approach to the outside world.

When I was in Moscow last month, I heard the word zapadnichestvo. It might loosely be translated as Russia's pursuit of its Western vocation. Zapadnichestvo is not an ism: It's in some ways the opposite—an endorsement of a liberal antipathy to isms. Moreover, I heard this word used in a favorable and even optimistic context by at least one of Vladimir Putin's erstwhile political allies on what Russians call ''the right'' of the—that is, what we would call the liberal-democratic end of the political spectrum. Zapadnichestvo derives from the 19th-century debate between the Westernizers and the Slavophiles.

There was at least an echo of the concept of zapadnichestvo in what Mr. Putin himself told me when I saw him on that same trip: He said he wants to see Russia as ''part of the West.'' Granted, he has sent other, quite different signals to other, quite different audiences.

He's been doing so rather dramatically in recent days. We can speculate together—and that's all we can do at this point—on exactly what he's up to in his recent parliamentary maneuvers. But one theme that he strikes consistently, whomever he's addressing, is a desire to see Russia regain its strength, its sense of national pride and purpose. In and of itself, that goal is not only understandable—its achievement is indispensable. No country can succeed without those ingredients.

It all depends on how Russia defines strength, how it defines security. Will it do so in today's terms, or yesterday's—in terms that are proving successful elsewhere, or in terms that have already proved disastrous for Russia under Soviet rule? Will Russia recognize that in an age of global—and regional—interdependence, the porousness of borders is a necessity out of which a viable state must make a virtue? Or will it fall back into the habit of treating this and other facts of life as a vulnerability to be neutralized, or—that most Soviet of all verbs—to be liquidated? Will Russia understand that indiscriminate aerial attacks, forced movement of populations and civilian round-ups—no matter what the original provocation and ongoing threat—are the acts of a weak and desperate state, not a strong and clear-headed one?

This is the vexing question, not just about Mr. Putin but about his country as a whole. It's a genuinely open question. Moreover, the answer will probably be evolutionary, not revolutionary. Russia has had its revolution, and its counterrevolution. The last thing its people want or need is another upheaval.

Evolutions, by definition, take a long time—surely a generation or more. In the final analysis, it's the Russians themselves and no one else who will decide on the character of their state.

2000 COLORADO BUSINESS HALL OF FAME INDUCTEES, MR. DICK ROBINSON AND MR. EDDIE ROBINSON

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2000

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to recognize two inductees for the 2000 Colorado Business Hall of Fame, Mr. Dick Robinson and Mr. Eddie Robinson.

Jointly produced by the Denver Metro Chamber of Commerce and Junior Achievement, the Colorado Business Hall of Fame recognizes outstanding Colorado businesses and civic leaders from the past and present, publicizes the contributions of business leaders to our community and promotes the importance and value of the private enterprise system.

Best known for their leadership of Robinson Dairy, a major food processor and distributor in Colorado for more than 114 years, the Robinsons have left their mark beyond the day-to-day operations of their plan. The family-run business is a leading role model for community development and betterment programs.

The Robinsons serve on boards and committees promoting economic development, medical and health care issues and cultural improvement in communities across Colorado. Dick is currently a board member for the Columbia/HealthONE, Children's Hospital, Ocean Journey and the Denver Art Museum and chair of the Rose Community Foundation. Eddie is active on the Metropolitan State College of Denver Foundation and has chaired the National Jewish Center for Immunology and Respiratory Medicine Board of Directors, St. Joseph Hospital Foundation Board and the Denver Zoological Foundation Board of Trustees.

The Robinson brothers have been honored repeatedly for their involvement in the community. Being inducted into the Colorado Business Hall of Fame is another award to add to the vast collection. Clearly, it is a fitting tribute to two eminently deserving individuals.

It is with this, Mr. Speaker, that I would like to congratulate two assets of the Denver Community, Dick Robinson and Eddie Robinson, for being inducted into the Colorado Business Hall of Fame.

IN MEMORY OF ALWINE FENTON, ORGANIZER AND FRIEND OF THE ARTS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2000

Mr. STARK. Mr. Speaker, I would like to take a moment to remember a dear friend of the Hayward, California community who has recently passed on.

Alwine Fenton was a great supporter of cultural awareness in the Hayward community. She was very involved in many local art programs, and was dedicated to introducing children to the arts, especially music, in various ways.

From 1949 until 1986, Mrs. Fenton taught music in Hayward's elementary schools. In addition to teaching, Mrs. Fenton was the cofounder, officer and director of the Southern Alameda County Youth Orchestra, introducing children to orchestral and symphonic music. She also arranged concerts with the Classical Philharmonic Orchestra of San Leandro for thousands of Hayward area children.

Not only was Mrs. Fenton committed to promoting musical awareness, but she also dedicated a great deal of her time to the visual arts in the Hayward area. She was a member of the Hayward Arts Council, which arranges art exhibits in downtown storefronts and throughout the community. Mrs. Fenton had arranged art exhibits in the City Hall since June of 1998.

After her retirement, Mrs. Fenton continued to remain active in the Hayward community. She was a member of the California Retired Teachers Association as well as the Eden Garden Club. She was also a member of the Friends of the Hayward Library group and the Kaiser Hospital support group for heart patients.

Mrs. Fenton's accomplishments have not gone unnoticed. During her time as an educator, Mrs. Fenton received several awards from the California Teachers Association. In 1998, the Hayward Lions Club recognized Mrs. Fenton with the Distinguished Citizen of the Year Award.

I ask my colleagues to join with me in paying tribute to this great community leader. Mrs. Fenton will truly be missed by all members of the Hayward community. Her dedication to promoting cultural awareness, especially in the arts, will be remembered for many years to come.

A TRIBUTE TO CORPUS CHRISTI CHURCH

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2000

Mrs. NITA LOWEY. Mr. Speaker, I rise today to recognize the 75th anniversary of Corpus Christi Parish in Port Chester, NY.

Since its founding, Corpus Christi Church has been a cornerstone of its community, offering spiritual and material support to its parishioners, while reflecting the values and growth of Port Chester itself.

Port Chester's large Italian-American population dates to the late nineteenth century, when immigrants flocked to the New York area in search of a better life for themselves and their families. Many settled in Port Chester's Washington Park area, a welcoming neighborhood, but one which lacked a Catholic Church.

In 1912, a Salesian priest from Holy Rosary Church was appointed to offer Holy Mass on Sundays to the people of Washington Park. Two years later a basement chapel was inaugurated on South Regent Street. But it was not until January 3, 1925, that Corpus Cristi was established as a parish in its own right by Patrick Cardinal Hayes.

Nothing better exemplifies the community spirit of Corpus Christi Church than the inspiring fashion in which the new building was constructed. A team effort from start to finish, the project brought together laborers from every trade and families of every kind. Working day and night, contributing portions of their modest income, and volunteering in countless ways, the parishioners of Corpus Christi Church were able to lay the cornerstone of their new building on September 27, 1925, and to welcome Cardinal Hayes to the completed structure in October 1927.

In the time since, Corpus Christi Church has had the good fortune to be guided by a number of exceptionally gifted spiritual leaders. Father Peter Mayerhofer, Father Alfonso Volonte, and Father Peter Rinaldi, among others, contributed mightily to Corpus Christi's growth. That tradition of dedication and vision is well-served by today's Pastor, Father Jim Marra.

Corpus Christi Church is now a center of community life. It boasts a school of 500 youngsters, a youth center, and well-known Holy Shroud Shrine.

As Corpus Christi Church observes its 75th anniversary with the motto "Remembering our past, celebrating our present, believing in our future," I know that I speak for all residents of Port Chester when I express my great pride in and thanks for this remarkable center of spiritual and civic progress.

SUPPORT FOR WASHINGTON STATE BIOTECH INDUSTRY

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2000

Mr. SMITH. Mr. Speaker, I rise to express my support for the biotechnology industry in Washington State and throughout the country. The Puget Sound region of Washington State, which I represent, has a vibrant economy and the area leads the United States as a haven for new, innovative, cutting-edge companies. A major contributor to this economy are the many biotechnology companies that have been established in our State. Washington State is currently home to 116 biotechnology companies and the industry employs over 7,000 people in the State. I believe these companies do more than make our State a leader, but also put the United States in a position as a worldwide leader for developing products that improve lives.

The United States leads the world in biotechnology innovations. These products benefit hundreds of millions of people worldwide with life-threatening illnesses, such as heart disease, cancer, neurological diseases, infectious diseases, and obesity. The advances by the biotechnology industry are revolutionizing every face of medicine, from diagnosis to treatment of all diseases, not just bacterial infections. It is detailing life at the molecular level and someday will take much of the guesswork out of disease management and treatment.

I am happy to support the biotechnology industry and commend the important investments the industry makes in research and development. I believe it is the responsibility of Congress to continue to spend money on basic research, which the industry can build on to develop products. I also believe it is important for Congress to assure the policies of our Federal Government to encourage the continued innovation of this ever growing industry.

2000 COLORADO BUSINESS HALL OF FAME INDUCTEE, HORACE TABOR

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2000

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to recognize an inductee for the 2000 Colorado Business Hall of Fame, Mr. Horace Tabor.

Jointly produced by the Denver Metro Chamber of Commerce and Junior Achievement, the Colorado Business Hall of Fame recognizes outstanding Colorado businesses and civic leaders from the past and present, publicizes the contributions of business leaders to our community and promotes the importance and value of the private enterprise system.

Horace was born in Holland, VT in 1830. He grew up on a farm and became a school teacher. He moved to Topeka, KA, where he was appointed to the Topeka legislature. Following rumor of gold being discovered in Colorado, Horace and his family moved again.

In 1878, Horace hired two shoemakers for a prospecting campaign resulting in the discovery of Little Pittsburgh, which turned out to be rich in silver. With his fortune, Horace began to give back to Colorado.

Horace donated to schools and churches, placing special emphasis on Leadville and Denver. He was honored by the state of Colorado in many ways. He served as Leadville's first Mayor, appointed Lieutenant Governor of Colorado and served as a United States Senator. He built the Tabor Opera House in Leadville, the Tabor Grand Opera House in Denver, the Bank of Leadville and the Tabor Block, now replaced by the Tabor Center in downtown Denver.

Horace Tabor passed away on April 10, 1899, but he is remembered by friends and family as a generous, dedicated man who gave immensely to the state of Colorado.

It is with this, Mr. Speaker, that I would like to honor the 2000 Colorado Business Hall of Fame Inductee, Horace Austin Warner Tabor, a great American and humanitarian.

IN RECOGNITION OF THE MARTIN LUTHER KING'S DAY PROGRAM CAMP LEJEUNE, NC

HON. EVA M. CLAYTON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2000

Mrs. CLAYTON. Mr. Speaker, on Saturday, January 15, 2000, some 71 years to the date that Dr. Martin Luther King, Jr., was born, a special program was held in his honor. This program deserves to be acknowledged because it reflected the true meaning of what Dr. King stood and fought for throughout his life.

The Program was the 13th Annual Dr. Martin Luther King Black and White Scholarship Ball, held at the Marine Corps Base in Camp LeJeune, NC. The Ball was sponsored by the Ladies Auxiliary of the Montford Point Marine Association, whose President is Mrs. Louise Greggs. More than a thousand persons attended this event, which included an impressive blend of military and civilian citizens. The evening included dinner, speeches, top level entertainment and dancing. It was, by all accounts, a delightful evening.

But, more importantly and of greater relevance, the event raised a significant amount of money to be used for scholarships for young people. To that end, Dr. King's words were given new meaning and new life.

In order to benefit from the guidance of those with wisdom like Dr. King, we must not only hear what they say, we must also do what they mean for us to do.

History is the recording of important events, a pattern of timeless moments. History provides a looking glass to the past through which we can learn and benefit.

The history of Dr. King is perhaps best captured in his own words. If we are to learn from the history of Dr. King's life and untimely death, we must not only consider what he said, we must also do what he meant for us to do.

In accepting the Nobel Peace Prize, on December 11, 1964, he stated, "Man must evolve for all human conflict a method which rejects revenge, aggression and retaliation." And, Dr. King in that same speech concluded, "The foundation of such a method is love." That is what he said.

Dr. King dreamed of an America where all would be judged by the content of their character rather than the color of their skin. That is what we all want.

By holding the Black and White Scholarship Ball, the Montford Point Marine Association Ladies Auxiliary did what Dr. King said to do.

The Members of that Organization listened, heard, and responded accordingly.

While such an event required the tireless efforts of many, there are two who deserve our

applause and special recognition. Mrs. Jacqueline Barton, the Ball Chairperson and Mrs. Cushmeer Singleton, the Co-Chair went above and beyond the call of duty in planning, preparing, organizing and executing the Scholarship Ball. I am told it was the most successful ever.

Much of our hope for the future is engendered by Dr. King's glorious past. Recall what he told us.

> When we allow freedom to ring, when we let it ring from every village and every hamlet, from every state and every city, we will be able to speed up that day when all of God's children, black men and white men, Jews and Gentiles, Protestants and Catholics, will be able to join hands and sing in the words of the old Negro spiritual: ''Free at last! Free at last! Thank God Almighty, we are free at last.''

In these very troubling times for our youth, freedom is ringing for some of our young people because of the work of the Montford Point Marine Association Chapter 10 and Ladies Auxiliary and because of the efforts of Mrs. Jacqueline Barton and Mrs. Cushmeer Singleton.

PERSONAL EXPLANATION

HON. TILLIE K. FOWLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2000

Mrs. FOWLER. Mr. Speaker, on Monday, January 31, 2000, I was unavoidably absent from this chamber due to business in my district and therefore missed rollcall vote 2 (on passage of H. Con. Res. 244) and rollcall vote 3 (on passage of H.R. 2130). Had I been present, I would have voted ''yes'' on both rollcall votes 2 and 3.

TRIBUTE TO THE SOCIETY OF GYNECOLOGIC ONCOLOGISTS

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2000

Mrs. LOWEY. Mr. Speaker, I rise today to recognize the Society of Gynecologic Oncologists as they gather in San Diego for their 31st Annual Meeting this week. The Society of Gynecologic Oncologists is a nonprofit, international organization dedicated to improving the care of women with gynecologic cancer, raising standards of practice in gynecologic oncology and encouraging ongoing research.

An estimated 12,800 cases of invasive cervical cancer occurred in the United States in 1999, which lead to 4,800 deaths. These cases occur predominantly among the economically disadvantaged. This cancer has a well recognized preinvasive state; and enrolling more of the cases with preinvasive disease into ongoing vaccine trials would give us an opportunity to prevent cervical cancer, which would be a benefit not only to the United States, but to the 400,000 women world wide who develop cervical cancer each year.

In 1999, an estimated 37,400 women were diagnosed with endometrial cancer and 6,400 of these women will die from this disease. This cancer too has a premalignant state which may be reversed with exposure to progesterone compounds. Such trials are ongoing and also represent an opportunity to prevent this most common gynecologic cancer.

Ovarian cancer strikes 1 in 55 women and an estimated 14,500 women die from it each year. Five to 10 percent of these cancers arise in families with mutations, and efforts underway to study these families are critical to understanding how the disease arises and may someday be prevented.

Clinical trials are frequently the best option of state-of-the-art cancer treatment. Approximately 2 to 3 percent of adults diagnosed with cancer participate in clinical trials. The current trends with regard to participation in clinical research for adults diagnosed with cancer are jeopardizing our ability to facilitate progress against cancer in this country. Clinical trials are the best way to translate research progress into effective cancer treatments and preventive strategies that might save the lives of the approximately 563,100 Americans who will die from cancer each year.

As a strong supporter of medical research, clinical trials, and the efforts of SGO's President, William J. Hoskins, M.D., at Memorial Sloan-Kettering Cancer Center, I commend the Society of Gynecologic Oncologists and its members, some of who reside in my district, for their dedication and commitment to improving the quality of care for our mothers, grandmothers, and daughters in their fight to win the battle against gynecologic cancers.

HONORING FRANCIS S. BRAMWELL

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2000

Mr. McINNIS. Mr. Speaker, I would like to take a moment to pause and remember a lifelong resident of Chromo, Colorado, Mrs. Francis S. Bramwell who died on November 17, 1999.

Mrs. Frances Shahan Bramwell was born on September 3, 1911, in Chromo, Colorado. She married Edwin J. Bramwell in 1941 and the couple ranched in Chromo for many years.

Mrs. Bramwell was active in 4–H, serving as an Archuleta County leader for several years. She was a member of the Colorado Cowbells and served as president of the local chapter.

She will be remembered by all of those who knew her as a generous person who enjoyed cooking and helping those in need. She was also a cherished mother and grandmother who loved spending time with her family.

It is with this, Mr. Speaker, that I would like to pay tribute to Mrs. Bramwell and her efforts to make her community a better place to live.

HONORING DR. CHARLES H. McCOLLUM

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2000

Mr. GREEN of Texas. Mr. Speaker, I rise today to ask my colleagues to join me in honoring Dr. Charles H. McCollum. Dr. McCollum has been selected by the Houston Surgical Society to receive their ''Distinguished Houston Surgeon'' award for 2000. Dr. McCollum has a long and honorable list of achievements and service to both our nation and our local community.

Dr. McCollum was born in Fort Worth, TX in 1934. He graduated from the University of Texas in Austin with a bachelor of arts degree in 1955. Dr. McCollum then continued his education at the University of Texas Medical Branch in Galveston, where he received his medical degree. Soon after completing his residency at the University of Pennsylvania, Dr. McCollum was promoted to captain of the U.S. Army Reserve, where he served until 1969.

In 1975, he was named president of the Texas Chapter of American College of Chest Physicians. In 1977, he was named an officer with the Michael E. DeBakey International Surgical Society, a position he held until 1992. He has also been president of the Houston Surgical Society, Southwestern Surgical Society, and the Texas Surgical Society. Dr. McCollum has also held several appointments with Baylor College of Medicine including his present position as professor of surgery.

Mr. Speaker, this is only a brief glimpse of Dr. McCollum's illustrious career in serving our community, State, and country. I ask that my colleagues join me today in honoring Dr. Charles H. McCollum.

TRIBUTE TO JUSTICE STANLEY MOSK

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2000

Mr. BERMAN. Mr. Speaker, I rise today to pay tribute to one of the giants of American jurisprudence, California Supreme Court Justice Stanley Mosk.

Justice Mosk is recognized as one of the finest constitutional lawyers in the United States. He was appointed to the Supreme Court by Governor Edmund G. ''Pat'' Brown in 1964 and was confirmed for a new 12-year term in 1986. This month, he becomes the longest serving justice in the history of the California Supreme Court.

I am honored to ask that the United States House of Representatives take note of this milestone—yet another in the career of this distinguished jurist. His lifetime is one marked with superlatives.

Early in his career, he served four years as executive secretary and legal advisor to Culbert Levy Olson, the first Democratic Governor of California of this century. From 1943 to 1958, he served as a judge of the Superior Court of Los Angeles—the youngest Superior Court judge in history. In 1958, he was elected Attorney General of California with more than a million vote margin over his opponent, the largest majority of any contest in America that year. He was overwhelmingly re-elected in 1962.

As Attorney General, Mosk issued about 2,000 written opinions, argued before the U.S. and California supreme courts and authored some of California's most innovative legislative

proposals in the area of crime and law enforcement. He was the creator of new divisions in the Attorney General's office to handle anti-trust, constitutional rights, consumer fraud and investment fraud problems.

As a justice on the California Supreme Court, he has authored many of the court's most important opinions and is a distinguished and sought-after author, lecturer and teacher nationally and internationally.

Earlier this year, Justice Mosk was honored by the California State Bar with the prestigious Bernard E. Witkin Medal. This award reads as follows: "Unfailing in courtesy, kindness and collegiality, Justice Mosk's modest demeanor belies the magnitude of his contributions to the development of California law."

That "magnitude of his contributions" was recently described in the Albany Law Review: "An institution, an icon, a trailblazer, a legal scholar, a constitutional guardian, a veritable living legend of the American judiciary, Justice Mosk has courageously and wisely labored for more than three decades as one of the most influential members in the history of one of the most influential tribunals in the western world."

I ask my colleagues now to join me in honoring Justice Mosk for his extraordinary contributions and achievements. I am extremely proud to celebrate his years of service to California and to the nation.

IN HONOR OF FR. GERALD KELLER

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2000

Mr. KUCINICH. Mr. Speaker, I rise today to honor Father Keller's twenty-five years as Pastor of St. Adalbert Church. Father Keller has dedicated his life to serving his church and community. His love and caring have touched all those who know him.

Father Keller was appointed Pastor of St. Adalbert Parish on October 25, 1974. From this date on, he employed his deep faith and enthusiasm to meet whatever challenges awaited him. In addition to providing weekday and weekend masses, wedding and funeral liturgies, monthly baptisms, and annual communal anointing of the sick, Father Keller has introduced the program of Christ Renews his Parish, begun a Baptismal program for parents, chaplained the Southwest Hospital, and initiated the Spiritual Life Commission. Through the years since 1974 the Parish has also initiated Holy Hour on Saturday afternoons, retreats for parish youth, Vacation Bible School, separate Men's and Women's retreats, and parish missions. Through his selfless work and dedication, Father Keller has created a church abound with opportunities for spiritual growth.

Born on April 2, 1938, to John and Josephine Keller, Father Keller entered St. Gregory's Seminary in Cincinnati in September of 1956. On May 22, 1965 Father Keller was ordained. The following day he offered his first Mass at his home parish, Nativity of the B.V.M. Father Keller was later assigned to St. Matthew's Parish, and then to St. Barnabas, a larger suburban parish with greater demands, before joining St. Adalbert Church.

Looking back at the past twenty-five years, Father Keller finds that it has been a time of change and growth for himself and for his parish. For his thirty-five years of priesthood, Father Keller has provided patience and listening to all those in need. His true depth of heart is apparent in his statement to his Congregation that, "I am more present to myself with you than when I am entirely alone." I urge all of my colleagues to please join me in honoring Father Keller's twenty-five years as Pastor of St. Adalbert Church.

TRIBUTE TO HAZEL WOLF

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2000

Mr. SMITH of Washington. Mr. Speaker, I rise today to pay tribute to a true leader and pioneer who touched the hearts of the people of Washington state. Hazel Wolf, who passed away on January 20, 2000, spent her 101 years as a passionate environmentalist, fervent human rights activist, and a fighter for the underdog. She is a shining example of a person with passion who truly made a contribution to life in the Pacific Northwest in the 20th Century.

Born in 1898 in British Columbia, Ms. Wolf led an extraordinary life. During the Depression, employed by the Works Project Administration, she set about unionizing workers. In 1979, she helped to organize the Indian Conservationist Conference. In 1990, Ms. Wolf met a Soviet delegation and held discussions which paved the way for the founding of the Leningrad Audubon Society. Like former President Jimmy Carter and Senator Dan Evans, she was sent as an observer to the 1990 Nicaraguan elections.

Ms. Wolf has played a prominent role in environmental efforts in local national and international arenas. In addition to co-founding the Seattle Audubon Society, where she worked as secretary for 26 years, she set up more than 20 other local chapters, like the Black Hills Audubon Society. Ms. Wolf was also the president of the Federation of Outdoor Clubs and editor of its magazine, Outdoor West, member of the National Audubon Society, the Sierra Club, Greenpeace, and the Earth Island Institute. Her endeavors to improve environmental safety in low income inner-city housing were through the Community Coalition for Environmental Justice, which she also co-founded.

Ms. Wolf was a recipient of a number of awards. These include the Washington State Department of Game's Award for services in protection of wildlife (1978); the State of Washington Environmental Excellence Award (1978); State University of New York's Sol Feinstein Award for her work with Seattle Audubon's Trailside Series of books on the Northwest; the National Audubon Society's Conservationist of the Year Award (1978); the Association of Biologists and Ecologists of Nicaragua's Award for nature conservation (1988); the People's Daily World's Newsmaker Award; and the Washington State Legislature Award for environmental work. The Women in Communications group bestowed her with their top honor, the Matrix Award for Women of Achievement.

Hazel Wolf made an indelible mark on our community, our environment and our heart. She will be missed and I hope the Washington state community will work hard to continue the efforts for the causes she fought so hard for throughout her life.

2000 COLORADO BUSINESS HALL OF FAME INDUCTEE, ED McVANEY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2000

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to recognize an inductee for the 2000 Colorado Business Hall of Fame, Mr. Ed McVaney.

Jointly produced by the Denver Metro Chamber of Commerce and Junior Achievement, the Colorado Business Hall of Fame recognizes outstanding Colorado businesses and civic leaders from the past and present, publicizes the contributions of business leaders to our community and promotes the importance and value of the private enterprise system.

One of this year's inductees, Ed McVaney, is the cofounder and chairman of J.D. Edwards, a Denver-based software company that develops highly functional enterprise resource planning software to facilitate the operation and management of complex enterprises.

Ed McVaney graduated from the University of Nebraska-Lincoln in 1964 with a bachelor's degree in mechanical engineering. Ed began work as an operations research engineer and software specialist for Bell Systems while still in college. He earned an MBA from Rutger's University in 1966. He worked in the software area of Grant Thronton & Co. and Peat, Marwick Mitchell.

Mr. McVaney and his wife, Carole, have always been strong advocates of higher education. They have given generous donations to the University of Nebraska-Lincoln. The donation established the J.D. Edwards Honors Program for Computer Science and Management.

Mr. McVaney's contributions to the software industry as well as the Denver economy are unmatched. It is because of these contributions, his leadership and vision that Ed McVaney is so well-known and widely respected in Colorado.

It is with this, Mr. Speaker, that I would like to congratulate Mr. Ed McVaney and thank him for his commitment to his field and our community.

CELEBRATING THE 20TH ANNIVERSARY OF THE LATINO LEARNING CENTER

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2000

Mr. GREEN of Texas. Mr. Speaker, I rise today to celebrate the 20th anniversary of the Latino Learning Center and to express my appreciation to everyone associated with this wonderful organization. The Latino Learning Center was founded in November 1979 to provide employment and educational needs in our community and is governed by a 15-member

board of directors comprising of community, civic and corporate leaders. This mission of the Latino Learning Center is to see that all low-income people in Houston, specifically the residents of near East End and near North Side communities, have the opportunity for education and human support services.

Since its inception, the Latino Learning Center has dutifully provided these services and has positively impacted the lives of our citizens. The Latino Learning Center's success is widely known and has resulted in more than 6,000 individuals graduating from its training programs.

The Latino Learning Center has a very interesting history. It was established as a Texas nonprofit organization. It received a donation of land and buildings in 1981–82 from the Magnolia Business Center, Inc. Since the buildings were previously used as warehouses, significant renovation was necessary in order to upgrade the facility. The Latino Learning Center's founders embarked upon an aggressive fundraising campaign to secure the initial $150,000 necessary for the renovation process.

As the result of the boards diligence, sufficient charitable gifts from the private sector were obtained to structurally transform the building and acquire adjacent parking space. Due to generous philanthropic participation of many Houstonians, private sector support and some public sector funds, the Latino Learning Center became an established reality. In July 1984, an open house ceremony was held and classes and community services began within the year.

Over the past 20 years, the Latino Learning Center has established strong ties with the community by serving as a Multipurpose center. The Latino Learning Center is utilized by many civic organizations including LULAC, the American GI Forum, the Mexican-American Sheriff's Organization, the Union of Hispanic METRO employees, the Hispanic Organization of Postal Employees—HOPE, and many others. It is also used to conduct meetings, plan events of benefit for the community, conduct community/media press conferences, and perform special events such as dispensing food baskets for the poor during the holiday season.

Mr. Speaker, I am proud to congratulate the Latino Learning Center on its 20th anniversary, and I hope they remain in our community for many years to come. I also ask that my colleagues in the House join me in expressing our appreciation for the services and the commitment of everyone associated with this wonderful center.

IN HONOR OF THE 50TH ANNIVERSARY OF THE REPUBLIC OF INDIA

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2000

Mr. KUCINICH. Mr. Speaker, I rise today to congratulate the Federation of India Community Associations of N.E. Ohio on the 50th Anniversary of the establishment of the Indian Republic. On January 26, 1950, India proclaimed itself a sovereign nation governed by its own Constitution. Republic Day is celebrated on the 26th of January each year. It is a major national holiday in India celebrating the culmination of the Indian movement toward self-government that began on August 15, 1947, with India's Declaration of Independence. FICA has celebrated this important event with an annual dinner for over thirty years. Governor Robert Taft of Ohio recognized the significance of this day by proclaiming January 26, 2000 Republic of India day for Ohio.

India is a highly diverse country with more than fourteen major languages and at least as many distinct cultures. The Federation of India Community Associations is an umbrella organization for various Asian Indian groups throughout Northeast Ohio. For the past thirty years it has published The Lotus, a monthly community newspaper, and organized celebrations for major Indian holidays and festivals. FICA maintains the India Community Center in Cleveland Heights and supports community service to the more needy in the area. The Asian Indian community in Greater Cleveland contributes extensively to the economic, social and cultural richness of the area. Members' work in government, education, business, medicine, science, law and social service has created strong and lasting relationships with the entire community.

My fellow colleagues, join with me in congratulating this great cultural organization, along with all the people of India and Indian descent, on the 50th anniversary of the establishment of the Republic of India.

TRIBUTE TO ILSE KAHN AND SUHAILA NASSER

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2000

Mr. BERMAN. Mr. Speaker, I rise to pay tribute to Ilse Kahn and Suhaila Nasser, who this year are receiving the Lifetime Commitment to Peace Award from the American Friends of Neve Shalom/Wahat Al-Salam Southern California Chapter. Ilse Kahn and Suhaila Nasser, who live in Southern California, have made their own outstanding contribution to the cause of peace and understanding in the Middle East. They embody the new spirit of reconciliation in the region.

A survivor of the Holocaust, Mrs. Kahn has worked tirelessly to bring together Arab and Jewish children in an environment of peace and friendship. She was one of the founders of the Southern California chapter of Neve Shalom/Wahat Al-Salam, the joint Palestinian/Jewish community in Israel. Mrs. Kahn has been active in the bilingual and bicultural nursery, kindergarten and primary school located in the community. Her efforts have helped a generation of Palestinian and Jewish children build strong ties and close relationships.

As busy as she is with the Southern California chapter, Mrs. Kahn somehow finds the time to be involved with other special causes, including LA's Best, an enrichment program for school age children in Watts. She is also a member of the League of Women Voters.

Suhaila Nasser, a Palestinian born in Jerusalem, immigrated to the United States in 1961. Despite living far from her native region, she has immersed herself in the task of providing medical assistance to the Palestinian people. In 1988, after undergoing a mastectomy, Mrs. Nasser formed the Palestinian Children's Relief Fund, a non-profit organization dedicated to securing medical treatment for suffering children.

Thanks to Mrs. Nasser's efforts, since 1990 more than 100 children have been brought to the United States for reconstructive surgery and specialized medical services. In addition, six teams of doctors from the United States, Italy, England, and Belgium have traveled to Jerusalem and the West Bank to operate on children.

I ask my colleagues to join me in saluting Ilse Kahn and Suhaila Nasser, whose dedication to the plight of children living in the Middle East inspires us all. I salute them for their courage and commitment to a just cause.

HONORING RAY LITTLEFIELD

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2000

Mr. McINNIS. Mr. Speaker, I would like to take a moment to pause in remembrance of a man that will be missed by everyone that knew him, Mr. Ray Littlefield.

Raymond Littlefield was born in Houston, Texas on March 8, 1929, and passed away on November 26, 1999, in Albuquerque, New Mexico.

Mr. Littlefield served as a second lieutenant in the United States Naval Reserve, past president of the North Austin Rotary Club, past president of Austin Woods and Water Club, past president of Austin Apartment Association, a member of the Association of General Contractors and a member of the American Institute of Architecture.

Mr. Littlefield moved to Pagosa Springs, Colorado in 1984. He was the founder, architect and developer of the Pine Ridge Extended Care Center. His experience and lifelong love of the Colorado Rockies and the Pagosa Springs area placed him in the unique position to recognize the need for a facility that cares for the elderly. Pine Ridge Extended Care Center became just that.

It is with this, Mr. Speaker, that I would like to pay tribute to Mr. Littlefield for all that he did in order to make Pagosa Springs a better community.

PERSONAL EXPLANATION

HON. JOHNNY ISAKSON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2000

Mr. ISAKSON. Mr. Speaker, on rollcall Nos. 2 and 3, I was unavoidably detained due to inclement weather. Had I been present, I would have voted "yes" on both bills.

RESOLVING THE CONFLICT IN SRI LANKA

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2000

Mr. CAPUANO. Mr. Speaker, I submit the following article from The Boston Globe on December 23, 1999 for the RECORD. The author of this article, Shri Srithilliampalam, is very active in calling for observance of human rights in Sri Lanka and a peaceful settlement to the 17-year conflict. We must encourage the parties involved to stop the terror and negotiate a peaceful end to this war.

[From The Boston Globe, Dec. 23, 1999]

PROMOTING PEACE IN SRI LANKA

Bosnia, Chechnya, Kosovo, East Timor—these are the civil and intercommunal wars that have aroused horror and sympathy in the past few years. But in Sri Lanka there is another internecine conflict no less tragic, a war that has waxed and waned intermittently since 1983, destroying more than 60,000 lives.

Now, with the results in from Tuesday's presidential election and Chandrika Kumaratunga re-elected with a dramatically reduced majority of only 51 percent, the time is ripe for an international peacemaking initiative. All the humanitarian justifications for saving lives in Kosovo, Bosnia, East Timor, and Chechnya apply in the conflict between the Sinhalese majority in Sri Lanka and the Tamil minority. Civilians, conscripts, and victims of terrorist bombings all deserve to be saved from a senseless repetition of murder and mayhem that can be ended only by a negotiated solution. Chandrika, as the president is known to her compatriots, was elected five years ago as the leader who would bring peace to Sri Lanka. But instead of trying to end the killing by granting autonomy to the Tamil areas in the north and east of the country, she yielded to hard-line arguments for a decisive military solution. In turn, the Tamil Tigers have shown no willingness to end their campaign of murder and terror.

In a scorched-earth offensive this year, government troops occupied most of the Tamil homeland. But this fall the Liberation Tigers of Tamil Eelam overran one government outpost after another. It should be clear by now that the government's tactics succeeded only in driving the moderate Tamil population of the north and east into the hands of the Tigers. The war is unwinnable.

The time has come for third-party mediation. Washington is unwilling to play that role, but just as Norway originally midwifed the Oslo accords between Israelis and Palestinians, an impartial country could mediate peace talks. Such talks should be preceded by a cease-fire, a withdrawal of government troops, and the provision of food and medical aid to civilians in the north and east. If the principle of an international humanitarian obligation is to have any meaning, it must be applied consistently.

PERSONAL EXPLANATION

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2000

Mr. OWENS. Mr. Speaker, I was unavoidably absent on a matter of critical importance and missed the following recorded votes:

On H. Con. Res. 244, authorizing use of the rotunda for a Holocaust memorial introduced by the gentleman from California, Mr. THOMAS, I would have voted "yea."

On H.R. 2130, the Hillory J. Farias Date-Rape Prevention Act introduced by the gentleman from Michigan, Mr. UPTON, I would have voted "yea."

2000 COLORADO BUSINESS HALL OF FAME INDUCTEE, KATHRYN "KITTY" HACH-DARROW

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2000

Mr. MCINNIS. Mr. Speaker, I would like to take this opportunity to recognize an inductee for the 2000 Colorado Business Hall of Fame, Ms. "Kitty" Hach-Darrow.

Jointly produced by the Denver Metro Chamber of Commerce and Junior Achievement, the Colorado Business Hall of Fame recognizes outstanding Colorado businesses and civic leaders from the past and present, publicizes the contributions of business leaders to our community and promotes the importance and value of the private enterprise system.

One of the leading producers of laboratory and water monitoring equipment in the country, the Hach Chemical Co., as it was known originally, was started in 1948 by Kathryn and Clifford Hach. Kathryn was the first woman director of the American Water Works Association and has served on numerous committees. She was the first woman to serve as director of the First National Bank of Loveland and currently serves on the executive committee of Northwood University. She was named the 1993 Woman of the Year by the Colorado Women's Chamber of Commerce and is a founding member of the Committee of 200 Executive Women.

In addition to her professional accomplishments, Kitty received her pilot's license in 1954 and has been flying ever since. She is a member of the Ninety-Nines, an international organization of licensed women pilots.

Kathryn's legacy will continue to live on in the company she built as well as her unfailing commitment to excellence in her personal and professional lives.

It is with this, Mr. Speaker, that I would like to congratulate "Kitty" on being a 2000 Colorado Business Hall of Fame Inductee. She is an inspiration to many and a great American.

RECOGNIZING PRESIDENT LYNDON B. JOHNSON'S ACCOMPLISHMENTS IN THE 20TH CENTURY

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2000

Mr. GREEN of Texas. Mr. Speaker, it is no secret that I greatly admire President Lyndon B. Johnson. Beginning last year, I have submitted, for the CONGRESSIONAL RECORD, several well written articles regarding the accomplishments of this historic Texan. Even today, his domestic agenda still influences our lives.

On December 31, 1999, the Houston Chronicle published an article written by Stuart Lutz in which he makes the case that President Johnson should be considered the most influential American of the past 50 years. In his article, Mr. Lutz writes that "the 36th president, in his 62-month term, radically advanced civil rights, initiated dozens of progressive federal programs to eradicate poverty and train new workers, expanded a small war in Southeast Asia and caused Americans to question the integrity of the presidency." He concludes by stating that "it is hard, however, to see that anyone has had a greater influence on Americans' everyday lives over the past 50 years than the Texas giant, Lyndon Johnson."

Mr. Speaker, I would like to conclude my remarks by including, in its entirety, this very important article

THE CASE FOR A TEXAS GIANT AS MAN OF THE HALF CENTURY

(By Stuart Lutz)

The Great Society, the Civil Rights Act of 1964, the Gulf of Tonkin, Medicaid, the credibility gap, Vietnam and the War on Poverty. These actions and events are among the most powerful of the second half of the 20th century. They also all have the indelible stamp of Lyndon Baines Johnson, the most influential American of the past 50 years.

The 36th president, in his 62-month term, radically advanced civil rights, initiated dozens of progressive federal programs to eradicate poverty and train new worker, expanded a small war in Southeast Asia and caused Americans to question the integrity of the presidency. His forceful actions that greatly changed America for the better and worse came in four distinct areas: civil rights; Vietnam; governmental lying; and progressive domestic legislation. Let's examine them one by one:

Civil rights. Johnson desperately wanted to be remembered as the president who did more for African-Americans than anyone since Abraham Lincoln. Using his trademark legislative maneuvering in the wake of the Kennedy assassination, he secured passage of the 1964 Civil Rights Act. In a few pen strokes, he outlawed segregation in employment and public accommodations, thus giving Dr. Martin Luther King Jr's goal of racial equality a legislative framework.

To further his commitment to civil rights, LBJ signed the 1965 Voting Rights Act that banned literacy tests, encouraged minority voter registration and empowered the federal government to enforce its provisions. He also appointed Thurgood Marshall as the first African-American Supreme Court justice. Johnson's actions changed voting blocs and paved the way for minority Cabinet members, mayors and governors. Most importantly, to America's youth today, "Colored" signs and segregated accommodations are antiques of the foggy past.

Vietnam. This was the most important and influential American event in the second half of the 20th century. Johnson turned a small conflict into a war involving over 500,000 American troops. After the manufactured Gulf of Tonkin "incident" in August 1964, Johnson secured the right to wage virtually unlimited war on North Vietnam and knowingly lied about the war's failing results. Vietnam assumes such overriding importance in the second half of the century because it is the defining and dividing event for the baby boom generation, since virtually all males needed to decide whether to be drafted, evade the military either legally or illegally, or flee to Canada.

Since Lyndon Johnson's war, the American public has been reluctant to allow presidents

to send troops abroad—whether to Grenada, Iraq or Bosnia. Vietnam caused American foreign policy to become more isolationist and made Americans reconsider Teddy Roosevelt's vision of our role as the world's policeman.

Government lying. When Johnson was inaugurated at Dallas' Love Field following John Kennedy's assassination, Americans respected and generally believed their presidents. By early 1968, LBJ's self-created ''credibility gap'' forced him to give speeches only at military bases, and he chose not to run for re-election. Johnson's falsehoods about Vietnam led Sen. Robert Kennedy of New York, his challenger for the Democratic nomination, to state that Johnson ''tells so many lies that he convinces himself he's telling the truth.''

Although Richard Nixon was the only president to resign, LBJ's administration set the stage. Since Johnson's term in office, the American public has never fully believed the statements of succeeding presidents, whether it was Ronald Reagan's poor recollection of the Iran-contra scandal or Bill Clinton's ''I didn't inhale'' statement.

Progressive legislation. Lyndon Johnson wanted to be best remembered as ''the president who educated young children . . . helped to feed the hungry . . . and helped the poor to find their own way.'' Johnson's progressive domestic legislation, popularly known as the Great Society, included Medicare and Medicaid, the Job Corps, Head Start, the Water Quality Act, the Clean Air Act, the Fair Packaging and Labeling Act and the Highway Safety Act. These laws not only increased the power of the federal government and made it a watchdog for citizens, they provided a safety net for all, particularly the poor, elderly and disadvantaged.

With the exception of Franklin Roosevelt, no other 20th-century president has passed so much influential domestic legislation. Today, Johnson's three-decade-old vision is hotly debated on Capitol Hill as Congress tries to decentralize welfare and keep Medicare afloat.

Many Americans have had a profound effect over the past half century. It is hard, however, to see that anyone has had a greater influence on Americans' everyday lives over the past 50 yeas than the Texas giant, Lyndon Johnson.

IN HONOR OF ROGER J. SUSTAR

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2000

Mr. KUCINICH. Mr. Speaker, I rise today to honor Mr. Roger J. Sustar who has assumed the role of Chairman of the Board of the National Tooling and Machining Association (NMTA).

Roger J. Sustar's choice for the year 2000 theme, ''Training Today for Tomorrow's Workforce,'' demonstrates his dedication to education and to the skill trades workforce. Mr. Sustar, a native of Cleveland, Ohio, has been involved in the Machine Trades Industry since his first job with Non Ferrous Metals Fabricating in 1965. He has been with Fredon Corporation since 1969 (celebrating its 31st anniversary this year) and in 1985 became the sole owner and President of Fredon. Fredon Corporation became the area's first Boy Scout's of America Explorer Post 2600 to offer an opportunity for students to explore the Machine Trades Industry.

Mr. Sustar is a true believer and promoter of apprenticeship and training programs that advocate Machine Trades Industry and Manufacturing careers. His leadership in organizations such as the National Tooling and Machining Association, both the Cleveland Chapter and the National Association, and the Ohio Tooling and Machining Association, which he cofounded in 1990, show his commitment to the industry.

Mr. Sustar is also an active member of the local community serving on many business advisory councils for educational facilities such as Cuyahoga Community College and Mentor Public Schools. He is also a member of the Board of Trustees for Lakeland Community College for 11 years where he established a Machine Trades Apprenticeship Program.

Roger J. Sustar has been featured in many publications and has been a guest speaker at many business and education lectures where he continues to promote the industry. He has also received many awards and honors for his work in the machine trades industry.

My fellow colleagues, join me in congratulating Roger J. Sustar for his achievements and for assuming the position of Chairman of the Board for the National Tooling and Machining Association.

PERSONAL EXPLANATION

HON. HERBERT H. BATEMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2000

Mr. BATEMAN. Mr. Speaker, I missed two votes on January 31, 2000. Had I been present, I would have voted as follows: Rollcall vote No. 2, H. Con. Res. 244, ''aye''. Rollcall vote No. 3, H.R. 2130, ''aye''.

HONORING BESSIE CROUSE BOREN MILLER

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2000

Mr. McINNIS. Mr. Speaker, I would like to take a moment to pause and remember the life of a woman that always had an open heart and hand to all, Mrs. Bessie Crouse Boren Miller.

Mrs. Miller was born on February 4, 1920, in Montezuma, Kansas, to Joseph Oliver Crouse and Edith Angelique Fincher Crouse. She moved with her family to the Eastern slope of Colorado in a covered wagon. There, in Villgreen, Colorado, she attended school. She was known as a very athletic person and loved to run track.

Mrs. Miller was known for her cooking in all of the local cafes. She was also known for welcoming anyone and doing anything she could to help. Mrs. Miller loved to read and sing old hymns.

It is with this, Mr. Speaker, that I would like to pay tribute to the life of Mrs. Miller, a woman with a heart of gold.

REMARKS ON ALASKA AIRLINES FLIGHT 261 CRASH

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2000

Mr. YOUNG of Alaska. Mr. Speaker, I rise today in regards to yesterday's crash of Alaska Airlines Flight 261. In all, an estimated 88 people lost their lives off the southern coast of California at 4:36 p.m. Unfortunately, it is too early to know the cause of this devastating crash. Our prayers go out to all the family and friends of those who lost their loved ones in the crash.

Among Alaska Airlines Flight 261 were an estimated five Alaskans. Included were Malcolm Branson and his fiance, Janice Stokes, both of Ketchikan. Also onboard the airplane was Morris Thompson, age 61, his wife Thelma and daughter Sheryl. The Thompson's were returning to Alaska after a family vacation in Mexico.

Morris Thompson, Thelma, Lu and I have been friends for more than 40 years. Thelma, an experienced dog musher and Morris were married a year after Lu and I were married. Morris and I followed each other on similar paths to public office. Oftentimes we spent time together in Juneau, Alaska, when I served in the State Legislature and later in Washington, DC where I served as Congressman and Morris served as commissioner of the Bureau of Indian Affairs.

After his public service, Morris became president and chief executive officer of Doyon, Ltd., a Native Corporation formed in 1971 as part of the Alaskan Native Claims Settlement Act. At Doyon, Morris turned an operating loss of $28 million into $70.9 million in revenues and the largest private landowning corporation in America. Morris Thompson retired in January and was considered a great Native leader, businessman, and friend. I had a conversation with Morris just last month and he was describing to me the cabin he planned to build on the Yukon River and his optimism for the future.

Morris Thompson, his wife Thelma and daughter Sheryl spent a great deal of time with me and my family. In fact, we rang in the New Millennium with Sheryl. Sheryl Thompson grew up with our daughters and became so close to our family that we considered her part of the family. Morris is survived by two young daughters named Nicole and Allison and two grandsons Christopher and Warren.

I will always have fond memories of the Thompson family. Such as Morris and I duck hunting on the Yukon River, Thelma mushing her dog's, and Sheryl managing the extreme skiing association in Valdez. God Bless the memories we have.

Morris was a good father, leader and friend, as well as being one of the great leaders among the Native community. Lu, and I are in shock over this tragic loss. Our prayers go out to the Alaska Airlines employees and their families, and the families and relatives of the 88 passengers that were lost.

PERSONAL EXPLANATION

HON. TERRY EVERETT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2000

Mr. EVERETT. Mr. Speaker, on January 31, I was unavoidably detained and missed rollcall vote numbers 2 and 3. Had I been present, I would have voted ''yes'' on H. Con. Res. 244, Permitting the Use of the Capitol Rotunda to Commemorate Victims of the Holocaust; and ''yes'' on H.R. 2130, the Hillory J. Farias Date-Rape Prevention Drug Act of 1999.

RECOGNITION OF NATIONAL BIOTECHNOLOGY MONTH

HON. PATRICK J. TOOMEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2000

Mr. TOOMEY. Mr. Speaker, I rise today to commend workers in the biotechnology industry for their progress in improving the lives of all Americans. We just concluded National Biotechnology Month, and I would like to take a brief moment to highlight the potential that biotechnology has for us in 21st century.

Biotechnology companies are developing treatments and vaccines for devastating diseases—such as Parkinson's, Alzheimer's, cancer, and AIDS—that will improve the lives of millions of Americans afflicted with these ailments. They are also responsible for developing treatments for smaller diseases harming perhaps just a few hundred people, but nonetheless just as debilitating. In addition, biotechnology is about more than just medical research. Scientists are beginning to use biotechnology for other uses, such as environmental remediation.

Furthermore, the biotechnology industry has also had a significant positive impact on our nation's economy. A recent report by the Joint Economic Committee stated that the biotechnology industry spent $10 billion on research and development in 1998, while employing 150,000 workers nationwide. My home state of Pennsylvania has helped lead the way in biotechnology, ranking second in the nation in the number of jobs based on biotechnology.

Congress needs to continue to work with the biotechnology industry for an equitable public-private sector partnership, and make sure new technologies are not unnecessarily slowed by over-burdensome regulations. I congratulate the biotechnology industry on its accomplishments and its bright future.

LAW OFFICER OF THE YEAR, SHERIFF JOHN EBERLY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2000

Mr. MCINNIS. Mr. Speaker, I would like to take a moment to recognize the Law Officer of the Year recipient, Otero County Sheriff John Eberly of La Junta, Colorado.

This award was presented by the Colorado Cattlemen's Association and the Colorado Brand Board and recognizes Colorado lawmen whose efforts to uphold the state's livestock law have benefitted the entire livestock industry.

During his 25 years with Otero County, Sheriff Eberly has been instrumental in continuing and improving the livestock law training classes for law enforcement. Working with the National Guard, Sheriff Eberly and his staff coordinated the rescue and helicopter feeding operations for stranded livestock during the 1997 blizzard. When floods threatened the Arkansas Valley in 1999, his experience and knowledge was important to the area's ranching businesses.

It is with this, Mr. Speaker, that I would like to congratulate Sheriff John Eberly and also thank him for his tireless commitment to making his community a better place.

TRIBUTE TO THE SOUTHWEST TEXAS STATE UNIVERSITY ALL-GIRL CHEERLEADING SQUAD

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2000

Mr. PAUL. Mr. Speaker, I rise today to congratulate the members of the 1999–2000 Southwest Texas State University All-Girl Cheerleading Squad. They recently won first place in the All-Girl Cheer Division at the Universal Cheerleading Association's 2000 College Cheerleading and Dance Team National Championship. The competition was held during the Universal Cheerleading Association's 2000 Championship at Walt Disney World in Orlando, Florida, on January 7, 2000.

Located in the Texas Hill Country city of San Marcos, Southwest Texas State University is justifiably proud of their award winning All-Girl Cheerleading Squad; Karla Brown, Charissa Canuelle, Lexi Chaleff, Alexandrea Collie, Krystal Davis, Patricia Goolsby, Ashley Harmon, Robyn Kyrish, Sara Martinez, Shavaun Moynahan, Aimee Moyers, Nicki O'Riley, Kristi Oberpriller, April Rheinlaender, Jennifer Rogers, and Brandi Wilkie. These talented young women received outstanding leadership and support from their coach, Jason Anderson, and the team's trainer, Scott Chambers.

On January 25, 2000, a ceremony was held at the Texas State Capitol Building in Austin, Texas, in honor of the squad. At one o'clock, in the historic chambers of the Texas House of Representatives, State Representative Rick Green presented each of the young champions a copy of a resolution congratulating them on their achievement. A Texas flag flown at the request of Representative Green and a flag of the United States flown at my request were presented to the team. These flags, flown in recognition of their victory, now frame the young women's trophy proudly displayed at their university.

The squad's hard work and dedication to purpose reflects the will that built the great State of Texas and our nation. By continuing this same dedication and work ethic throughout their lives, these young women will succeed in all of their future endeavors. It is my pleasure to be able to congratulate and recognize these fine young Texans in their achievement.

''TAKE DOWN THE FLAG''

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2000

Mr. CLYBURN. Mr. Speaker, I rise to speak about an issue that is involving my home State of South Carolina in a national discussion. In recent weeks, the discussion over the confederate flag flying atop the Statehouse in Columbia, South Carolina, has moved from a State issue to a national debate. Of all of the opinions that have been shared throughout this debate, I find the following letter the most cogent and concise on this very emotional issue. Mr. Speaker, I submit for the RECORD the following letter written by Michael A. Allen which appeared in the Post and Courier of Charleston, South Carolina, on Tuesday, January 25, 2000.

[From the Post and Courier, Jan. 25, 2000]

TAKE DOWN THE FLAG

As a promoter and preserver of cultural heritage, the South Carolina African American Heritage Council has a keen appreciation and understanding of those who defend the flying of the Confederate battle flag on that basis. The flag in and of itself is indeed a part of South Carolina's heritage. Let's indeed preserve the flag and its legacy, even though that legacy means different things to different people.

Also in our position as preservers of cultural heritage, the council board of directors recognizes the fact that there are places inappropriate for the conspicuous display of historic relics. We defend the right of flag supporters to defend the banner as a relic of cultural integrity.

However, we contend that it is indeed a historic relic and that its position above the Statehouse and in the House and Senate chambers is indefensible. The Confederate battle flag in question never truly held a place of sovereignty even in the days of the Confederacy in the 19th century, but was carried by troops in battle. This makes it reprehensible and even baffling to the impartial and reasoning mind that such a relic would occupy such a position of sovereignty in 21st-century South Carolina.

Not every South Carolinian is a native Southerner. Not every South Carolinian had ancestors who fought, or fought willingly, for the Confederacy in the Civil War. Not all South Carolinians, even native white South Carolinians, believe in the ideas of the Confederacy fought to uphold. And not every South Carolinian feels good about a flag flown by the Ku Klux Klan, neo-Nazis and other racial and ethnic hate groups also hanging in and flying over the halls of government of their state, as if to give the impression, though the impression may be false, that this flag is who we all are and what we all stand for.

Therefore, the South Carolina African American Heritage Council now adds its voice to the evergrowing chorus of those calling for the removal of the Confederate flags from atop the South Carolina Statehouse, from the Senate and House chambers, from the front ground foyer of the Statehouse, and for them to be put in a place more fitting for the preservation of cultural heritage.

MICHAEL A. ALLEN,
Former Chairman,
S.C. African American Heritage Council.

TRUTH IN BUDGETING ACTS

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2000

Mr. SHUSTER. Mr. Speaker, with several of my colleagues from the Transportation and Infrastructure Committee, today I'm introducing the third in a series of ''Truth in Budgeting Acts.'' This bill focuses solely on water transportation—specifically the Harbor Maintenance Trust Fund (HMTF) and the Inland Waterways Trust Fund (IWTF). As you know, the previous bills also included the Highway Trust Fund and the Airport and Airway Trust Fund.

All of the bills have a common theme: taking transportation trust funds ''off budget'' to help meet our Nation's critical infrastructure needs and to inject some truth serum into the budgeting process. If we take the HMTF and the IWTF off budget, we not only restore the trust of those who pay into the funds, we remove the budget-driven incentive to build a surplus to mask potential deficits and justify other types of spending.

No one should question the wisdom of investing in our Nation's water transportation infrastructure. Our coastal ports and inland waterways have shaped the country's commercial and cultural history and, if properly developed and adequately maintained, will be critical to our country's leadership in the global economy of the 21st century. For example, the tugboat, towboat, and barge industry, which has operations along the Nation's 25,194 miles of inland and intracoastal waterways, contributes $5 billion a year to the Nation's economy and moves 15 percent of the Nation's freight for less than 2 percent of the Nation's total freight bill. Ports generate significant local and regional economic growth, as well, and move nearly 93 percent of all U.S. waterborne commerce in a given year. With the volume of imported cargo moving through U.S. ports expected to triple by the year 2020, investment in our Nation's port infrastructure is all the more critical.

The infrastructure needs continue to grow. The Nation's locks and dams are aging. Many are more than 50 years old. Long delays at inland locks add to the cost of transporting goods from our farms, mines, and mills to our coastal ports. The Nation's harbors and seaports need continued maintenance and improvement as well. Dredging channels, like clearing snow from highways, is a necessary fact of life—particularly in an age when domestic and international trading depends on adequate intermodal connections. The size and number of vessels in the world's fleet continue to increase; America's ports need to accommodate these changes to ensure a position of leadership in the global economy.

While current and future needs continue to grow, unfortunately the trust funds continue to accumulate surpluses. The current balance of the HMTF is approximately $1.9 billion and is expected to rise to $2.5 billion by FY 04. The IWTF current balance is approximately $370 million, and we are told the Corps has the capability of spending $300 million annually by 2004. Something is wrong when the needs increase, the funds are available, and the moneys remain ''locked up'' in the trust funds.

Mr. Speaker, this is important legislation that, if properly implemented, would make significant reforms in our current transportation infrastructure financing policy. Let me assure my colleagues, however, this bill is not meant as the single solution or response to the many issues surrounding the Supreme Court's March 1998 ruling in *U.S.* v. *U.S. Shoe Corporation*, which invalidated the Harbor Maintenance Tax as applied to exports. That issue has prompted significant debate and controversy, particularly the Administration's proposed harbor services user fee and harbor services fund. There are other proposals as well that deserve our serious consideration. I am also aware that final changes to the budgeting process involving the IWTF will need to be discussed with Members and the various constituencies involved in inland waterways transportation.

I look forward to working with my colleagues, including the Ranking Member of the Committee (JIM OBERSTAR), the Chairman of the Water Resources and Environment Subcommittee (SHERRY BOEHLERT), the Ranking Member of the Subcommittee (BOB BORSKI), the Administration, and others. Water transportation infrastructure will be a priority for the Transportation and Infrastructure Committee throughout the Second Session, particularly as we press for truth in water transportation budgeting and for enactment of a Water Resources Development Act of 2000.

INDIA SHOULD BE DECLARED A TERRORIST STATE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2000

Mr. TOWNS. Mr. Speaker, the time has come to declare India a terrorist state. India is one of the leading practitioners of terrorism in the world, but they get away with it by cloaking it under a mask of democracy. India practices terrorism internally against its minorities and externally against its neighbors.

The Coordination Committee on Disappearances in Punjab identified 838 victims of India's mass cremation policy in a preliminary report last year. It published their names and addresses. These young Sikhs were abducted by the police, tortured, and murdered, then the police disposed of their bodies. This policy amounts to nothing less than terrorism against the Sikhs of Punjab, Khalistan.

Tens of thousands of Sikh political prisoners continue to rot in Indian jails without trial. They are not the only ones. After an Indian airliner was hijacked in November, India agreed to release several prisoners. According to the Los Angeles Times, India violated international law by holding these prisoners without charge or trial.

On December 20, according to Reuters News Service (as reported in India West), Pakistani police arrested a man who confessed that he was an Indian agent and that he planted bombs that killed 9 people. Clearly, this is a terrorist act sponsored by the Indian government.

The book Soft Target, written by two Canadian journalists, proved that India blew up its own airliner in 1985, killing 329 people. In 1991, the Indian intelligence service, RAW, masterminded a hijacking of an Indian plane. These acts give us reason to suspect that India's hand may have been behind the recent Air India hijacking.

In November 1994, the Hitavada, a well respected newspaper in India, reported that the Indian government paid Surendra Nath, the late governor of Punjab, one and a half billion dollars to foment terrorism in Punjab, Khalistan and in Kashmir. Can anyone deny that a country which would do this is a terrorist nation?

The Indian government intelligence wing, RAW, supported the militant Liberation Tigers of Tamil Eelam to gain control of the port of Trincomelli. India Today magazine reported that the leader of the LTTE was entertained by the Indian government in one of Delhi's best hotels. Later, India turned against the LTTE and invaded Sri Lanka to crush the LTTE freedom movement. The Indian government has blood on its hands.

The Indian government has murdered minorities in massive numbers. Over 250,000 Sikhs since 1984, over 200,000 Christians in Nagaland since 1947, more than 65,000 Kashmiri Muslims since 1988, and tens of thousands of Assamese, Manipuris, Tamils, Dalits, and others have been murdered by the government of India. The State Department reported in 1994 that the government of India paid more than 41,000 cash bounties to police officers for murdering Sikhs.

Hindu militants allied with the government have burned down Christian churches and prayers halls, murdered priests, and raped nuns. Hindus affiliated with the Vishwa Hindu Parishad surrounded the jeep of missionary Graham Staines and his two sons, ages 8 and 10, and burned them to death. The VHP is part of the same umbrella organization as the ruling BJP. In 1997, police broke up a Christian religious festival with gunfire.

Last year, Indian Defense Minister George Fernandes organized and led a meeting with the Ambassadors from Cuba, Red China, Russia, Iraq, and Libya aimed at creating a security alliance ''to stop the U.S.'' India supported the Soviet invasion of Afghanistan and votes against American interests consistently. The time has come to take strong measures against India's brutality and terrorism by declaring India a terrorist nation.

Mr. Speaker, recently the Council of Khalistan issued a news release on Indian state terrorism. I would like to place it into the RECORD for the information of my colleagues.

[From the Council of Khalistan, Washington, DC, Jan. 13, 2000]

U.S. SHOULD DECLARE INDIA A TERRORIST STATE

WASHINGTON, D.C., JANUARY 13, 2000.—Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, called on the United States government to declare India a terrorist state. ''India is one of the leading sponsors of terrorism in the world,'' he said.

Earlier this week, Mandeep Singh Sodhi, a 27-year-old Sikh in Uttar Pradesh burned himself to death to protest police abuses against his family. The Los Angeles Times reported that India violated international law by holding the prisoners who were released without charge or trial. There are tens of thousands of Sikh political prisoners rotting in Indian jails without trial. On December 20, according to Reuters News Service and India West, Pakistani police arrested a man who confessed to being an Indian agent and to planting bombs that killed 9 people.

Responding to some recent reports, Dr. Aulakh said that he ''would not put it past''

the Indian government to organize the hijacking themselves to justify a new wave of terror in Kashmir. ''They have created incidents to promote terror in Punjab, Khalistan, Assam, Nagaland, Tamil Nadu, and other places within their artificial borders.'' he said.

The book Soft Target, written by two Canadian journalists, proved that India blew up its own airliner in 1985, killing 329 people, to blame the Sikhs. In 1994, the Hitavada, a well respected Indian newspaper, reported that the Indian government paid the late governor of Punjab, Surendra Nath, $1.5 billion to organize and support covert state terrorism in Punjab, Khalistan and in Kashmir.

The Indian government intelligence wing, RAW, infiltrated the militant Liberation Tigers of Tamil Eelam (LTTE) and supported the LTTE to gain control of the port of Trincomelli. When the Sri Lankan government agreed to give India control of the port, India turned against the LTTE and invaded Sri Lanka to crush the LTTE freedom movement. The Indian army suffered heavy losses at the hands of the LTTE freedom fighters and withdrew from Sri Lanka. Rajiv Gandhi, the ex-Prime Minister of India under whose government this took place, was blown up by a female Tamil freedom fighter.

The Indian government has murdered over 250,000 Sikhs since 1984. They have also killed over 200,000 Christians in Nagaland since 1947, more than 65,000 Kashmiri Muslims since 1988, and tens of thousands of Assamese, Manipuris, Tamils, Dalits, and others. ''Only a terrorist state could commit atrocities of this magnitude,'' said Dr. Aulakh.

The U.S. State Department reported that the Indian government paid more than 41,000 cash bounties to police to murder Sikhs. One of these bounties was collected by police officers who killed a three-year-old boy, his father, and his uncle ''Would you call this democracy or terrorism?,'' Dr. Aulakh asked.

Government-allied Hindu militants have burned down Christian churches and prayer halls, murdered priests, and raped nuns. The Vishwa Hindu Parishad, which is affiliated with the parent organization of the ruling BJP, described the rapists as ''patriotic youth'' and called the nuns ''antinational elements.'' Hindus affiliated with the VHP surrounded the jeep of missionary Graham Staines and his two sons, ages 8 and 10, poured gasoline on it, set it on fire, and surrounded it, chanting ''Victory to Lord Ram.'' In 1997, police broke up a Christian religious festival with gunfire. ''Only a terrorist government could allow these kinds of atrocities,'' Dr. Aulakh pointed out.

Last year, Indian Defense Minister George Fernandes led a meeting with the Ambassadors from Cuba, Red China, Russia, Iraq, and Libya aimed at constructing a security alliance ''to stop the U.S.'' ''How could India form an alliance against the world's oldest democracy and then ask for help?,'' Dr. Aulakh asked. ''Based on these and other pieces of India's pattern of terrorism, the time has come for Indian to be declared a terrorist state,'' Dr. Aulakh said.

TRIBUTE TO AMBASSADOR JULIUS L. KATZ

HON. BILL ARCHER

OF TEXAS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2000

Mr. ARCHER. Mr. Speaker, we rise today to pay tribute to an exceptional human being. Ambassador Julius L. Katz, who died last Thursday, January 27, at the age of 74, was a man of extraordinary intelligence, integrity and courage, who devoted more than 30 years to the service of his country.

Ambassador Katz first demonstrated his courage and devotion to service when, at 18, he enlisted in the U.S. Army and joined the 90th Infantry Division during World War II, leading at Normandy and fighting in the Battle of the Bulge. His experience during the war helped to shape his goals and ambitions for the rest of his life, as he fought to build and strengthen an international trading system not only for its substantial economic benefits, but as a bulwark against political conflicts among nations, misunderstanding, isolationism and, ultimately, war.

Upon his return from Europe, Ambassador Katz attended the George Washington University, and graduated with a degree in international relations and economics. In 1950, he joined the Department of State, working on various assignments, including supervision of U.S. aid programs in Yugoslavia and Poland, and negotiation of financial and property claims agreements in the U.S.S.R. Poland, Czechoslovakia and Romania.

Ambassador Katz contributions to the field of international trade accelerated in the mid-1960's as he assumed the position of Director of the Office of International Trade. There, he led U.S. delegations to meetings at the General Agreement on Tariffs and Trade (GATT) and participated in the Kennedy Round of trade negotiations.

In 1968, Ambassador Katz was named Deputy Assistant Secretary for International Resources and Food Policy, a position in which he was responsible for formulating U.S. international commodity policies. In 1974, he was appointed Senior Deputy Assistant Secretary, in which capacity he led various U.S. delegations on international trade issues, including the establishment of the International Energy Agency.

In 1976, Ambassador Katz was appointed Assistant Secretary of State for Economic and Business Affairs. As Assistant Secretary, he participated in a large number of trade negotiations, from the Tokyo Round of GATT negotiations, to civil aviation agreements with Japan, to various international trade matters with Canada and a natural gas supply agreement with Mexico. Ambassador Katz was one of only a few senior State Department officials asked to remain on in the Carter Administration, where he continued to serve until 1980. Among the honors and awards he received during his career in the State Department were the Wilbur J. Carr Award and the Distinguished Honor Award from the State Department and the Distinguished Service Medal from the Department of Energy, the highest awards conferred by those agencies.

In 1980, Ambassador Katz left government service to work in the private sector, also promoting international trade. In 1989, U.S. Trade Representative Carla A. Hills, on the recommendation of all of her immediate predecessors, former USTRs Yeutter and Brock and former Special Trade Representative Strauss, asked Ambassador Katz to return to public service as Deputy U.S. Trade Representative. Ambassador Katz agreed. Once again serving with distinction, Ambassador Katz was the Chief Negotiator for the North American Trade Agreement, led negotiations on the 1990 U.S.-U.S.S.R. trade agreement, chaired the Trade Policy Review Group sub-cabinet interagency committee that coordinates U.S. trade policy, and provided senior management coordination for the Uruguay Round of trade negotiations, particularly in areas such as agriculture.

Mr. Speaker, Ambassador Katz's career reads like an encyclopedia of the accomplishments of U.S. international trade policy since World War II. That, in and of itself, would be a fitting tribute to this man, born in New York City to a family of modest means. In the post-war era, it is difficult to think of any person who was more involved in more aspects of formulating U.S. international trade policy. Certainly, no one was more knowledgeable or committed to advancing the goals of that policy.

What is particularly remarkable about Ambassador Katz, however, cannot be gleaned only from his long and impressive list of accomplishments. Rather, it was his personal qualities that we in Congress who worked with him and knew him will miss so greatly. Jules Katz was a person of unimpeachable integrity—who spoke his mind clearly and eloquently. He was a teacher—to Cabinet officials and Presidents, as well as to younger trade policy officials who served under him. And, if his patience with himself, with events, and even with colleagues, on occasion deserted him, his restlessness helped to inspire and motivate those around him to come up with better analyses and more creative solutions. And, he more than made up for it with a sense of fairness that never left him, a warmth that led dozens to regard him as their mentor, and a sense of humor that disarmed adversaries and reenergized colleagues even at the most grueling moments of a negotiation.

Mr. Speaker, Ambassador Julius L. Katz epitomized the finest in public service to our nation. We owe this man a great debt of gratitude. Let his example inspire others who seek to contribute to this vital area of U.S. public policy. His legacy will live on in the many agreements that bear his imprint and the many people he worked with who carry inside of them a part of the flame that was his courage, integrity, ability and passion.

GREAT PROGRAM NATIONAL PRINCIPAL OF THE YEAR, DENNIS DEARDEN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2000

Mr. McINNIS. Mr. Speaker, I would like to take a moment to recognize Principal Dennis Dearden. He is a man that has worked very hard to reduce the numbers of gangs and violence in schools across the State of Colorado. Recently, his work was rewarded when he was named the National Principal of the Year.

Gang Resistance Education and Training (GREAT) program, backed by the United States Bureau of Alcohol, Tobacco and Firearms, teaches students how to resolve conflicts, avoid peer pressure and set personal goals. It also helps the students to understand cultural differences and how gangs negatively impact the quality of life.

As a result of the program implemented by Dennis, violence declined tremendously at

Mount Garfield and drug-related calls to law enforcement dropped from 34 to zero. These astounding figures appeared in a report presented to Congress in support of the GREAT program.

Dennis was nominated for the award by Colorado State Trooper and Western Slope Coordinator of GREAT, Don Moseman. His nomination was chosen out of more than 3,000 principals across the nation.

It is with this, Mr. Speaker, that I say thank you to Principal Dennis Dearden for his dedication to our youth and the fight he has waged against gangs and violence. In addition, to our thanks, Dennis deserves our congratulations on being named Principal of the Year. Clearly, Dennis is eminently deserving of this high honor.

CONTINUING REMARKS HONORING DON K. CLARK, DIRECTOR OF THE HOUSTON DIVISION OF THE FBI

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2000

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise this evening to commend a true Texas and American hero, Don Clark. Mr. Clark strode stoically into Houston like the lone sheriffs of lore. Standing alone, he quickly took matters into his own hands. Not only did he face down the criminal elements that plagued our fine city, but he also pierced that invisible wall that separated minorities from high ranking, law enforcement posts. Mr. Clark leaves his impressive imprint upon the city of Houston, and I congratulate him on his well-deserved retirement. He will be missed, but he will never be forgotten.

Given his vast accomplishments, it should not surprise anyone that Mr. Clark is a native Texan. Like a true Texas hero, he forged a legacy upon hard work and dedication. He built this foundation upon his commitment to academia and military training. He received a Bachelor of Science degree in Engineering and a regular Army commission as a 2nd Lieutenant from Prairie View A&M University in 1967. As a long-time supporter of this Historically Black University, I take pride in the fact that Mr. Clark achieved such high excellence at this institution. He also attended Long Island University and completed course work for a Master of Science degree in Public Administration and graduated from Harvard University's John F. Kennedy School of Government Program for Senior Managers in Government.

Mr. Clark served in the U.S. Army from May, 1967, to November, 1976, attaining the rank of Captain in the Infantry. In 1973, I am proud to say that he was selected by the Chief of Staff of the Army to command an Airborne Ranger Company in a newly created ranger battalion.

Because of his outstanding academic and military achievements, Mr. Clark earned his position as a Special Agent of the FBI on November 7, 1976. His impressive service included assignments in Miami, New York, Los Angeles, Newark, San Antonio, and Washington, D.C. His extraordinary experience included foreign counterintelligence, counterterrorism, violent crimes, organized crime/drug and other FBI investigative programs.

Because of Mr. Clark's diligence, he obtained far greater responsibilities, and as an African-American, I proudly watched as he rocketed through the ranks. And his brilliance was clearly evident during several high profile FBI investigations. In 1979, during the Iranian Hostage Crisis, Mr. Clark supervised the Iranian terrorism investigation and handled the movement of the Shah of Iran from New York City to San Antonio, Texas. Moreover, in 1985, Mr. Clark played a key role in the supervision of the terrorist attack aboard the Achille Lauro ship which claimed the life of passenger Leon Klinghoffer.

Mr. Clark's work with high profile cases continued into the 1990s. In February, 1993, Mr. Clark was assigned to manage the World Trade Center Bombing investigation. On April 1, 1996, while serving as the Special Agent in Charge in San Antonio, Mr. Clark was detailed to serve as one of the Special Agents in Charge of the Freemen crisis in Jordan, Montana.

On July 2, 1996, Texas history was forever altered when Director Freeh appointed Mr. Clark as the Special Agent in Charge of the Houston Division, one of the FBI's Top Ten Field Divisions. He has been a model government official and a model citizen for the Houston community. He is living proof that commitment brings one's aspirations into vivid reality.

Mr. Clark maintained numerous responsibilities while working for the FBI. He is a member of the International Association of Chiefs of Police and the National Organization of Black Law Enforcement Executives. He has attended the FBI's Executive Development Institute, is a trained SWAT member, bombing instructor, and police training instructor.

Mr. Clark's dedication is not only evident in his own work, it is also manifest in his numerous achievements, including high school class valedictorian, Who's Who in America's Colleges and Universities, Distinguished Military Graduate receiving a regular Army commission, and many awards and recognitions from both the U.S. Army and the FBI.

I am most proud of the fact that Mr. Clark earned two Bronze Stars for Bravery while serving in Vietnam and the FBI Medal for Meritorious Achievement during law enforcement action. These awards clearly reveal Mr. Clark's strength of character and dedication to our country.

Again, I wish Mr. Clark well as he embarks on his retirement. His exploits paint a vivid picture across the canvas that weaves among the United States, and for his work, he truly has earned his days of rest. I thank him for his efforts.

RECOGNIZING MR. BILL POLACEK

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2000

Mr. MURTHA. Mr. Speaker, I enclose in the RECORD, an article from the December 27, 1999 "Tribune-Democrat", of Johnstown, PA, concerning the community involvement and efforts of Mr. Bill Polacek.

It's these kinds of selfless acts helping individuals that are such a hallmark of the principles that have made our Nation great, and of the personal spirit that must dominate our Nation not only during the Holidays but throughout the year.

I commend Bill Polacek, and I'm glad to enclose this article on his efforts.

AREA MAN MAKES SURE NEEDY HAVE CHRISTMAS

(By Tom Lavis)

Bill Polacek of Richland Township learned the true meaning of Christmas when he was only 6.

That's the reason that for the last three years, Polacek, 38, has donated a Christmas present to each man, woman and child who comes to Christmas Eve dinner at St. Vincent de Paul Family Kitchen at 231 Bedford St., Johnstown.

Polacek owns Johnstown Welding and Fabrication Industries, 1363 Broad St.

A tall dark-haired man who towers over most people, Polacek is one of nine children in a family where money was always tight.

"When I was 6, my father shattered his ankle right before Christmas and the only money coming in was 50 percent of his supplemental pay from Bethlehem Steel," Polacek said, as he and his family distributed gifts to the needy as they left the pantry.

"We weren't going to have much of a Christmas that year," he said.

"To this day, we don't know who it was, but someone left bags of groceries, presents and a small amount of money on our porch so that our parents could give us a nice Christmas. That's why I do this. I'll never forget what that gesture meant. My mother cried," he said.

Joe Bartko, director of the kitchen, said he admires Polacek because he and his family give without expecting any fanfare. He said it is heart-warming to have people like the Polaceks who think of the less fortunate.

"The people's faces say it all when they get a gift in addition to a meal," Bartko said. "It has gotten to a point that many of these people look forward to this because this is the only Christmas they will have. They have nothing."

After enjoying a traditional Christmas dinner that included turkey with stuffing, ham steak, mashed potatoes, corn, salad and pears and poppy-seed rolls for desert, people were treated to a gift when they left.

George Karadeanes, 61 who lives in the Solomon Homes, said everyone appreciates what the Polaceks are doing.

"Last year, I got a sweatshirt and some gloves," Karadeanes said, as he was sweeping his plate with a dinner roll to finish a last bit of turkey gravy. "I still have the gloves and they keep me warm. I have no family and this is my celebration."

Twelve-year-old Mikey Wiesinger of Kernville squealed with glee as he was handed a stuffed Barney doll. He was at the dinner with his parents, Brian and Diane Wiesinger, and his 13-year-old brother, Brian.

If any of the 25 volunteers who prepared and served the dinner or members of the Polacek family wanted to know if their efforts were appreciated, they only had to look at Mikey's face while he clutched the purple dinosaur to know that they brought joy to the boy's Christmas.

Ada Szewczyk, 62, of Johnstown, was chatting with friends at one of the long tables, and I noticed that her gift was on the table unopened. I asked her why.

"I'm saving it so I have something to open Christmas morning," she said.

This was the first year that Szewczyk attended the dinner when presents were given.

"I was surprised, but that man (Polacek) knows that Christ was born on Christmas and I hope God blesses him," she said.

A mountain of presents was stacked near the door of the pantry and Polacek; his wife, Shari; and their four children were busy distributing gifts to people who waited in an orderly fashion.

Mrs. Polacek said she is pleased that the family could bring some joy to people, and she wanted her children to learn that it is better to give than receive and that some people are struggling. The children are Bill Jr., 10; Blake 7; Madison, 4; and Carter, 10 months.

''Last year, we lost track of Blake and couldn't find him anywhere until we looked back at the tables where people were eating,'' Mrs. Polacek said.

''There he was eating a turkey dinner and joining right in with some of the folks. We try to teach the kids that in terms of values, you get what you give.''

Also on hand were Mr. Polacek's mother, Sarah, and stepfather, George Mihalaki of Windber. Polacek's father, John is deceased.

Mrs. Mihalaki said that one act of kindness many years ago has left an impression on the entire family.

''We created the Polacek Family Human Needs Fund, where we all initially donated money to give to a charity,'' she said.

''Now we have fund-raisers during the year to raise a little more. We usually earmark the money to one charity a year.''

But the St. Vincent de Paul effort is separate from the family's donation.

Mr. Polacek said he usually gives up to $2,500 for the gifts.

''I buy from Boscov's and they generously give a discount on each item,'' he said.

''That way we can give more gifts and the store even gift wraps each present.''

The dinner also marked the first time that someone spent the afternoon singing carols for the people.

Shawn McConville of Geistown entertained to the delight of every one on hand.

It was a wonderful Christmas celebration.

There was good food, good music, laughter and fun. Most of all, there was love.

TRIBUTE TO MRS. ANNIE JEAN CAMPBELL

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2000

Mr. THOMPSON. Mr. Speaker, it gives me great pleasure to stand here today on the first day of ''Black History Month'' to record yet another first for African-Americans in my home state of Mississippi. On November 2, 1999, Mrs. Annie Jean Campbell became the first African-American woman to be elected to serve on the Board of Supervisors in Montgomery County, MI.

Mrs. Campbell, the daughter of Joe and Annie Roby not only became the first African-American woman to be elected to the position, but she is the first woman ever. Mrs. Campbell has lived in Montgomery County all of her life and is dedicated to the service of the people. As wife and mother of three, Ms. Campbell has already exemplified the patience and understanding needed to be an effective representative to the public.

Mr. Speaker, as I stand here and think of the accomplishment Mrs. Campbell has made, I become re-energized in the fact that there is always a possibility to change and that Mississippi continues to progress and create a new legacy.

MARKING THE RETIREMENT OF JOHN P. WEISS

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2000

Mr. GEJDENSON. Mr. Speaker, I rise today to commend John P. Weiss for nearly thirty years of service to the U.S. Immigration and Naturalization Service. John is more than an extraordinary public servant, he is a humanitarian and a great advocate on behalf of the American people.

On January 3, 2000, John Weiss officially retired as Officer in Charge of the Hartford, Connecticut INS Office. John's leadership and commitment to excellence has ensured high quality and efficient service for immigrants and their families living in Connecticut. John set a standard that all of us in public service should work to emulate.

In 1988, my office was inundated with calls from U.S. citizens who were filing their I–130 petitions for their foreign born spouses at the INS Service Center in Vermont. Unfortunately, the processing time in Vermont was quite lengthy. After approaching John with this problem and expressing the frustration of my constituents, he agreed to look into the problem. John then implemented a new processing policy for I–130 and I–485 petitions filed by citizens on behalf of their spouses. He clearly empathized with the stress they were feeling due to being separated from their spouses. John allowed the Hartford INS office to begin accepting I–130 petitions from citizens for their spouses. This accelerated the processing time tremendously. He truly made a positive difference in the lives of thousands of people. Families were able to reunite much sooner than they had originally expected.

I have remarked many times throughout the years that Connecticut is indeed very lucky to have such a compassionate and caring individual such as John Weiss running the INS office. John's career is quite distinguished. One of his most remarkable assignments began in 1973 when he was assigned to investigate Nazi war criminals. John spent a great deal of time interviewing Holocaust victims and chronicling the atrocities that occurred during the Second World War and tracking war criminals who might have attempted to fraudulently enter the United States. I know this was an experience that deeply affected John's life and perspective on the world.

Whenever John Weiss learned about a problem or an individual with extenuating circumstances, he took steps to address it. It never mattered how busy he was with his duties, he always made time to address the needs of every constituent. In this respect, he is a model for all of us in public service.

Mr. Speaker, John Weiss is a public servant in the very best tradition of our country. He has worked tirelessly on behalf of the citizens of Connecticut and provided the highest quality service. He has also brought a sense of compassion to his work.

I am proud to be able to join his former colleagues and members of the community in thanking John for his service and commitment to bettering the lives of immigrants and their families.

Daily Digest

HIGHLIGHTS

See Résumé of Congressional Activity.

Senate

Chamber Action

Routine Proceedings, pages S167–S224

Measures Introduced: Four bills and one resolution were introduced, as follows: S. 2018–2021, and S. Res. 250. **Page S213**

Measures Passed:

Recognizing the St. Louis Rams: Senate agreed to S. Res. 250, recognizing the outstanding achievement of the St. Louis Rams in winning Super Bowl XXXIV. **Page S189**

Bankruptcy Reform Act: Senate resumed consideration of S. 625, to amend title 11, United States Code, taking action on the following amendments proposed thereto: **Pages S167–88, S190–97, S200–02, S223**

Rejected:

Wellstone Amendment No. 2538, with respect to the disallowance of certain claims and to prohibit certain coercive debt collection practices. (By 53 yeas to 44 nays, 1 responding present (Vote No. 1), Senate tabled the amendment.) **Pages S168–78, S190**

Withdrawn:

Wellstone Amendment No. 2537, to disallow claims of certain insured depository institutions. **Pages S168–78, S190**

Feingold Amendment No. 2667, to encourage the democratically elected government of Indonesia and the armed forces of Indonesia to take such additional steps as are necessary to create a peaceful environment in which the results of the August 30, 1999, vote on East Timor's political status can be implemented. **Pages S190–97**

Pending:

Schumer/Durbin Amendment No. 2762, to modify the means test relating to safe harbor provisions. **Page S167**

Schumer Amendment No. 2763, to ensure that debts incurred as a result of clinic violence are nondischargeable. **Page S167**

Feingold Modified Amendment No. 2748, to provide for an exception to a limitation on an automatic stay under section 362(b) of title 11, United States Code, relating to evictions and similar proceedings to provide for the payment of rent that becomes due after the petition of a debtor is filed. **Page S167**

Levin Amendment No. 2658, to provide for the nondischargeability of debts arising from firearm-related debts. **Pages S178–88**

A unanimous-consent agreement was reached providing for further consideration of the bill and certain amendments, on Wednesday, February 2, 2000. **Page S223**

Nomination—Agreement: A unanimous-consent time agreement was reached providing for the consideration of the nomination of Alan Greenspan, of New York, to be chairman of the Board of Governors of the Federal Reserve System. **Page S223**

Removal of Injunction of Secrecy: The injunction of secrecy was removed from the following treaty:

Treaty with the Hellenic Republic on Mutual Legal Assistance in Criminal Matters (Treaty Doc. No. 106–18).

The treaty was transmitted to the Senate today, considered as having been read for the first time, and referred, with accompanying papers, to the Committee on Foreign Relations and was ordered to be printed. **Pages S222–23**

Messages From the President: Senate received the following messages from the President of the United States:

Transmitting pursuant to law, a report entitled "United States Arctic Research Plan; Biennial Revision: 2000–2004"; to the Committee on Governmental Affairs. (PM–80) **Page S208**

Transmitting pursuant to law, Presidential Determination 99–37 relative to the Air Force's Operating Location near Groom Lake, Nevada; to the Committee on Environment and Public Works. (PM–81) **Page S208**

Transmitting pursuant to law, a report relative to the agreement between the U.S. and Latvia concerning fisheries off the coasts of the U.S.; to the Committees on Commerce, Science, and Transportation; and Foreign Relations. (PM–82) **Page S208**

Nominations Received: Senate received the following nominations:

Ross L. Wilson, of Maryland, to be Ambassador to the Republic of Azerbaijan.

Nathan O. Hatch, of Indiana, to be a Member of the National Council on the Humanities.

1 Air Force nomination in the rank of general.

22 Army nominations in the rank of general.

1 Marine Corps nomination in the rank of general.

6 Navy nominations in the rank of admiral.

2 Coast Guard nominations in the rank of admiral.

Routine lists in the Air Force and Army.

Pages S223–24

Messages From the President: **Page S208**

Messages From the House: **Pages S208–09**

Measures Referred **Page S209**

Communications: **Pages S209–13**

Executive Reports of Committees: **Page S213**

Statements on Introduced Bills: **Pages S213–16**

Additional Cosponsors: **Pages S216–17**

Notices of Hearings: **Page S218**

Authority for Committees: **Page S218**

Additional Statements: **Pages S218–22**

Privileges of the Floor: **Page S218**

Record Votes: One record vote was taken today. (Total—1) **Page S190**

Adjournment: Senate convened at 9:30 a.m., and adjourned at 6:14 p.m., until 9:30 a.m., on Wednesday, February 2, 2000. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S223.)

Committee Meetings

(Committees not listed did not meet)

AGRICULTURE CONCENTRATION

Committee on Agriculture, Nutrition, and Forestry: Committee concluded oversight hearings to examine the current structure and future operations of the Department of Agriculture's Grain Inspection, Packers and Stockyards Administration, after receiving testimony from Senator Feingold; Michael Dunn, Under Secretary for Marketing and Regulatory Programs, and James R. Baker, Administrator, Grain Inspection, Packers and Stockyards Administration, both of the Department of Agriculture; Philip Paarlberg and Kenneth Foster, both of Purdue University, West Lafayette, Indiana; John McNutt, Iowa City, Iowa, on behalf of the National Pork Producers Council; Rita Sharma, Williamsport, Indiana, on behalf of the National Cattlemen's Beef Association; William P. Roenigk, National Chicken Council, Washington, D.C.; Ron Warfield, Illinois Farm Bureau, Gibson City, on behalf of the American Farm Bureau Federation; Michael Stumo, Winsted, Connecticut, on behalf of the Organization for Competitive Markets; John Crabtree, Center for Rural Affairs, Walthill, Nebraska; Hubert O. Farrish, Columbia Grain, Inc., Portland, Oregon, on behalf of the North American Export Grain Association; Robert Smigelski, The Anderson, Inc., Maumee, Ohio, on behalf of the National Grain and Feed Association; Mike Clark, Illinois Corn Growers Association, Homer, on behalf of the National Corn Growers Association, American Soybean Association, and National Association of Wheat Growers; and Dennis Wiese, South Dakota Farmers Union, Flandreau, on behalf of the National Farmers Union.

NOMINATION

Committee on Banking, Housing, and Urban Affairs: Committee ordered favorably reported the nomination of Alan Greenspan, of New York, to be Chairman of the Board of Governors of the Federal Reserve System.

LOAN GUARANTEES AND RURAL TELEVISION SERVICE

Committee on Banking, Housing, and Urban Affairs: Committee concluded hearings on the issue of federal loan guarantees to promote satellite delivery of local television signals to rural areas, after receiving testimony from Gregory L. Rohde, Assistant Secretary of Commerce for Communications and Information; Christopher McLean, Acting Administrator, Rural Utilities Service, Department of Agriculture; William Roberts, Senior Attorney, Copyright Office, Library of Congress; Dale N. Hatfield, Chief, Office of Engineering and Technology, Federal Communications Commission; Steven J. Cox, DIRECTV, El Segundo, California; David K. Moskowitz, EchoStar Communications Corporation, Littleton, Colorado; Bob R. Phillips, III, National Rural Telecommunications Cooperative, The Plains, Virginia; Richard Sjoberg, Sjoberg's Incorporated, Thief River Falls, Minnesota; and K. James Yager, Benedek Broadcasting, Rockford, Illinois, on behalf of the National Association of Broadcasters.

FEDERAL SPENDING PRIORITIES

Committee on the Budget: Committee concluded hearings to examine spending priorities of certain federal laws and programs in order to maximize the government's performance and accountability, after receiving testimony from David M. Walker, Comptroller General of the United States, General Accounting Office.

U.S. COMPUTER NETWORK PROTECTION

Committee on the Judiciary: Subcommittee on Technology, Terrorism, and Government Information held hearings to examine the vulnerability of U.S. systems to cyber attack, focusing on the Administration's National Plan for Information Systems Protection and its implications regarding privacy, receiving testimony from John S. Tritak, Director, Critical Infrastructure Assurance Office, Department of Commerce; and Marc Rotenberg, Electronic Privacy Information Center, and Frank J. Cilluffo, Center for Strategic and International Studies, both of Washington, D.C.

Hearings recessed subject to call.

MEDICAL ERRORS

Committee on Health, Education, Labor, and Pensions: Committee resumed hearings to examine the incidence of medical errors, focusing on understanding adverse drug events, receiving testimony from Janet Woodcock, Director, Center for Drug Evaluation and Research, Food and Drug Administration, Department of Health and Human Services; Janet Heinrich, Associate Director, Health Financing and Public Health Issues, Health, Education, and Human Services Division, General Accounting Office; Michael R. Cohen, Institute for Safe Medication Practices, Huntingdon Valley, Pennsylvania; Richard Platt, Harvard University Medical School, Boston, Massachusetts, on behalf of the Harvard Pilgrim Healthcare; and Eleanor M. Vogt, National Patient Safety Foundation, and Raymond L. Woosley, Georgetown University Medical Center Department of Pharmacology, both of Washington, D.C.

Hearings recessed subject to call.

House of Representatives

Chamber Action

Bills Introduced: 6 public bills, H.R. 3561–3566; 5 resolutions, H.J. Res. 86; H. Con. Res. 245–246, and H. Res. 410–411, were introduced. **Pages H164–65**

Reports Filed:

H. Res. 412, providing for consideration of H.R. 2005, to establish a statute of repose for durable goods used in a trade or business (Rept. 106–491). **Page H164**

Speaker Pro Tempore: Read a letter from the Speaker wherein he designated Representative Cooksey to act as Speaker pro tempore for today. **Page H91**

Recess: The House recessed at 9:55 a.m. and reconvened at 11:00 a.m. **Page H95**

Private Calendar: On the call of the Private Calendar the House:

Passed Over Without Prejudice: S. 452, for the relief of Belinda McGregor. **Page H95**

Passed: H.R. 1023, for the relief of Richard W. Schaffert. **Page H95**

Review of the National Reconnaissance Office: Read a letter from the Minority Leader wherein he announced his appointment of Representative Dicks to the National Commission for the Review of the National Reconnaissance Office. **Page H98**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Contributions of Catholic Schools: H. Res. 409, honoring the contributions of Catholic schools; and **Pages H98–103**

Child Abuse Prevention and Enforcement Act: Agreed to the Senate amendment to H.R. 764, to reduce the incidence of child abuse and neglect—clearing the measure for the President (agreed to by a yea and nay vote of 410 yeas to 2 nays, Roll No. 4). **Pages H121–27**

Subsequently, agreed to H. Con. Res. 245, to correct technical errors in the enrollment of the bill. **Page H128**

Taiwan Security Enhancement Act: The House passed H.R. 1838, to assist in the enhancement of the security of Taiwan by a yea and nay vote of 341 yeas to 70 nays, Roll No. 5. **Pages H110–21, H127–28**

Earlier, the House agreed to H. Res. 408, the rule that provided for consideration of the bill. Pursuant to the rule, the amendment recommended by the Committee on International Relations, now printed in the bill, was considered as adopted. **Pages H103–10**

Resignation from the Democratic Caucus: Read a letter from Representative Frost wherein he announced that Representative Goode resigned from the Democratic Caucus. **Page H128**

Resignation from Committee: Read a letter from Representative Blunt wherein he announced his resignation from the Committee on Appropriations. **Page H128**

Committee Election Vacated: Read a letter from the Speaker wherein he announced that Representative Goode's election to the Committee on Agriculture has been vacated effective today. **Page H128**

Committee Election Vacated: Read a letter from the Speaker wherein he announced that Representative Goode's election to the Committee on Banking and Financial Services has been vacated effective today. **Page H128**

Committee Election: Agreed to H. Res. 410, electing Representative Goode to the Committee on Appropriations. **Page H128**

Committee Election: Agreed to H. Res. 411, electing Representative Lee to the Committee on Banking and Financial Services. **Pages H128–29**

Motion to Instruct Conferees: Agreed to the Berry motion to instruct conferees on H.R. 2990, Quality Care for the Uninsured Act, (1) to take all necessary steps to begin meetings of the conference committee in order to report back expeditiously to the House; and (2) to insist on the provisions of the bipartisan Consensus Managed Care Improvement Act of 1999 (Division B of H.R. 2990 as passed by the House), and within the scope of conference to insist that such provisions be paid for by a yea and nay vote of 207 yeas to 175 nays with 28 voting "present," Roll No. 6. **Pages H129–37**

Presidential Messages: Read the following messages from the President:

United States Air Force Exemption: Message wherein he transmitted his Presidential Determination that exempts an Air Force operating location in Nevada from certain laws referred to the Committee on Commerce. **Page H137**

United States-Latvia Fisheries Agreement: Message wherein he transmitted the agreement between the United States and Latvia concerning fisheries off the coast of the United States referred to the Committee on Resources and ordered printed (H. Doc. 106–189); and **Page H137**

Arctic Research Plan: Message wherein he transmitted the sixth biennial revision to the United States Arctic Research Plan referred to the Committee on Science. **Page H137**

Amendments: Amendments ordered printed pursuant to the rule appear on page H166.

Quorum Calls—Votes: Three yea and nay votes developed during the proceedings of the House today and appear on pages H126–27, H127–28, and H136–37. There were no quorum calls.

Adjournment: The House met at 9:30 a.m. and adjourned at 9:25 p.m.

Committee Meetings

LEGISLATIVE APPROPRIATIONS

Committee on Appropriations: Subcommittee on Legislative held a hearing on the Joint Economic Committee, the GPO, the Joint Committee on Taxation, the GAO, and the Capitol Police Board. Testimony was heard from Representatives Saxton and Archer; Michael F. DiMario, Public Printer, GPO; David M. Walker, Comptroller General, GAO; Wilson Livingood, Sergeant at Arms, House of Representatives; James W. Ziglar, Sergeant at Arms, Senate; Gary L. Abrecht, Chief, U.S. Capitol Police; and Alan M. Hantman, Architect of the Capitol.

SMALL BUSINESS LIABILITY REFORM ACT

Committee on the Judiciary: Ordered reported, as amended, H.R. 2366, Small Business Liability Reform Act of 1999.

WORKPLACE GOODS JOB GROWTH AND COMPETITIVENESS ACT

Committee on Rules: The Committee granted, by voice vote, a modified open rule providing 1 hour of general debate on H.R. 2005, Workplace Goods Job Growth and Competitiveness Act of 1999. The rule makes in order the Committee on the Judiciary amendment in the nature of a substitute now printed in the bill as an original bill for the purpose of amendment, which shall be open for amendment at any point. The rule makes in order only those amendments printed in the *Congressional Record* and pro forma amendments for the purpose of debate. The rule provides that each amendment printed in the *Congressional Record* may be offered only by the Member who caused it to printed or his designee, and that each amendment shall be considered as read. The rule allows the Chairman of the Committee of the Whole to postpone votes during consideration of the bill, and to reduce voting time to five minutes on a postponed question if the vote follows a fifteen minute vote. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Representative Chabot.

Joint Meetings

MONTENEGRO DEMOCRACY

Commission on Security and Cooperation in Europe (Helsinki Commission): Commission concluded hearings to examine the prospects of democratic development and economic recovery in Montenegro, after receiving testimony from Srdjan Darmanovic, Center for Democracy and Human Rights, and Veselin Vukotic, Center for Entrepreneurship, both of Podgorica, Montenegro; and Janusz Bugajski, Center for Strategic and International Studies, Washington, D.C.

COMMITTEE MEETINGS FOR WEDNESDAY, FEBRUARY 2, 2000

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Armed Services: to hold hearings on the situation in Bosnia and Kosovo; to be followed by a closed hearing (SR–222), 9:30 a.m., SR–253.

Committee on the Budget: to hold hearings to examine federalism in the information age, focusing on internet tax issues, 10 a.m., SD–608.

Committee on Finance: Committee on Finance, to hold hearings on the status of Internal Revenue Service reform, 10 a.m., SD–215.

Committee on Health, Education, Labor, and Pensions: Subcommittee on Public Health, to hold hearings to examine gene therapy, focusing on promoting patient safety, 9:30 a.m., SD–430.

Select Committee on Intelligence: Select Committee on Intelligence, to hold hearings to examine world threats, 10 a.m., SH–216. Select Committee on Intelligence, to hold closed hearings on pending intelligence matters, 2 p.m., SH–219.

House

Committee on Appropriations, Subcommittee on Legislative, on Members of Congress; Office of Compliance; CBO; Financial Managers Council; and outside witnesses, 9:30 a.m., H–144 Capitol.

Committee on Education and the Workforce, Subcommittee on Early Childhood, Youth and Families and the Subcommittee on Postsecondary Education, Training, and Life-Long Learning, joint hearing on Federal Role in K–12 Mathematics Reform, 10:30 a.m., 2175 Rayburn.

Committee on Government Reform, Subcommittee on National Economic Growth, Natural Resources and Regulatory Affairs, hearing on Kyoto and the Internet: The Energy Implications of the Digital Economy, 10 a.m., 2247 Rayburn.

Subcommittee on National Security, Veterans' Affairs and International Relations, hearing on Gulf War Veterans' Illnesses: The Current Research Agenda, 10 a.m., 2154 Rayburn.

Committee on International Relations, hearing on Changing American Diplomacy for the New Century, 10 a.m., 2118 Rayburn.

Committee on the Judiciary, Subcommittee on the Constitution, to mark up H.R. 2372, Private Property Rights Implementation Act of 1999, 10 a.m., 2237 Rayburn.

Committee on Resources, hearing on H.R. 3160, Common Sense Protections for Endangered Species Act, 11 a.m., 1324 Longworth.

Committee on Ways and Means, to mark up H.R. 6, Marriage Tax Penalty Relief Act of 1999, 2 p.m., 1100 Longworth.

Résumé of Congressional Activity

SECOND 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 24 through January 31, 2000

	Senate	*House*	*Total*
Days in session	5	3	..
Time in session	18 hrs., 40′	10 hrs., 7′	..
Congressional Record:			
Pages of proceedings	165	90	..
Extensions of Remarks	..	38	..
Public bills enacted into law	..	..	..
Private bills enacted into law	..	..	..
Bills in conference	1	10	..
Measures passed, total	7	7	14
Senate bills	..	1	..
House bills	..	..	..
Senate joint resolutions	..	..	..
House joint resolutions	..	..	..
Senate concurrent resolutions	..	..	..
House concurrent resolutions	1	2	..
Simple resolutions	6	4	..
Measures reported, total	*..	*2	2
Senate bills	..	1	..
House bills	..	..	..
Senate joint resolutions	..	..	..
House joint resolutions	..	..	..
Senate concurrent resolutions	..	..	..
House concurrent resolutions	..	..	..
Simple resolutions	..	1	..
Special reports	..	..	..
Conference reports	..	..	..
Measures pending on calendar	148	62	..
Measures introduced, total	29	57	86
Bills	19	43	..
Joint resolutions	..	..	..
Concurrent resolutions	2	5	..
Simple resolutions	8	9	..
Quorum calls	1	1	..
Yea-and-nay votes	..	2	..
Recorded votes	..	..	..
Bills vetoed	..	..	..
Vetoes overridden	..	..	..

*These figures include all measures reported, even if there was no accompanying report. A total of 0 reports have been filed in the Senate, a total of 2 reports have been filed in the House.

DISPOSITION OF EXECUTIVE NOMINATIONS

January 24 through January 31, 2000

Civilian nominations, totaling 149 (including 142 nominations carried over from the First Session), disposed of as follows:	
Unconfirmed	149
Other Civilian nominations, totaling 778 (including 778 nominations carried over from the First Session), disposed of as follows:	
Unconfirmed	778
Air Force nominations, totaling 15 (including 15 nominations carried over from the First Session), disposed of as follows:	
Unconfirmed	12
Returned to White House	3
Army nominations, totaling 204 (including 204 nominations carried over from the First Session), disposed of as follows:	
Unconfirmed	202
Returned to White House	2
Navy nominations, totaling 10 (including 10 nominations carried over from the First Session), disposed of as follows:	
Unconfirmed	8
Returned to White House	2
Marine Corps nominations, totaling 1 (including 1 nomination carried over from the First Session), disposed of as follows:	
Unconfirmed	1

Summary

Total nominations carried over from First Session	1,150
Total nominations received this session	7
Total confirmed	0
Total unconfirmed	1,150
Total returned to White House	7

Next Meeting of the SENATE

9:30 a.m., Wednesday, February 2

Senate Chamber

Program for Wednesday: Senate will continue consideration of S. 625, Bankruptcy Reform. Also, Senate expects to consider the nomination of Alan Greenspan, of New York, to be Chairman, Board of Governors of the Federal Reserve System.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Wednesday, February 2

House Chamber

Program for Wednesday: Consideration of H.R. 2005, Workplace Goods Job Growth and Competitiveness Act (modified open rule, one hour of debate).

Extensions of Remarks, as inserted in this issue

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