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No. 120

## House of Representatives

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

### DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,  
October 2, 2000.

I hereby appoint the Honorable CLIFF STEARNS to act as Speaker pro tempore on this day.

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

### 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 not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

### RECESS

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

Accordingly (at 12 o'clock and 31 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

### AFTER RECESS

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

### PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Throughout our religious history and the story of this Nation, You have tried to teach us, O Lord. In Jesus, in the prophets and even in our own times, You tell us: "the just suffer for the unjust to lead us closer to You."

If we read the stories with the eyes of faith, we come to see that even suffering has a purpose.

Any difficulty or period of trial can bring us closer to You, O Lord.

In the ancient story of Noah or in early patriotic stories of this Nation, You teach us that people cannot only come through periods of testing safely, they can, in their suffering, discover Your holy presence as never before.

As we listen to the stories of victims who become survivors, we marvel at the strength they find in You, O Lord. Their witness becomes our call to be renewed in faith.

Your faithfulness remains now and forever.

Amen.

### THE JOURNAL

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

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

### PLEDGE OF ALLEGIANCE

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

Mr. LATOURETTE 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.

### PAY THE NATION'S BILLS

(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, when I was getting ready to come to Washington today, I put on this suit which I had not worn in quite a while; and when I reached into my pocket, I found, much to my surprise, a \$10 bill.

I pulled it out and said to my wife, Dawn, "Look, honey, \$10." It was kind of like having free money.

But she quickly reminded me and shook her head, took the \$10, and told me that we still had bills to pay.

It reminded me of the budget battle that we are facing today here in this House. And since our Democrats like our Nation's surplus, think of it as free money, but it is not.

My colleagues, we still have a big bill to pay of our Nation's public debt. And the surplus would not have been possible without the common sense policies of this Republican Congress. And now we must exercise the same responsibility with the surplus and reject the Democrats' big spending plans.

We can pay down the national debt and meet this Nation's most pressing needs, like enacting prescription drug plans that offer seniors real choice. But we must commit 90 percent of the surplus to paying our bills to wiping out our public debt, because no one is going to reach into the pocket of an old suit and pull out \$6.5 trillion.

### SALUTING 100TH ANNIVERSARY OF BELLWOOD, ILLINOIS

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

Mr. DAVIS of Illinois. Mr. Speaker, today I rise to salute the village of Bellwood, Illinois, which is celebrating its 100th year anniversary. It is a quiet,

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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quaint little village made up of some of the finest people in this country.

One of the ways that they decided to celebrate their 100th year anniversary was to give away 100 appreciation slips to individuals who had performed acts of kindness. And so, anybody who wanted to submit a person who performed an act of kindness in the village of Bellwood, all they had to do was submit to the mayor.

So I commend Mayor Donald T. Lemm, all of the members of the board of trustees, and wish them another great 100 years.

STAR WITNESS IN PAN AM 103  
TRIAL IS CIA INFORMANT

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

Mr. TRAFICANT. Mr. Speaker, the star witness in the Pan Am 103 trial turns out to be a paid CIA informant who lied through his teeth. Reports say his testimony was so phoney his nose is still growing.

Beam me up, Mr. Speaker.

The families of the victims deserve the truth.

An original Mossad report said that Iran hired Ahmed Jibrial and all this attention on Malta is simply to cover up a drug run from Frankfurt to New York by an operative who was close to the CIA that embarrasses the CIA.

It is time to investigate the truth.

I yield back the fact that, if these two Libyans were responsible for blowing up Pan Am 103, they have already choked on a chicken bone in a jail cell of Qadhafi's.

ANNOUNCEMENT BY THE SPEAKER  
PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of 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.

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

LARRY SMALL POST OFFICE  
BUILDING

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4315) to designate the facility of the United States Postal Service located at 3695 Green Road in Beachwood, Ohio, as the "Larry Small Post Office Building."

The Clerk read as follows:

H.R. 4315

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

SECTION 1. LARRY SMALL POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 3695 Green Road in Beachwood, Ohio, shall be known and designated as the "Larry Small Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Larry Small Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LATOURETTE).

GENERAL LEAVE

Mr. LATOURETTE. 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. 4315.

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

There was no objection.

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

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

Mr. LATOURETTE. Mr. Speaker, I rise today in support of H.R. 4315.

Mr. Speaker, today I ask my colleagues to support H.R. 4315, which will designate the post office located at 3695 Green Road in Beachwood, Ohio, as the "Larry Small Post Office Building."

I can really think of no person more deserving of this honor than Larry Small. My colleagues would be hard pressed, Mr. Speaker, to find a person who cares for, about, or has done more for the city of Beachwood, Ohio, a thriving Cleveland suburb. I am pleased that all 19 members of the Ohio delegation are supporting this measure, as required by the rules of our subcommittee.

Mr. Speaker, Larry Small, at the young age of 82, decided to retire last year after 32 years serving on the Beachwood City Council and numerous civic organizations. He prides himself on being a voice of the people and is just as accessible and helpful to the common man as those in loftier positions. He counts among his friends my good friend and colleague, the gentlewoman from Ohio (Mrs. JONES).

The gentlewoman from Ohio (Mrs. JONES) and I have the honor of splitting in this world of gerrymandering the city of Beachwood, Ohio; and she is a cosponsor of this legislation.

I would note, for the RECORD, that travel difficulties make it impossible for her to be here at this hour; and even though I have asked for general leave, Mr. Speaker, I specifically ask unanimous consent that the gentlewoman from Ohio (Mrs. JONES) have the opportunity to supplement the RECORD.

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

There was no objection.

Mr. LATOURETTE. Mr. Speaker, Mr. Small also counts among his friends former Congressman Ed Feighan and also worked with George Stephanopolous when he was a staffer for Congressman Feighan.

Larry Small has witnessed the tremendous transformation and growth of Beachwood over the last four decades.

In 1960, when Beachwood first attained city status, it had a population of just over 6,000 residents. Today there are more than 2,900 homes, more than 21 apartments and condominiums, and the population exceeds 12,000. The city covers just six square miles.

When Larry Small was first elected to the Beachwood Council, the city has had a tax duplicate of less than \$50 million. Today it is more than half a billion dollars.

Larry is credited with developing a full-time fire department and bringing parademics to the city's safety forces. He has been a loyal friend to the police and fire departments over the years. He is also responsible for enacting a city ordinance making gun owners responsible for the safe and secure handling and storage of their firearms.

Mr. Speaker, Larry Small was also behind the creation of the city's human services department. And let me tell my colleagues that that department is certainly responsive to the residents' needs, particularly those of the elderly.

For example, the department has joined forces with Beachwood High School to offer free driveway apron and walkway snow shoveling to the residents in the city over the age of 60. And I want to tell my colleagues that this is no small undertaking, as the city of Beachwood lies within the snowbelt in Cleveland.

In this unique program, members of the high school's freshman class have volunteered their time to shovel so the lives of the city's elderly population are made easier. All the older residents have to do is call up the high school, the human services department and the student will come to their home and shovel at their earliest convenience.

Larry Small also deserves credit for overseeing the development of most of the great recreational facilities in Beachwood, including the Beachwood pool. As a matter of fact, rumor has it that Larry carried around the blueprints of the swimming pool in the trunk of his car for 8 months after the pool was completed. He has been dubbed the "Father of the Beachwood Pool" by the local newspaper.

Larry Small, Mr. Speaker, is not just a wonderful guardian of the city of Beachwood but also anyone in need. When he was on the council, he personally responded to about a thousand calls from residents each year.

Now, though formally retired from the city council, Larry Small still gets up each day at 5:30 in the morning,

heads to his day job as a seniors affair specialist for the county. He is always there to help other seniors or point them in the right direction. He is a champion of senior rights.

Mr. Speaker, the city of Beachwood, Ohio, honored Larry Small by designating December 20, 1999, as "Larry Small Day." It is now time for the Congress to honor him as well and name the post office on Green Road in Beachwood the "Larry Small Post Office Building."

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

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a member of the Subcommittee on the Postal Service, I am pleased to join with my subcommittee chairman, the gentleman from Ohio (Mr. LATOURETTE), in the consideration of H.R. 4315, a bill to designate a facility of the U.S. Postal Service after Larry Small.

H.R. 4315 was introduced by the gentleman from Ohio (Mr. LATOURETTE) on April 13, 2000, and originally cosponsored by the gentlewoman from Ohio (Mrs. JONES).

I am pleased to note that H.R. 4315 enjoys the support and cosponsorship of the entire Ohio congressional delegation.

Mr. Small, a young man of 82 years, has been recognized for his untiring efforts to serve his community of Beachwood, Ohio. He recently retired after serving 32 years as a member of the Beachwood City Council.

Anybody who would serve 32 years on a city council deserves all of the recognition and honor that they can get any time no matter which city they are from but certainly, from Beachwood. He is indeed deserving of the honor. Currently he serves as a senior affairs specialist for the county.

As an active member of the city council, Mr. Small was responsible for establishing a paramedic unit, creating a human resources department, and for ensuring the enactment of a city ordinance making gun owners responsible for the safe and secure handling of their firearms. And for that he should not just be honored, he should receive a badge of merit.

Mr. Speaker, the gentleman from Ohio (Mr. LATOURETTE) and the gentlewoman from Ohio (Mrs. JONES) are to be commended for seeking to honor such an individual, a man of wisdom whose commitment and vision are an inspiration to all of those who have known him. And so, accordingly, I would urge the swift consideration of this bill.

Mr. Speaker, I commend the gentleman from Ohio (Mr. LATOURETTE) on the selection of an outstanding individual to be honored.

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

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

Mr. Speaker, I just want to thank my distinguished colleague, the gentleman from Illinois (Mr. DAVIS) for his comments.

I urge our colleagues to support the bill.

Ms. JONES of Ohio. Mr. Speaker, it gives me great pleasure to speak on support of this legislation. I can think of no one more deserving of this tribute.

Larry Small served with distinction on the Beachwood City Council for 32 years, retiring just recently at the age of 82. Mr. Small is so well thought of by his neighbors that they paid tribute to him by declaring December 20, 1999 "Larry Small Day."

Larry Small is an exceedingly modest man never seeks to bring attention to his many accomplishments and contributions. So let me do it for him:

Over the years, Mr. Small has done many things, great and small, to improve his community and to enhance the lives of his neighbors. For example, he brought paramedics to the city's safety forces and vigorously supported the police and fire departments. He is also responsible for enacting a city ordinance making gun owners responsible for the safe and secure handling and storage of their firearms. He also created Beachwood's Human Services Department, a department that responds to residents' needs, particularly the elderly.

Retirement from City Council doesn't mean that Larry Small has retired from his commitment to his community. In fact, he continues at full pace to brighten the lives of others. Mr. Small still gets up at 5:30 a.m. and heads to his day job as a seniors affairs specialist for the county.

When we look back on these times, it won't be the great names and famous faces that we most remember, but those quiet, humble, yet so effective public servants like Larry Small who will stand out in our hearts and memories. We all owe a debt of gratitude to Larry Small and those like him who walk humbly and serve others. For this reason, I am so pleased that we can thank Mr. Small for all he has done for us by naming the post office in his beloved city of Beachwood after him.

So it gives me great pleasure to have a chance to support this piece of legislation. I stand wholeheartedly in support of this bill and congratulate my colleagues in moving to passing this legislation to rename the post office in Beachwood, Ohio after our great friend, Larry Small.

Mr. LATOURETTE. 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 Ohio (Mr. LATOURETTE) that the House suspend the rules and pass the bill, H.R. 4315.

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

A motion to reconsider was laid on the table.

□ 1415

CELEBRATING THE BIRTH OF  
JAMES MADISON

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and agree to

the concurrent resolution (H. Con. Res. 396) celebrating the birth of James Madison and his contributions to the Nation.

The Clerk read as follows:

H. CON. RES. 396

Whereas March 16, 2001, is the 250th anniversary of the birth of James Madison, Father of the United States Constitution and fourth President of the United States;

Whereas the ideals of James Madison, as expressed in the Constitution he conceived for the American Nation and in the principles of freedom he established in the Bill of Rights, are the foundations of American Government and life;

Whereas James Madison's lifetime of public service, as a member of the Virginia House of Delegates, as a delegate to the Continental Congress during the American Revolution, as a delegate to the Constitutional Convention in 1787, as a leader in the House of Representatives, as Secretary of State, and as the Nation's fourth President, are an inspiration to all men, women, and children in the conduct of their personal and private lives; and

Whereas the ideals and inspiring example of James Madison are of utmost importance to the future of the American Nation as it enters a new millennium: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring).* That the Congress—

(1) recognizes the historical significance of James Madison's birth, as well as his contributions to the Nation during his lifetime;

(2) urges all American patriotic and civil associations, labor organizations, schools, universities, historical societies, and communities of learning and worship, together with citizens throughout the United States, to develop appropriate programs and educational activities to recognize and celebrate the life and achievements of James Madison; and

(3) requests that the President issue a proclamation recognizing the 250th anniversary of the birth of James Madison and calling upon the people of the United States to observe the life and legacy of James Madison with appropriate ceremonies and activities.

The SPEAKER pro tempore (Mr. Pease). Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from Maryland (Mr. CUMMINGS) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LATOURETTE).

GENERAL LEAVE

Mr. LATOURETTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 396.

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

There was no objection.

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

I am pleased today to rise in support of H. Con. Res. 396, which celebrates the 250th anniversary of James Madison's birth and his contributions to this great Nation.

This resolution recognizes the historical significance of Madison's birth and his many contributions to the United States during his lifetime. It also encourages American patriotic and civic

associations, historical societies, schools, universities, and other organizations to develop appropriate programs and educational activities to recognize and celebrate the life of this remarkable man.

Finally, Mr. Speaker, the resolution asks that the President issue an appropriate resolution to recognize the importance of his birth and call upon the people of the United States to observe Madison's life and legacy with appropriate ceremonies and activities.

Mr. Speaker, it is impossible to do justice to James Madison's achievements and the importance of his life and thought to America in the brief time allotted to us today. His was truly one of the most consequential lives in American history. His biography is also a history of the founding of this great Nation.

Let me today simply attempt to sketch some aspects of his life. Madison was born in 1751 and was raised in Orange County, Virginia. He attended what is now Princeton University; and he became well read in history, government, and the law. He participated in the framing of the Virginia constitution in 1776, served in the Continental Congress, and was an important figure in the Virginia Assembly. He was also, of course, Thomas Jefferson's Secretary of State and the fourth President of the United States.

Madison's greatest contribution, however, may have been his role in framing the Constitution of the United States. As a delegate to the Constitutional Convention at Philadelphia, Madison was a leading participant in the debates of that body. Along with John Jay and Alexander Hamilton, Madison also contributed to securing the ratification of the Constitution by authoring parts of the Federalist Papers. Not only were the Federalist Papers important in persuading his contemporaries to ratify the Constitution, they are consulted to this day by judges, lawyers, political scientists and others who seek an understanding of the framers' intent.

Madison's "Notes on the Constitutional Convention" are also our primary source of information on the debates at the Constitutional Convention. As a Member of Congress, Madison was instrumental in framing the Bill of Rights. Madison's contributions to the drafting and ratification of the Constitution were so great, Mr. Speaker, that he is often referred to as "the father of the Constitution."

Mr. Speaker, there is much more to say about James Madison and his continuing importance to all Americans, much more than can be covered here today. I encourage all Americans to learn about this man whose ideals and principles are, as the resolution recognizes, "the foundations of American government and life." As the resolution states, the "ideals and inspiring example of James Madison are of utmost importance to the future of the American Nation as it enters a new millennium."

That is why I urge all Members to support this resolution.

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

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

I first of all want to thank the gentleman from Virginia (Mr. BLILEY) for this resolution. I want to thank the gentleman from Ohio (Mr. LATOURETTE), and I want to associate myself with his words that were just spoken.

Mr. Speaker, James Madison, a young aristocrat who began his public career in public service at age 23, would become indelibly linked to three great works of American democracy: the Constitution, the Federalist Papers, and the Bill of Rights.

In 1776, Madison was a member of the Virginia constitutional committee, a body that drafted Virginia's first constitution and a bill of rights which later would become a model for the Bill of Rights appended to the United States Constitution. When Madison was elected to the United States House of Representatives, he became the primary author of the first 12 proposed amendments to the Constitution. Ten of these, the Bill of Rights, were adopted.

At the Constitutional Convention, which opened on May 25, 1787, Madison set the tone by introducing a document he authored called "The Virginia Plan." The plan called for a strong central government consisting of a supreme legislature, executive and judiciary. It provided for a national legislature consisting of two houses, one elected by the people and the other appointed by the first from a body of nominees submitted by State legislatures. Representation in these bodies would be based on the population of the States. It provided for an executive to be elected by this national legislature. The plan also defined a national judiciary and a council of revision charged with reviewing the constitutionality of legislation.

As the driving force in the formation of the Constitution, James Madison organized the convention, set the agenda, and worked through many obstacles that threatened the process. The notes he took throughout the convention constitute this country's best and most complete record of the 1787 Constitutional Convention. Madison's notes, which comprise a third of the Federalist Papers, were published in the 1830s.

As we honor James Madison today, we remember his role in the great debate on slavery. He openly acknowledged that slavery was a great evil, was a member of an antislavery society, and even authored a plan for the emancipation of slaves. Nevertheless, history documents that he continued to regard and hold slaves as property until his death. In fact, he himself said that slaves remain such in spite of the declarations that all men are born equally free.

As I reflect on this serious dichotomy, I am mindful of a quote from Madison's 1810 State of the Union address that is applicable to our modern society.

He stated that "American citizens are instrumental in carrying on a traffic in enslaved Africans, equally in violation of the laws of humanity and in defiance of those of their own country. The same just and benevolent motives which produced interdiction in force against this criminal conduct will doubtless be felt by Congress in devising further means of suppressing the evil."

It is my hope that 190 years later, this Congress heeds these words and makes a strong commitment to suppressing the evil of racism and prejudice against minorities that exists today.

As this Congress labors through this week to complete its work on the many pending appropriations bills, I urge my colleagues to keep one of Madison's messages on public leadership in mind. Mr. Speaker, he said, "The aim of every political constitution is, or ought to be, first to obtain for rulers men and women who possess most wisdom to discern, and most virtue to pursue, the common good of the society."

I believe that all of us who are elected, Mr. Speaker, to serve in the Congress come to serve the common good and hope that when we conclude this session it is reflected in the work we have done.

Mr. Speaker, I urge my colleagues to vote in favor of this very important and significant resolution.

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

Mr. LATOURETTE. Mr. Speaker, it is my pleasure to yield such time as he may consume to the gentleman from Virginia (Mr. BLILEY), the author of the resolution and the distinguished chairman of the Committee on Commerce.

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

Mr. Speaker, as the proud holder of the congressional seat first held by James Madison, I introduce House Concurrent Resolution 396 in order to celebrate the 250th anniversary of his birth. I am hopeful that passage of this resolution will encourage our schools, museums, historical societies, and citizens to rediscover the important role James Madison played in founding this Nation.

While the actual anniversary is not until March 16, 2001, quick passage of this resolution will give these interested groups the time to plan events, exhibitions, and lessons in his honor. We can use this anniversary to highlight Madison's tireless service on behalf of the Commonwealth of Virginia and this country.

While many remember James Madison as our Nation's fourth President, he also served as a member of the Virginia House of Delegates, as a delegate to the Continental Congress during the

American Revolution, as a delegate to the Constitutional Convention in 1787, as a leader in the House of Representatives, and as Secretary of State. For his many years in public service, we are a grateful Nation. The anniversary also affords us the opportunity to fully appreciate Madison's role as one of the Founding Fathers.

The United States has become a thriving, powerful Nation largely because of the sound principles established by our Founding Fathers in the Constitution. These principles have endured despite the passage of many years and having guided this Nation through challenging times.

As Members of this deliberative body, we have from time to time disagreed on the details of various legislative proposals. However, we remain steadfast in our support for the fundamental principles which serve as the foundation of our government.

James Madison, commonly referred to as the Father of the Constitution, ensured the inclusion of these principles in the Constitution and therefore deserves due credit. I would also like to point out that we hear a lot of talk these days and have in the past few years about term limits. That matter was on the floor of the Constitutional Convention in 1787. Mr. Madison said, and I think quite rightly, the answer is not term limits; the answer is frequent elections so that the public can choose between experience and somebody new.

The contributions he made during his lifetime of public service are his enduring legacy and should be commemorated. I thank the gentleman from Maryland for his kind words.

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

Mr. Speaker, I want to first associate myself with the distinguished gentleman from Virginia's comments. I just want to quote a letter to W.T. Barry from President Madison dated August 4, 1822. It is one of my favorite quotes, Mr. Speaker, and I will end with this. He said:

"A popular government, without popular information, or the means of acquiring it, is but a prologue to a farce or a tragedy, or perhaps both. Knowledge will forever govern ignorance and a people who mean to be their own governors must arm themselves with the power which knowledge gives."

He goes on to say, "Learned institutions ought to be favorite objects with every free people. They throw that light over the public mind which is the best security against crafty and dangerous encroachments on the public liberty."

Mr. Speaker, I again thank everybody who had anything to do with bringing this resolution to this floor today. I urge all of my colleagues to vote in favor of it.

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

Mr. LATOURETTE. Mr. Speaker, I yield myself the balance of my time. I want to commend the gentleman from

Virginia (Mr. BLILEY) for not only introducing this resolution but also pushing so hard to make sure that it was brought to the floor today. I also want to thank the gentleman from Florida (Mr. SCARBOROUGH), who is the chairman of the Subcommittee on Civil Service of the Committee on Government Reform, and the gentleman from Maryland (Mr. CUMMINGS), who is the ranking member. Also thanks go out to the gentleman from Indiana (Mr. BURTON) and the gentleman from California (Mr. WAXMAN), the chairman and ranking member, for their support as well.

Mr. Speaker, this is a good resolution. I urge the House to support it.

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 Ohio (Mr. LATOURETTE) that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 396.

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

A motion to reconsider was laid on the table.

#### CLIFFORD P. HANSEN FEDERAL COURTHOUSE

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1794) to designate the Federal courthouse at 145 East Simpson Avenue in Jackson, Wyoming, as the "Clifford P. Hansen Federal Courthouse".

The Clerk read as follows:

S. 1794

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

#### SECTION 1. DESIGNATION OF CLIFFORD P. HANSEN FEDERAL COURTHOUSE.

The Federal courthouse at 145 East Simpson Avenue in Jackson, Wyoming, shall be known and designated as the "Clifford P. Hansen Federal Courthouse".

#### SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal courthouse referred to in section 1 shall be deemed to be a reference to the Clifford P. Hansen Federal Courthouse.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LATOURETTE).

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

Mr. Speaker, S. 1794 designates the Federal courthouse in Jackson, Wyoming, as the Clifford P. Hansen Federal Courthouse.

Senator Hansen was born in Zenith, Wyoming, in 1912. He attended the Uni-

versity of Wyoming where he would later serve on the university's board of trustees for over 2 decades. Shortly after graduating, he became a member of his local school board and began his lengthy and distinguished career as a public servant.

In 1963, he was elected governor of Wyoming and after completing his term was elected to serve Wyoming in the United States Senate. During his two terms as Senator, he was a crusader for the interests of the citizens of Wyoming and a guardian of private land ownership.

□ 1430

Upon completing his second term, Senator Hansen remained in his native State, continuing to serve the people of Wyoming in various capacities. The naming of this courthouse is a fitting tribute to a highly respected public servant. I urge my colleagues to support the bill.

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

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

Mr. Speaker, S. 1794 is a bill to designate the Federal Courthouse in Jackson, Wyoming, after one of Wyoming's most illustrious native sons, Clifford Hansen. Cliff Hansen was the Senator from Wyoming from 1967 until 1978. Prior to coming to the Senate, he served as the State's Governor from 1963 to 1966. His public career spans four decades of service to the citizens of Wyoming.

Beginning in the mid-1940s, Cliff Hansen worked to preserve the State's role in determining grazing issues, as well as tax issues associated with the creation of public lands. He was an advocate of mine safety and became a leader in determining the national energy policy.

Senator Hansen was vigilant in protecting Wyoming's fair share of royalties from oil and gas exploration. During his tenure in the Senate he worked with Senator Ribicoff to redefine the Tax Code to provide for equitable treatment of estate taxes for family-owned businesses.

It is fitting and proper to honor the former Governor and Senator, Cliff Hansen, by designating the Federal Courthouse in Jackson, Wyoming, in his honor, and I am pleased to join in doing so.

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

Mr. LATOURETTE. Mr. Speaker, it is my pleasure to yield such time as she may consume to the gentlewoman from Wyoming (Mrs. CUBIN).

Mrs. CUBIN. Mr. Speaker, I rise today to honor one of Wyoming's most prized possessions and most precious assets, former United States Senator and Wyoming Governor Clifford P. Hansen.

Today I join my colleagues and the people of Wyoming to honor Cliff Hansen by designating the Jackson, Wyoming, Federal Courthouse in his name.

Senator Hansen is a true Wyoming statesman. He has helped make our State special and our people proud of him and of our own heritage and who we are.

Senator Hansen and his wife, Martha, recently celebrated their 65th wedding anniversary. With their children, their grandchildren, and even great grandchildren, the Hansen family is a colorful thread in the fabric that makes Jackson Hole, Wyoming, and the surrounding areas and Wyoming itself unique.

Cliff Hansen lives in Jackson Hole at the foot of the famed Tetons. His achievements as both a United States Senator and a person are as majestic as those towering peaks. Our goal as fellow public servants should be to aspire to climb to the same personal heights that Senator Hansen achieved.

Senator Hansen has been a respected figure of public service in Wyoming and the American landscape for more than 40 years. He began at the local school board, was elected a Teton County Commissioner, moved on to the State House in Cheyenne as Wyoming's 26th Governor, and finally came here to Washington as a distinguished Member of the United States Senate.

Senator Hansen was so well regarded and his leadership so clear that President Ronald Reagan asked him to be Secretary of the Interior not once, but twice. With his experience and his expertise regarding our public lands and the environment, there is no doubt he would have done an excellent job had he accepted.

He is quick to care, astutely understanding, and finds the best solutions to fit the need placed before him. Next to my own father, Senator Cliff Hansen is the man that I admire most. He and his loving wife, Martha, are wise, dear and trusted friends. Senator Cliff Hansen's remarkable accomplishments and distinguished record have made for an admirable career.

Wyoming has enjoyed a rich history of outstanding leaders and strong individuals. These men and women have sought the best for our small towns with big expectations. They have exemplified what it means to be a community leader.

Gracing the Federal Courthouse in Jackson Hole, Wyoming, with the great name of Clifford P. Hansen, considering that great legacy, is an appropriate symbol for what he and Wyoming stand for.

I ask my colleagues for their support of this legislation.

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

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

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and pass the Senate bill, S. 1794.

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

A motion to reconsider was laid on the table.

#### THEODORE ROOSEVELT UNITED STATES COURTHOUSE

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5267) to designate the United States courthouse located at 100 Federal Plaza in Central Islip, New York, as the "Theodore Roosevelt United States Courthouse."

The Clerk read as follows:

H.R. 5267

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

##### SECTION 1. DESIGNATION.

The United States courthouse located at 100 Federal Plaza in Central Islip, New York, shall be known and designated as the "Theodore Roosevelt United States Courthouse".

##### SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the "Theodore Roosevelt United States Courthouse".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LATOURETTE).

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

Mr. Speaker, H.R. 5267 designates the United States Courthouse in Central Islip, New York, as the Theodore Roosevelt United States Courthouse.

Theodore Roosevelt was born in New York City in 1858. He attended Harvard University, where he was elected Phi Beta Kappa and graduated in 1880. At the age of 23, he became a Member of the New York State Assembly. He served in the Assembly until 1884, when President Benjamin Harrison appointed him to the United States Civil Service Commission.

In 1897, President William McKinley appointed him Assistant Secretary of the Navy. During the Spanish-American War he resigned as Assistant Secretary and organized the First Regiment, United States Volunteer Cavalry, known as Roosevelt's Rough Riders. In 1899, he was elected Governor of New York and served for 1 year before being elected Vice President of the United States on the Republican ticket headed by President McKinley.

In September 1901, President McKinley was shot and died 3 days later in Buffalo, New York. On September 14, 1901, President Roosevelt took the oath of office and became President of the United States at the tender age of 42.

President Roosevelt championed reform legislation such as the Pure Food

and Drug Act, the Meat Inspection Act and the Hepburn Act, which empowered the government to set railroad rates. During Roosevelt's Presidency the government initiated 30 major irrigation projects, added 125 million acres to the national forest reserves, and doubled the number of national parks.

Upon leaving office, President Roosevelt settled in Oyster Bay in Nassau County, New York, and engaged in literary pursuits. He passed away in 1919.

This designation is a fitting tribute to the 26th President of the United States. President Roosevelt was a Nobel Peace Prize recipient and well regarded for his conservation efforts.

I support this measure and urge my colleagues to do the same.

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

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

Mr. Speaker, I strongly support H.R. 5267, a bill to designate the United States Courthouse in Central Islip, New York, in honor of Theodore Roosevelt, the 26th President of the United States.

When Mr. Roosevelt became President, at not quite the age of 43, he became the youngest President in our Nation's history. With his youth and vigor he brought new excitement and vision to the Presidency as he led the country and the Congress and the executive branch toward progressive reforms and a strong foreign policy.

His civic career began as a 23-year-old person, when he was elected to the New York Assembly. He served also as the Police Commissioner for his birthplace, the City of New York, as Assistant Secretary for the U.S. Navy, and as Governor of New York.

During the Spanish-American War, he was a lieutenant colonel in the Rough Rider Regiment and became one of the war's most conspicuous heroes.

As President, Roosevelt viewed his role as "steward" for the American public. He believed he should take any necessary action for the public welfare, unless expressly forbidden by the Constitution or by law.

He strongly believed and endorsed a central role for the government, especially in arbitrating conflict between capital and labor. He was a "trust buster" par excellence. He ensured the construction of the Panama Canal to strengthen America's strategic position.

He was a leader in conservation, and many of his accomplishments are with us today, for example, the Grand Canyon, Muir Woods and Devils Tower. We are thankful to him for establishing the Park Service and the National Park System. He was a champion of reserving open land for public use, and fostered irrigation projects as well as preserving land for game and bird sanctuaries. He received the Nobel Peace Prize for negotiating peace in the Russo-Japanese War. An inspiring speaker, he advocated a strenuous outdoor life.

Roosevelt holds a revered place in American history, and this designation is a fitting honor to the extraordinary life of this great President.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and pass the bill, H.R. 5267.

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

A motion to reconsider was laid on the table.

#### OWEN B. PICKETT UNITED STATES CUSTOMHOUSE

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5284) to designate the United States customhouse located at 101 East Main Street in Norfolk, Virginia, as the "Owen B. Pickett United States Customhouse".

The Clerk read as follows:

H.R. 5284

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

##### SECTION 1. DESIGNATION.

The United States customhouse located at 101 East Main Street in Norfolk, Virginia, shall be known and designated as the "Owen B. Pickett United States Customhouse".

##### SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States customhouse referred to in section 1 shall be deemed to be a reference to the "Owen B. Pickett United States Customhouse".

##### SEC. 3. EFFECTIVE DATE.

This Act shall take effect on January 3, 2001.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LATOURETTE).

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

Mr. Speaker, H.R. 5284 designates the United States customhouse, in Norfolk, Virginia, as the Owen B. Pickett United States Customhouse.

Congressman PICKETT was born in Richmond, Virginia, and attended public schools. He is a graduate of Virginia Tech and the University of Richmond School of Law. In addition to being admitted to the Virginia and District of Columbia bar, he is also a certified public accountant.

Congressman PICKETT began his distinguished career in public service in 1972, when he was elected to the Virginia House of Delegates. While he was

in the House of Delegates, Congressman PICKETT served on numerous boards and committees within the local community.

After 14 years in the House of Delegates, Congressman PICKETT was elected to the United States House of Representatives in 1986. Representing Virginia's Second District, which consists of the Nation's largest military complex of facilities serving commands of the Navy, Army, Coast Guard and the NATO Atlantic Command, Congressman PICKETT has been an ardent supporter of our Nation's military. Accordingly, he sits on the Committee on Armed Services and is the ranking member of the Subcommittee on Military Research and Development.

Congressman PICKETT is also a member of the Congressional Study Group on Germany, as well as the Congressional Study Groups on Japan and the Duma-Congress. He participated in the first Congress-Bundestag-Japanese Diet Trilateral seminar.

OWEN PICKETT is retiring from his lengthy and productive career in this body at the conclusion of this 106th Congress. While we will be losing a valuable Member, this legislation is a fitting gesture of our appreciation of his fine service.

I urge my colleagues to support the bill.

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

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

Mr. Speaker, I support H.R. 5284 as a fitting tribute to OWEN PICKETT. His service to the citizens not only of the second district of Virginia, but also to the citizens of this Nation, is exemplary. We owe a debt of gratitude to Congressman PICKETT for his diligence in pursuing military matters in particular.

Since he was first elected to Congress in 1986, OWEN PICKETT has devoted himself to ensuring that the United States military is technologically ready and superior to any other military force. He supported veterans programs, and a strong U.S. flag merchant fleet.

In addition to being a dedicated public servant, OWEN PICKETT is a lawyer and a certified public accountant. He is a devoted husband, father and grandfather to seven grandchildren. Mr. PICKETT is known as tenacious, but also as a gentleman, a willing listener and a consensus builder.

Mr. Speaker, this bill has broad bipartisan support, and every member of the Virginia delegation supports the bill. It is a most fitting to honor Mr. PICKETT with this designation.

Mr. SCOTT. Mr. Speaker, it is my pleasure to speak in support of the bill H.R. 5284, to name the U.S. Customhouse in Norfolk, Virginia, after our colleague, OWEN PICKETT, who will be retiring at the end of this session.

Mr. Speaker, the Members of the Virginia Congressional Delegation pride ourselves on our ability to work together for the common good of all who

reside within the Commonwealth of Virginia. The fact that the Customhouse continues to serve its role in Hampton Roads is a perfect example of that, because while this building is physically located in the Third Congressional District, which I represent, OWEN interceded in the effort to preserve this 141 year old structure, which has been symbolic of the history of Norfolk and all of Hampton Roads.

The American flag was first raised over this building during the Civil War, and it has seen numerous renovations in its history.

Norfolk was one of the first ports in the Nation to have a customs office, and the Customhouse in Norfolk remains the first Federal building constructed in Virginia for business operations. It has been designated as one of the 12 most outstanding buildings constructed in Virginia since the Revolutionary War, and it is listed on the National Register of Historic Places.

Notwithstanding that history, when the new Federal Building in Norfolk was completed, employees of the Customs Service were moved out of the Customhouse and it was contemplated that the building would be turned into a restaurant or museum. But OWEN PICKETT demonstrated the leadership that makes things happen. He brought together the interested parties within the City of Norfolk, the General Services Administration and the U.S. Customs Service and secured the necessary funding for the renovation. On September 19 of this year, I was proud to participate, along with OWEN, in a ceremony to reopen the newly refurbished Customhouse in Norfolk.

Mr. Speaker, this is but one example of OWEN's record of public service. For nearly 29 years, he has worked tirelessly for the residents of his district and the Nation. He served 15 years in the Virginia General Assembly, and almost 14 years now he has represented the Second Congressional District of Virginia in the House of Representatives.

Prior to our service in Congress, OWEN PICKETT and I both served in the Virginia House of Delegates, where he was known as a conscientious and dedicated public servant. This reputation has continued with his service in Congress.

Representative PICKETT serves on the Committee on Armed Services. He is the ranking member on the Subcommittee on Military Research and Development, and he serves on the Subcommittee on Readiness. Throughout his career he has been a staunch advocate of our military and has championed the quality of life issues affecting military families. The Hampton Roads community has a significant military presence, including Oceana Naval Air Station and the Norfolk Naval Base, and I know our military community will miss OWEN and his steadfast advocacy on their behalf.

In addition to ensuring that our country is prepared to overcome any

threats to our national security, OWEN has been on the front line of protecting our Nation's environment. As a member of the Committee on Resources, he has fought hard to remind his colleagues in Congress of the importance of a balanced approach to the protection of our natural resources and the environment.

As we head into the final weeks of this legislative session, Congressman PICKETT will no doubt continue to demonstrate his leadership in the House. By passing the bill, H.R. 5284, the Owen B. Pickett U.S. Customhouse will serve as a lasting reminder of his leadership and his dedication to the Second District of Virginia and to our Nation.

□ 2000

Mr. WELDON of Pennsylvania. Will the gentleman yield?

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

Mr. WELDON of Pennsylvania. I thank my friend for yielding to me.

Mr. Speaker, I want to add to the gentleman's comments. I could not agree more with everything that the gentleman from Virginia said. I have had the pleasure of serving as the chairman of the Subcommittee on Military Research and Development and the gentleman from Virginia (Mr. PICKETT) is the ranking member. There is probably no finer gentleman in this Congress in either party someone who is dedicated, hard-working, conscientious and someone who I have the highest respect for.

Mr. Speaker, I just wanted to add my comments to that of the gentleman from Virginia (Mr. SCOTT) and will associate everything that he said about the gentleman from Virginia (Mr. PICKETT), applaud him for his positive note of the leadership of the gentleman from Virginia (Mr. PICKETT), and hope that our colleagues on both sides of the aisle will join in supporting the legislation the gentleman referred to.

Mr. ORTIZ. Mr. Speaker, I rise in support of H.R. 5284, designating the Owen B. Pickett U.S. Customhouse.

I want to commend the House for considering this legislation today because our colleague who is retiring shortly is indeed worthy of such an honor. I have worked with OWEN for the entire time I have served in the U.S. House of Representatives and he is a man who epitomizes the sort of public servant whose service is dedicated to his community.

I have traveled all over the world with OWEN in the pursuit of understanding the evolving needs of our uniformed military service members. You learn much about your colleagues when you travel together.

In Washington, OWEN is a hard-working member of the House Armed Services Committee and the Resources Committee. When you see him on the House floor, you might never know that this easy-going guy is wild at heart. He is a Harley-rider. He is also a surfer. None of these pastimes seemed even remotely consistent with the things I knew about OWEN from our work together in the House.

Also, for the last Congress, OWEN has been my across-the-hall neighbor in the Rayburn

building. He is a generous host for me when I seek a change of scenery and we visit in his office until we get interrupted.

Designating a customhouse for OWEN PICKETT is a fitting tribute for a man who understands the importance of international trade to the economic development and well-being of his Tidewater constituents in Virginia.

If there is one thing that I would want to make sure everyone knows about OWEN, it is this: he is a tireless advocate for the constituents in his congressional district and for the men and women who serve the United States in our military's uniform.

Mr. Speaker, I commend the House for considering this legislation, and I urge its passage.

Mr. DAVIS of Virginia. Mr. Speaker, it is my privilege to rise today to honor our colleague, OWEN PICKETT of Virginia's 2nd Congressional District. After 29 years of serving the citizens of Virginia Beach and Norfolk, as well as the entire Commonwealth of Virginia, Mr. PICKETT has decided to retire from the United States House of Representatives.

My colleague, Mr. PICKETT, is a member of the Armed Services Committee and is the ranking member of the Subcommittee on Military Research and Development and serves on the Readiness Subcommittee and the MWR Panel. The 2nd Congressional District is heavily dependent on the massive concentration of naval installations, shipbuilders and shipping firms in the Hampton Roads harbor area, which ranks first in export tonnage among the nation's Atlantic ports.

The United States Navy Atlantic Fleet berthed in its home port of Norfolk is one of the greatest awe-inspiring sights in America, or anywhere. The aggregation of destructive power in the line of towering gray ships is probably greater than that of any single port in history. Over 100 ships are based here, with some 100,000 sailors and Marines, some \$2 billion in annual spending. For these reasons, Congressman PICKETT has been an outspoken advocate for a strong, technologically superior military and has been tenacious in supporting military bases in his district. Mr. PICKETT, together with Senator JOHN WARNER and the late Congressman Herbert H. Bateman, have provided tremendous leadership on behalf of Virginia. Other issues on which he has taken a strong position are the U.S.-flag merchant fleet, private property rights, public education, veterans programs and a balanced Federal budget.

Mr. PICKETT was born in Hanover County, Virginia, outside Richmond on August 31, 1930 and was the youngest of three children. He attended the public school system and is a graduate of Virginia Tech and the University of Richmond School of Law. He was first elected to the United States Congress in 1986. With old Virginia roots, he was elected to the Virginia House of Delegates in 1971, at the age of 41, where he was known as a fiscal conservative and for his hard work restructuring the state retirement system.

By the time Mr. PICKETT won the Congressional seat vacated by retiring Republican G. William Whitehurst in 1986, Mr. PICKETT had already served as chairman of the state Democratic Party, headed a Democratic presidential campaign in Virginia and served long enough in the state House of Delegates to be a senior member of the Appropriations Committee.

In the House, Mr. PICKETT showed his political acumen by getting a new seat created for him on the National Security Committee and getting a seat on the old Merchant Marine Committee as well—two crucial spots for any Norfolk congressman. Much of Mr. PICKETT's work has been in supporting Hampton Roads military bases and defense contractors, and revitalizing the shipbuilding industry and merchant marine. That work has been successful. Newport News Shipbuilding and Drydock has been building three *Nimitz*-class aircraft carriers in the 1990s, and has effectively ensured that there is no industry monopoly on building nuclear submarines. The Norfolk Navy Shipyard under Mr. PICKETT's guidance has survived four rounds of base-closings and calls for privatization.

Mr. Speaker, I join with my fellow Virginian colleagues in thanking Congressman OWEN PICKETT for his service to the Commonwealth and to our nation.

Mr. BLILEY. Mr. Speaker, I rise today in support of this legislation naming a U.S. customhouse in Norfolk in honor of my good friend and colleague OWEN PICKETT.

During his 14 years in Congress, OWEN has been an outspoken advocate of a strong military and his commitment to military personnel and their families will leave a lasting mark on this nation for years to come.

His expertise on these matters will always be remembered by a grateful nation.

Along with his commitment to military readiness, OWEN has been an avid proponent for veterans, better public schools and a balanced federal budget.

He has been a tireless advocate in supporting Hampton Roads military bases and revitalizing the shipbuilding industry and merchant marine.

Upon his retirement, this nation and this Congress will lose a conscientious and very able legislator.

I would like to thank Mr. SCOTT for introducing this fitting tribute to a true gentleman and friend.

I wish OWEN all the best in his retirement.

Mr. MORAN of Virginia. Mr. Speaker, I rise in strong support of H.R. 5284, which would name the United States Customhouse in Norfolk, Virginia, after our retiring colleague and friend, OWEN PICKETT. I want to commend Mr. SCOTT for introducing this bill and working with both sides to bring it to the floor today.

Let me just say at the outset how appropriate it is that this particular federal building should bear the name of OWEN PICKETT. As the other speakers have said, OWEN was extremely instrumental in securing the needed funding for the renovation of the Customhouse.

He worked hard, as he always does, to bring together the General Services Administration (GSA), the Customs Service and other interested parties to work out the details of this project. It is in large part because of his hard work that the renovation of this historic building was completed earlier this year. OWEN's work on the project constitutes a victory for historic preservation in Virginia.

Beyond this particular project, I want to say what an honor it has been to serve with OWEN PICKETT during the past ten years. Mr. PICKETT is a true gentleman. Throughout his service, OWEN has worked tirelessly and effectively not only for people not only in southern Virginia, but for our entire Nation. He has championed

the interests of our Nation's military, and the men and women who wear the uniform of the United States. He has been a particularly strong advocate for the Navy and for our commercial maritime interests.

OWEN is also uncompromising in his insistence that government be fiscally disciplined, a trait which he probably acquired during his long service in the Virginia House of Delegates. The fact that he is retiring at a time of record surpluses is somehow fitting. It certainly wasn't that way when he came to the House in 1987.

Mr. Speaker, all of us in the House will certainly miss the service and dedication of OWEN PICKETT. I commend the leadership for bringing this bill to the floor in such an expeditious manner.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. LATourette) that the House suspend the rules and pass the bill, H.R. 5284.

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

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. LATOURETTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 1794, H.R. 5267 and H.R. 5284, the bills just considered.

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

There was no objection.

□ 1445

#### PRIVACY COMMISSION ACT

Mr. HORN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4049) to establish the Commission for the Comprehensive Study of Privacy Protection, as amended.

The Clerk read as follows:

H.R. 4049

*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 "Privacy Commission Act".

#### SEC. 2. FINDINGS.

The Congress finds the following:

(1) Americans are increasingly concerned about their civil liberties and the security and use of their personal information, including medical records, educational records, library records, magazine subscription records, records of purchases of goods and other payments, and driver's license numbers.

(2) Commercial entities are increasingly aware that consumers expect them to adopt

privacy policies and take all appropriate steps to protect the personal information of consumers.

(3) There is a growing concern about the confidentiality of medical records, because there are inadequate Federal guidelines and a patchwork of confusing State and local rules regarding privacy protection for individually identifiable patient information.

(4) In light of recent changes in financial services laws allowing for increased sharing of information between traditional financial institutions and insurance entities, a coordinated and comprehensive review is necessary regarding the protections of personal data compiled by the health care, insurance, and financial services industries.

(5) The use of Social Security numbers has expanded beyond the uses originally intended.

(6) Use of the Internet has increased at astounding rates, with approximately 5 million current Internet sites and 64 million regular Internet users each month in the United States alone.

(7) Financial transactions over the Internet have increased at an astounding rate, with 17 million American households spending \$20 billion shopping on the Internet last year.

(8) Use of the Internet as a medium for commercial activities will continue to grow, and it is estimated that by the end of 2000, 56 percent of the companies in the United States will sell their products on the Internet.

(9) There have been reports of surreptitious collection of consumer data by Internet marketers and questionable distribution of personal information by on-line companies.

(10) In 1999, the Federal Trade Commission found that 87 percent of Internet sites provided some form of privacy notice, which represented an increase from 15 percent in 1998.

(11) The United States is the leading economic and social force in the global information economy, largely because of a favorable regulatory climate and the free flow of information. It is important for the United States to continue that leadership. As nations and governing bodies around the world begin to establish privacy standards, these standards will directly affect the United States.

(12) The shift from an industry-focused economy to an information-focused economy calls for a reassessment of the most effective way to balance personal privacy and information use, keeping in mind the potential for unintended effects on technology development, innovation, the marketplace, and privacy needs.

(13) This Act shall not be construed to prohibit the enactment of legislation on privacy issues by the Congress during the existence of the Commission. It is the responsibility of the Congress to act to protect the privacy of individuals, including individuals' medical and financial information. Various committees of the Congress are currently reviewing legislation in the area of medical and financial privacy. Further study by the Commission established by this Act should not be considered a prerequisite for further consideration or enactment of financial or medical privacy legislation by the Congress.

#### SEC. 3. ESTABLISHMENT.

There is established a commission to be known as the "Commission for the Comprehensive Study of Privacy Protection" (in this Act referred to as the "Commission").

#### SEC. 4. DUTIES OF COMMISSION.

(a) STUDY.—The Commission shall conduct a study of issues relating to protection of individual privacy and the appropriate balance to be achieved between protecting individual privacy and allowing appropriate uses of information, including the following:

(1) The monitoring, collection, and distribution of personal information by Federal, State, and local governments, including personal information collected for a decennial census, and such personal information as a driver's license number.

(2) Current efforts to address the monitoring, collection, and distribution of personal information by Federal and State governments, individuals, or entities, including—

(A) existing statutes and regulations relating to the protection of individual privacy, such as section 552a of title 5, United States Code (commonly referred to as the Privacy Act of 1974) and section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act);

(B) legislation pending before the Congress;

(C) privacy protection efforts undertaken by the Federal Government, State governments, foreign governments, and international governing bodies;

(D) privacy protection efforts undertaken by the private sector; and

(E) self-regulatory efforts initiated by the private sector to respond to privacy issues.

(3) The monitoring, collection, and distribution of personal information by individuals or entities, including access to and use of medical records, financial records (including credit cards, automated teller machine cards, bank accounts, and Internet transactions), personal information provided to on-line sites accessible through the Internet, Social Security numbers, insurance records, education records, and driver's license numbers.

(4) Employer practices and policies with respect to the financial and health information of employees, including—

(A) whether employers use or disclose employee financial or health information for marketing, employment, or insurance underwriting purposes;

(B) what restrictions employers place on disclosure or use of employee financial or health information;

(C) employee rights to access, copy, and amend their own health records and financial information;

(D) what type of notice employers provide to employees regarding employer practices with respect to employee financial and health information; and

(E) practices of employer medical departments with respect to disclosing employee health information to administrative or other personnel of the employer.

(5) The extent to which individuals in the United States can obtain redress for privacy violations.

(6) The extent to which older individuals and disabled individuals are subject to exploitation involving the disclosure or use of their financial information.

#### (b) FIELD HEARINGS.—

(1) IN GENERAL.—The Commission shall conduct at least 2 field hearings in each of the 5 geographical regions of the United States.

(2) BOUNDARIES.—For purposes of this subsection, the Commission may determine the boundaries of the five geographical regions of the United States.

#### (c) REPORT.—

(1) IN GENERAL.—Not later than 18 months after appointment of all members of the Commission—

(A) a majority of the members of the Commission shall approve a report; and

(B) the Commission shall submit the approved report to the Congress and the President.

(2) CONTENTS.—The report shall include a detailed statement of findings, conclusions,

and recommendations, including the following:

(A) Findings on potential threats posed to individual privacy.

(B) Analysis of purposes for which sharing of information is appropriate and beneficial to consumers.

(C) Analysis of the effectiveness of existing statutes, regulations, private sector self-regulatory efforts, technology advances, and market forces in protecting individual privacy.

(D) Recommendations on whether additional legislation is necessary, and if so, specific suggestions on proposals to reform or augment current laws and regulations relating to individual privacy.

(E) Analysis of purposes for which additional regulations may impose undue costs or burdens, or cause unintended consequences in other policy areas, such as security, law enforcement, medical research, or critical infrastructure protection.

(F) Cost analysis of legislative or regulatory changes proposed in the report.

(G) Analysis of the impact of altering existing protections for individual privacy on the overall operation and functionality of the Internet, including the impact on the private sector.

(H) Recommendations on non-legislative solutions to individual privacy concerns, including education, market-based measures, industry best practices, and new technology.

(I) Review of the effectiveness and utility of third-party verification of privacy statements, including specifically with respect to existing private sector self-regulatory efforts.

(d) ADDITIONAL REPORT.—Together with the report under subsection (c), the Commission shall submit to the Congress and the President any additional report of dissenting opinions or minority views by a member or members of the Commission.

(e) INTERIM REPORT.—The Commission may submit to the Congress and the President an interim report approved by a majority of the members of the Commission.

#### SEC. 5. MEMBERSHIP.

(a) NUMBER AND APPOINTMENT.—The Commission shall be composed of 17 members appointed as follows:

(1) 4 members appointed by the President.

(2) 4 members appointed by the majority leader of the Senate.

(3) 2 members appointed by the minority leader of the Senate.

(4) 4 members appointed by the Speaker of the House of Representatives.

(5) 2 members appointed by the minority leader of the House of Representatives.

(6) 1 member, who shall serve as Chairperson of the Commission, appointed jointly by the President, the majority leader of the Senate, and the Speaker of the House of Representatives.

(b) DIVERSITY OF VIEWS.—The appointing authorities under subsection (a) shall seek to ensure that the membership of the Commission has a diversity of views and experiences on the issues to be studied by the Commission, such as views and experiences of Federal, State, and local governments, the media, the academic community, consumer groups, public policy groups and other advocacy organizations, business and industry (including small business), the medical community, civil liberties experts, and the financial services industry.

(c) DATE OF APPOINTMENT.—The appointment of the members of the Commission shall be made not later than 30 days after the date of the enactment of this Act.

(d) TERMS.—Each member of the Commission shall be appointed for the life of the Commission.

(e) VACANCIES.—A vacancy in the Commission shall be filled in the same manner in which the original appointment was made.

(f) COMPENSATION; TRAVEL EXPENSES.—Members of the Commission shall serve without pay, but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(g) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number may hold hearings.

(h) MEETINGS.—

(1) IN GENERAL.—The Commission shall meet at the call of the Chairperson or a majority of its members.

(2) INITIAL MEETING.—Not later than 45 days after the date of the enactment of this Act, the Commission shall hold its initial meeting.

#### SEC. 6. DIRECTOR; STAFF; EXPERTS AND CONSULTANTS.

(a) DIRECTOR.—

(1) IN GENERAL.—Not later than 30 days after the appointment of the Chairperson of the Commission, the Chairperson of the Commission shall appoint a Director without regard to the provisions of title 5, United States Code, governing appointments to the competitive service.

(2) PAY.—The Director shall be paid at the rate payable for level III of the Executive Schedule established under section 5314 of such title.

(b) STAFF.—The Director may appoint staff as the Director determines appropriate.

(c) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—

(1) IN GENERAL.—The staff of the Commission shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service.

(2) PAY.—The staff of the Commission shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, but at rates not in excess of the maximum rate for grade GS-15 of the General Schedule under section 5332 of that title.

(d) EXPERTS AND CONSULTANTS.—The Director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(e) STAFF OF FEDERAL AGENCIES.—

(1) IN GENERAL.—Upon request of the Director, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out this Act.

(2) NOTIFICATION.—Before making a request under this subsection, the Director shall give notice of the request to each member of the Commission.

#### SEC. 7. POWERS OF COMMISSION.

(a) HEARINGS AND SESSIONS.—The Commission may, for the purpose of carrying out this Act, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Commission considers appropriate. The Commission may administer oaths or affirmations to witnesses appearing before it.

(b) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take by this section.

(c) OBTAINING OFFICIAL INFORMATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), if the Chairperson of the Commission submits a request to a Federal department or agency for information necessary to enable the Commission to carry out this Act, the head of that department or

agency shall furnish that information to the Commission.

(2) EXCEPTION FOR NATIONAL SECURITY.—If the head of that department or agency determines that it is necessary to guard that information from disclosure to protect the national security interests of the United States, the head shall not furnish that information to the Commission.

(d) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(e) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Director, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out this Act.

(f) GIFTS AND DONATIONS.—The Commission may accept, use, and dispose of gifts or donations of services or property to carry out this Act, but only to the extent or in the amounts provided in advance in appropriation Acts.

(g) CONTRACTS.—The Commission may contract with and compensate persons and government agencies for supplies and services, without regard to section 3709 of the Revised Statutes (41 U.S.C. 5).

(h) SUBPOENA POWER.—

(1) IN GENERAL.—The Commission may issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence relating to any matter that the Commission is empowered to investigate by section 4. The attendance of witnesses and the production of evidence may be required by such subpoena from any place within the United States and at any specified place of hearing within the United States.

(2) FAILURE TO OBEY A SUBPOENA.—If a person refuses to obey a subpoena issued under paragraph (1), the Commission may apply to a United States district court for an order requiring that person to appear before the Commission to give testimony, produce evidence, or both, relating to the matter under investigation. The application may be made within the judicial district where the hearing is conducted or where that person is found, resides, or transacts business. Any failure to obey the order of the court may be punished by the court as civil contempt.

(3) SERVICE OF SUBPOENAS.—The subpoenas of the Commission shall be served in the manner provided for subpoenas issued by a United States district court under the Federal Rules of Civil Procedure for the United States district courts.

(4) SERVICE OF PROCESS.—All process of any court to which application is made under paragraph (2) may be served in the judicial district in which the person required to be served resides or may be found.

(i) RULES.—The Commission shall adopt other rules as necessary for its operation.

#### SEC. 8. TERMINATION.

The Commission shall terminate 30 days after submitting a report under section 4(c).

#### SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the Commission \$5,000,000 to carry out this Act.

(b) AVAILABILITY.—Any sums appropriated pursuant to the authorization in subsection (a) shall remain available until expended.

#### SEC. 10. BUDGET ACT COMPLIANCE.

Any new contract authority authorized by this Act shall be effective only to the extent or in the amounts provided in advance in appropriation Acts.

#### SEC. 11. PRIVACY PROTECTIONS.

(a) DESTRUCTION OR RETURN OF INFORMATION REQUIRED.—Upon the conclusion of the matter or need for which individually identifiable information was disclosed to the Commission, the Commission shall either destroy

the individually identifiable information or return it to the person or entity from which it was obtained, unless the individual that is the subject of the individually identifiable information has authorized its disclosure.

(b) DISCLOSURE OF INFORMATION PROHIBITED.—The Commission—

(1) shall protect individually identifiable information from improper use; and

(2) may not disclose such information to any person, including the Congress or the President, unless the individual that is the subject of the information has authorized such a disclosure.

(c) PROPRIETARY BUSINESS INFORMATION AND FINANCIAL INFORMATION.—The Commission shall protect from improper use, and may not disclose to any person, proprietary business information and proprietary financial information that may be viewed or obtained by the Commission in the course of carrying out its duties under this Act.

(d) INDIVIDUALLY IDENTIFIABLE INFORMATION DEFINED.—For the purposes of this Act, the term “individually identifiable information” means any information, whether oral or recorded in any form or medium, that identifies an individual, or with respect to which there is a reasonable basis to believe that the information can be used to identify an individual.

The SPEAKER pro tempore (Mr. PEASE). Pursuant to the rule, the gentleman from California (Mr. HORN) and the gentleman from California (Mr. WAXMAN) each will control 20 minutes.

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

GENERAL LEAVE

Mr. HORN. 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. 4049, as amended.

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

There was no objection.

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

Mr. Speaker, H.R. 4049 would establish a commission to engage in one of the Nation's most comprehensive examinations of privacy protection issues in more than 20 years.

A few key strokes on a computer can yield a quantity of information that was unimaginable 26 years ago when the privacy act of 1974 became law. From e-mail and e-commerce to e-government, technology has changed the way people communicate, shop, and pay their bills.

The downside of these advances is that a vast amount of personal information, such as credit cards and Social Security numbers, flows freely from home computers to commercial and government Web sites. Today, everything from medical records to income tax returns is being maintained in an electronic form and is often transmitted over the Internet.

Growing concern over protecting the privacy of those records has led to the proposal of approximately 7,000 State and local laws, and more than 50 Federal laws. This bill before the House today will provide a most important function in this debate. The commission will examine privacy policies and laws throughout the Nation.

The commission's work will help determine the extent to which the Nation's privacy laws and policies may need to be revised for today's information technology.

Mr. Speaker, H.R. 4049 was introduced on March 21, 2000, by the gentleman from Arkansas (Mr. HUTCHINSON) and the gentleman from Virginia (Mr. MORAN), a true bipartisan bill.

The Committee on Government Reform's Subcommittee on Government Management Information and Technology held 3 days of legislative hearings on the issue, including a day of hearings at the behest of the subcommittee's minority members. The subcommittee approved the bill on June 14, 2000; and the full committee finalized its work on the bill on June 29, 2000.

During the full committee's consideration, a number of amendments offered by the minority were adopted, and the bill was favorably reported to the full House.

Mr. Speaker, I yield such time as he may consume to the honorable gentleman from Arkansas (Mr. HUTCHINSON), the chief author of the bill, for further discussion.

Mr. HUTCHINSON. Mr. Speaker, I thank the gentleman from California (Mr. HORN) for yielding the time to me.

Mr. Speaker, I certainly rise in support of this legislation, the Privacy Commission Act, and I want to thank the gentleman from California (Mr. HORN) for his leadership and cooperation on this.

I want to thank the Democrat gentleman from Texas (Mr. TURNER) for his coauthorship of it.

I want to thank the gentleman from California (Mr. WAXMAN), the ranking member of the full committee, for his participation through this process, his very constructive criticisms and suggestions that he has offered. I think because of the gentleman's participation we have certainly made this a better product that has moved to the floor today.

I certainly also want to thank the gentleman from the State of Virginia (Mr. MORAN), my cosponsor, who from the very beginning has helped make this a bipartisan product which we have presented to this body.

If we look back over the issue of privacy, the last comprehensive look at privacy that we have had in our Nation was 25 years ago in 1974, and the report after that privacy study commission was privacy in the information age. Certainly that has changed in 25 years. But even that last commission gave us the hallmark of our privacy legislation today, the foundation of privacy here in the Federal Government.

That was 1974. Basically, it is time that we need to do it again, and I do believe that Congress understands the issue of privacy and the importance of this issue to the American people. The NBC-Wall Street Journal poll indicated that the number one issue of Ameri-

cans as they enter the next century is the concern about loss of personal privacy, and so Congress understands that.

If we look at the issue of video rental records, we understand the public, and we do not want our video rental records disclosed to third parties, and we passed a law that prohibited that.

We understand that driver's license information should not be passed along and sold to commercial enterprises. We passed a law that restricted that.

When you look at cable stations and the knowledge as to what an individual, a consumer, clicks his channels and where he goes, we do not want that information passed along; and we pass a law that restricted it.

Tax returns, we passed a law obviously that restricts the transfer of information from a tax return. So we deal with privacy, but Congress should not end its work with what we have done thus far.

How about medical records? How about State law protection dealing with medical records; is that sufficient? Do we need a new Federal standard? How about the financial records? What do we need to do to further protect the transfer of financial information? And the answer is that regardless of what we can agree upon now, and I have sponsored various portions of privacy legislation and have moved forward, but regardless of what we agree upon now, we cannot end here.

We need to build a consensus; and this bill, this privacy study commission, is designed to build this consensus that we have not been able to form yet. I think it will help us to enhance personal privacy and do the work that Congress should do.

Let me go to some of the particulars of this legislation. Obviously, the commission will consist of 17 members appointed by the President, the majority leader, minorities leader, Speaker of the House. So it certainly is bipartisan in the way that it is formulated, but it is tasked with numerous responsibilities from studying the current state of laws on individual privacy, to conducting field hearings across the country, listening to the people, as well as privacy experts.

We are to submit a report to Congress, this commission will, within a timely fashion; and even though 18 months is a drop-dead date, hopefully they will come back sooner, and they have specifically the right to come back sooner if they can reach that consensus.

The Committee on Commerce has stepped in and suggested some very important changes but are not dramatic in its impact. One of them is that the commission should look at the impact on the Internet and its functionality. Certainly we want to do that. It says that any commissioner or group of commissioners may dissent and submit a record, so there is nothing dramatic about those changes; but those have been some suggested improvements from the Committee on Commerce.

I want to talk for a second about the processes as the gentleman from California (Mr. HORN) just indicated. We have gone through 3 days of hearings. We have gone through markup in subcommittee and full committee, and it was during that time that I think we really improved this legislation. One of the suggestions that came from the Democrat side was suggested by the gentleman from California (Mr. WAXMAN), the ranking member, who said that we should make it clear that this legislation in no way should impede the passage of individual privacy legislation. The language that was suggested by the gentleman from California (Mr. WAXMAN) was included.

The gentlewoman from New York (Mrs. MALONEY) suggested very appropriately that the commission should look at the extent that older individuals are subject to exploitation involving the disclosure of use of their financial information. That was adopted in subcommittee.

Then the third-party verification efforts, an amendment sponsored as well by the gentlewoman from New York (Mrs. MALONEY) was adopted.

The importance of having civil liberties represented on the commission was accepted as well, and so there was tremendous improvement through this process. We have really followed the regular order as we have come to this full House.

This is a very important commission that I believe will do good work. It is important that we have a good vote today, that will send it on its way in a bipartisan way; and I think that when it comes back with a report, hopefully, and I see the gentleman from Massachusetts (Mr. MARKEY) joining us, that we can continue to work on individual privacy legislation between now and the end of this year and into next Congress.

In the meantime, regardless of what else happens, we need to have this commission that will continue to recommend and supplement what we are doing in this body and to assist in our efforts, and I urge my colleagues to support this common sense approach to privacy.

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

Mr. WAXMAN. Mr. Speaker, I yield myself 3½ minutes.

Mr. Speaker, I want to compliment the gentleman from Arkansas (Mr. HUTCHINSON) and the gentleman from Virginia (Mr. MORAN) for their efforts to focus attention on the important issue of privacy. I believe that H.R. 4049 is a well-intentioned bill. The authors' sincerity in their motivation to improve privacy protections is a real one.

I strongly object, however, to the decision to bring up this bill as a suspension bill. Until today, we have had no opportunity to consider fundamental privacy legislation that matters to millions of Americans. And now that we have a bill, we are only provided

with 20 minutes of debate time and no chance for amendments. And I think that is wrong.

Mr. Speaker, the gentleman from Arkansas (Mr. HUTCHINSON) said that his bill could go forward and other legislation on the subject of privacy could be considered at the same time. Well, the reality is that other legislation on privacy is not being considered at all. For example, the gentlewoman from New York (Ms. SLAUGHTER) has introduced genetic nondiscrimination and privacy legislation that has broad support; yet there has not even been a hearing on it.

The gentleman from California (Mr. CONDIT) introduced legislation with the gentleman from Massachusetts (Mr. MARKEY), the gentleman from Michigan (Mr. DINGELL), myself and many other colleagues to provide comprehensive medical privacy protections for American consumers. That bill, which is in the subcommittee of the gentleman from California (Mr. HORN), has not even been given a hearing.

The gentleman from New York (Mr. LAFALCE) and the gentleman from Massachusetts (Mr. MARKEY) have introduced comprehensive financial privacy protections; yet there has not even been a hearing on their bills.

Today, with consideration of H.R. 4049, the leadership is finally taking up a bill concerning privacy, but the leadership has brought the bill up under suspension of the rules. This procedure blocks the gentleman from California (Mr. CONDIT), the gentleman from New York (Mr. LAFALCE), the gentleman from Massachusetts (Mr. MARKEY), the gentlewoman from New York (Ms. SLAUGHTER), and others from bringing up measures to provide privacy protections for American consumers.

We should not waste this opportunity to consider meaningful privacy protections. The Privacy Commission Act should be brought to the floor under regular order so that Members have an opportunity to discuss whether substantive privacy protections or other improvements should be added to the bill through amendment.

One of the main issues that has been raised about privacy, about the privacy commission bill, is whether its practical effect would be to delay the enactment of privacy protections.

People who advocate privacy protections have expressed concern about the potential for delay. For example, the Consumer Federation of America Consumers Union and U.S. PIRG have stated that "the creation of a commission would delay efforts to put meaningful privacy protections on the book."

People who oppose privacy protections have been happy that this bill could delay privacy initiatives. On April 17, 2000, there was an editorial in the National Underwriter magazine that urged insurance companies to support this measure, because the presence of such a commission will provide a strong argument for Congress and the State legislatures to wait for the results before enacting, as they put it, highly restrictive privacy legislation.

Under the right circumstances, establishing a privacy commission could be a helpful step in addressing privacy concerns. If Congress concurrently took action on enacting privacy legislation or at least made a binding commitment to take such action, American consumers could be confident that they would complement, rather than delay, this legislation.

Mr. Speaker, I want to emphasize this point and urge my colleagues to oppose this suspension.

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

□ 1500

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

Mr. Speaker, as I looked at the evolution of this legislation, every bill or an amendment that the Democratic minority gave us we accepted, and what we are going to have here is just on and on and on, and nothing is going to happen.

Five years ago when the gentleman from California (Mr. CONDIT) was in my position as chair of the subcommittee on Government Management, Information, and Technology, we had legislation that he submitted, a very fine bill. We have had others. We have Senator LEAHY come over. He has a very fine bill. So it goes. Nobody can pull all the pieces together.

In the closing weeks of Congress, there is absolutely no way to have the floor time to start having amendments all over the place. I would love to have floor time and have a 3-day debate. It is going to be a 3-day debate, at least.

It has been a bipartisan proposal all the way, and I would hope we would get something done where it could be pulled together and we might look at it as a base bill, which does not preclude the gentleman from Massachusetts (Mr. MARKEY), the gentleman from Connecticut (Mr. SHAYS). We have a whole bunch of people here who want to have a privacy bill. I am not against that. I just want to get something done in a practical sense.

I would hope, Mr. Speaker, that my colleagues would support this and not have to go through the—we have the votes, I am sure, on the majority, but we ought to get this movement going.

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

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

Mr. Speaker, I just want to point out that if we are going to be serious about doing something on privacy legislation, we should have had hearings in the Horn subcommittee, that is how we organize a consensus, not wait for one to happen. We ought to have hearings. We ought to have had leadership to develop legislation. We have not had that leadership to develop legislation.

Secondly, not every one of our amendments was adopted in committee. We wanted a deadline for action by the Commission and an opportunity for privacy protections to be put into place.

Mr. Speaker, I yield 3 minutes to the gentlewoman from the District of Columbia (Ms. NORTON), a very important member of our committee.

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

Mr. Speaker, normally bills to study serious problems are like apple pie and motherhood, but I will tell the Members, this one deserves the serious reservations of Members of this body in light of mounting concerns among the public about medical privacy and Internet privacy.

When I chaired the Women's Caucus last term, one of the bills at that time Democratic and the Republican women were able to get some kind of consensus on was a bill involving genetic privacy.

The notion that we are here talking about studying privacy at the end of yet another term pains me to even hear. This issue is at the top of the agenda of the American public. The concern of the public is so loud and so real, and has been there for so long after so many hearings about various aspects of this problem, that the expectation has been that we would do something about it at least by now.

Let us take medical privacy. That one is so long overdue, particularly with respect to genetic information. We now know the genetic code. That thing is traveling against us at such a speed. We are here talking about studying it with no time limit? People are thinking, will I lose my job if I go to the company doctor or to any doctor to talk about my condition? And all doctors use the Internet now.

Do we know where the public is on this? They are clamoring on the doors of this Congress, saying, "Protect me."

My own recent experience makes me come to the floor. I needed something, a fancy new telephone. Somebody found out that I could order it and get it in 24 hours over the Internet. I said, over my dead body. I have a recognizable name. I am not going to put the name of Eleanor Holmes Norton on the Internet, because at least in this region somebody might decide that that is the name to use.

Do Members know how many people have lost their identity fooling with the Internet? I am not going to lose what little identity I have left. That is one of the things people write again more and more. Yet, we say, here is our answer, we will study that for you. We are making people think we are doing something about something they have clamored for us to do something about for almost 10 years now.

This bill says that this commission is going to make recommendations on whether additional legislation is necessary? Give me a break. Tell that to the public, that we are trying to find out if it is necessary.

Or listen to what the FCC has just said: "Legislation is now needed to ensure consumers online privacy is adequately protected." It is necessary. This bill does nothing about that ne-

cessity. It is very hard for me to advocate support of this bill. I do not do so.

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

Mr. Speaker, I just want to answer the ranking member of the full committee on hearings. We had a full hearing on April 12, 2000. We had a full hearing on May 15. That is two major hearings on a rather simple bill, but it is the only way we are going to get something done.

Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. TURNER), the ranking member on the subcommittee.

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

Mr. Speaker, I appreciate the good work that the gentleman from California (Mr. HORN) has put in on this bill. It is clear to all of us that the American people are demanding action and that their privacy be protected by this Congress. I think it perhaps is one of the most critical issues and one of the most difficult issues we face.

I think we also understand that there are very complex issues surrounding the discussion of privacy, and there are many opinions that have been voiced to us in the course of proceedings on this bill and others that indicate that the Congress must carefully consider legislation in this area.

H.R. 4049 is a bipartisan measure which would establish a commission charged with studying issues relating to the protection of individual privacy and the balance to be achieved between protecting privacy and allowing appropriate uses of information.

The commission would submit a report to Congress and the President within 18 months after its appointment. As a cosponsor of the bill, I commend my colleagues, the gentleman from Arkansas (Mr. HUTCHINSON) and the gentleman from Virginia (Mr. MORAN) for their leadership on a topic of this importance.

I commend the ranking member, the gentleman from California (Mr. WAXMAN), on his willingness to work with us on the issue. I agree with him, that there are bills pending in this Congress that can be acted upon and should be acted upon prior to the final report of this commission.

The Subcommittee on Government Management, Information, and Technology of the Committee on Government Reform held 3 days of legislative hearings on this bill, heard from a number of witnesses, hearing various points of view. The witnesses testified regarding the commission's scope, the relationship of ongoing and past privacy efforts, the composition of the commission, and other issues.

I want to commend the gentleman from Arkansas (Mr. HUTCHINSON) for his willingness to accept an amendment, a manager's amendment, at the full committee level which clarified that the intent of this bill is not to delay or obstruct any pending, ongoing privacy initiatives in this Congress.

It has been more than 20 years since a privacy commission studied this issue. It is clear to me that we need a comprehensive reevaluation of the subject; that legislation that is pending can be considered and passed while we are studying this issue, but there are enough problems in the area of privacy regulation, privacy protection, to justify a commission with the expertise that is laid out in the bill as far as the creation of a commission and its membership.

I believe Congress should strictly adhere to the intent of the bill, which calls for the commission to be used as a supplement to and a sounding board for ongoing legislative privacy initiatives rather than any means of delay.

Again, I commend the gentleman from Arkansas (Mr. HUTCHINSON) and the gentleman from Virginia (Mr. MORAN) for their good work, and I urge the House to adopt this bipartisan measure.

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

Mr. Speaker, before yielding to the gentleman from Massachusetts (Mr. MARKEY), who is one of the champions on privacy questions in this Congress, I want to point out that the Horn subcommittee held three hearings, two at our request. They were all on the issue of this commission. There was not a single hearing on the medical privacy issue or the Internet privacy, which is also the jurisdiction of that committee.

I regret that, because it seems to me we could be much further down the road in directly enacting legislation if we had that leadership.

Mr. Speaker, I yield 6 minutes to the gentleman from Massachusetts (Mr. MARKEY), who has raised the privacy issue in a number of different spheres and has been such an enormous champion in trying to get legislation, and shown such leadership in trying to get that legislation.

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

Mr. Speaker, this is a very important debate. I think it is important for everyone who is listening to the debate to understand what we are debating and what we are not debating.

We are debating a privacy commission. In fact, that is how it is described by the proponents. But for those that want real privacy, we are debating a privacy omission. That is what this debate is really all about.

We have bills before Congress. They have been sitting there for years. The gentleman was the chair of this subcommittee and did not have any hearings on the subject. The Committee on Banking and Financial Services, no hearings; the Committee on Commerce, no hearings.

Everyone understands what the problem is. The Internet industry understands, the banking industry understands, the health industry understands the issues. What frightens them most greatly is that the public understands them, as well.

These are not complicated issues. We over the years have made many decisions with regard to the privacy of the American public. It is not something that requires a lot of study.

We make it a requirement that a driver of an automobile have to opt in before any license information, driver's license information, can be transferred. If we rent a video cassette at a video rental store, they have to get our permission before they transfer that information. If we are watching cable TV and late at night we might flick over to one of those pay per view channels that maybe we don't want the rest of the family, much less everyone else in the neighborhood, understanding that we might have watched, the cable industry cannot tell anyone that we did that. They have to get our permission before they do so. If we call anyone on our phones, the phone company cannot tell anybody who we called without our permission.

If a child goes online to a commercial site for children and they are under the age of 13, that site cannot transfer that information to anyone else without the express permission of parents. But if the child is 13, if the child is 14, if the child is 15, there are no restrictions.

Do Members think this Congress could figure out that maybe we should protect 13- and 14- and 15-year-olds? We are told by the committee that they cannot figure that out. It is too hard for them to know whether or not a 13-year-old or a 14-year-old or a 15-year-old's information should be transferred. They need to get an expert panel of industry officials, primarily, I am going to bet that is the case, to tell us whether or not those children should be protected.

Mr. Speaker, that is why we run for office. People in this country know whether or not they want their health care records protected or not. They know whether or not they want their financial records protected. We do not need a Commission to study this. This is not beyond the ability of this Congress to deal with.

What the bill is really all about is punting for another 2 years, 18 months, for the commission to study it. It means it is right before the next Congress ends, in the year 2002, which is exactly what the industry wants. We do not have to be a genius to figure out what to do to protect children, to protect the medical record of Americans, to make sure that somebody cannot take all of our checks or all of our brokerage accounts, all of the medical exams we might have to take for an insurance policy, and then sell it as though it is a product.

Do we really have to study that? I don't think so. This is just a commission to make sure that this Congress can say that it did something; that is, put a fig leaf over this issue.

So Mr. Speaker, yes, we need a new economy, but we need a new economy with old values. We need commerce with a conscience. This Congress, by

passing this bill, demonstrates that it is unwilling to grasp this moral issue of what corporate America is doing in taking the private, most sensitive information of American families and turning it into a product which is sold around the country and around the world.

So if Members want privacy and they want it to happen, vote no on this bill and force them to bring out the bills over this next week that ensure that on the Internet, on financial records, on the health care data of every American family, we give them the protections which they deserve.

Otherwise, this bill is going to guarantee that there will be no action in the next Congress either, because the report does not come back until 2 years from now, at the end of the next Congress.

□ 1515

So I think that, while they may have had all the hearings on their commission bill, that, without question, whether or not we are going to ensure that the new technology ennobles and enables Americans rather than degrades and debases, whether or not we come to grips with the fact that there is a sinister side of cyberspace and that we understand it and that we demonstrate to the American people that we do understand it, and that we become the privacy keepers as were our local bankers when we were younger, our doctors and nurses when we were younger, and that we identify with those privacy keepers rather than the privacy peepers and the information reapers which these new data banks are able to make possible, creating products out of the family information of each one of us in the United States. I do not believe that there is an issue more central to the integrity and the well-being of a family in the United States than whether or not we give them the rights today to protect that information from being turned into a product.

To say that we do not have the ability to understand it says that we do not understand cyberspace, we do not understand the world in which everyone is living, and we do not understand that 85 percent of the American public in every single poll are demanding us to give them the right to protect this information. Vote no on this commission.

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

Mr. Speaker, before I yield to the gentleman from Virginia (Mr. MORAN), the co-author of this legislation, I want to say that the gentleman from Massachusetts (Mr. MARKEY) is always very eloquent. Did he beat on the door of the chairman of the Committee on Commerce? Did he beat on the door of the chairman of the Committee on Judiciary? I did not hear him beating on my door.

But we knew the gentleman from Massachusetts and five others were out

there, and we would have been glad to give them a hearing. But there are a lot of other committees around here that have the jurisdiction. I am not aware of the gentleman from Massachusetts ever going before any of those committees. But he always is eloquent, no question about it.

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

Mr. HORN. Mr. Speaker, I yield 10 seconds to the gentleman from Massachusetts (Mr. MARKEY) to answer how many doors did he knock on. When I have a bill out, I am knocking on doors.

Mr. MARKEY. Mr. Speaker, I was given an ironclad commitment by the other side when we were debating the financial services bill last November that they would have hearings all this year in the Committee on Banking and Financial Services on financial services and health care privacy. They had no hearings on this issue. That side over there did not, in fact, fulfill its commitment.

Mr. HORN. Mr. Speaker, I yield 4½ minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I want to start by thanking the distinguished gentleman from California (Mr. HORN). He made it clear from the outset that he wanted bipartisan constructive legislation, that he wanted hearings, and he wanted to do what we could do given the information that we had available to us.

I also want to thank the gentleman from Arkansas (Mr. HUTCHINSON). He has worked, again, in a constructive manner, listening to everyone that wanted to have input into this legislation, has never behaved, to my knowledge, in this context in any partisan fashion. He wanted this to be a bipartisan bill. So I was very pleased to work with him.

I thank the gentleman from Texas (Mr. TURNER), the ranking member of the subcommittee. Again, all they wanted to do was work in a constructive bipartisan manner.

Now, I also want to thank the gentleman from California (Mr. WAXMAN) whose leadership has been outstanding. In fact, I agree with the gentleman's emphasis on the need for privacy legislation and with the gentleman from Massachusetts (Mr. MARKEY).

I think that we ought to have privacy legislation right now, particularly with regard to the protection of medical records. No question. Let us do it. We will vote for it. I know that the gentleman from California (Mr. HORN) and the gentleman from Arkansas (Mr. HUTCHINSON) will and the gentleman from Texas (Mr. TURNER) will as well.

So I would say to the gentleman from Massachusetts (Mr. MARKEY), my very good friend, I wished that I had had the same rhetoric teachers as my colleague, but I did go to the Jesuits, and I remember some of this, and it is very effective and impressive.

But let me say to the gentleman from Massachusetts just do it. If he wants privacy legislation, do it. As the gentleman from California (Mr. HORN) suggested, the gentleman from Massachusetts is on the Committee on Commerce.

The reality is that it is not going to get done. This is all we have. We have made it clear, every speaker has made it clear this does not preclude any other privacy legislation. It is meant to compliment it. We do not have to take 18 months. We can do it in 6 months.

The problem is, while the gentleman from Massachusetts (Mr. MARKEY), my good friend, may have all the answers, I do not. I am not sure what to do. Given the fact that there are 7,000 privacy bills introduced in State legislatures, one out of every 5 legislative bills introduced around the country this year had to do with privacy, we have got dozens of bills pending before our committees on privacy, which one of them works? Which ones will create a consistency? I am not sure. I do not have those answers.

I am not even sure how we protect the consumer choice that is very important to many people while ensuring that we protect people's basic privacy which is a fundamental American right and freedom. I do not have those answers. I am not sure this Congress has those answers. Perhaps some of us do; and if they do, just do it. Come up with the legislation, and we will vote for it.

In the meantime, we want to get the experts together to bring out all the factors that need to be considered so that we can have the most thoughtful, the best considered legislation possible.

This is critically important. It is critically important to our economy and to our society. It is a basic American freedom, individual privacy. But let us not mess it up.

I know that privacy is off the charts on every poll we take. I know that all the voters want us to do something about privacy. But if we are going to do it, we ought to do it right. We ought to do it in a bipartisan way. We ought not politicize it. It ought to be good, public policy that is sustainable. That is what this legislation does. That is all it does.

We have worked on this. We have listened to everyone. I know the gentleman from California (Mr. WAXMAN), my friend and the distinguished leader will recall that, in fact, when we had hearings, the gentleman from Massachusetts (Mr. MARKEY) testified about medical records, about financial records.

I am not sure I got an answer about the question how do we make consistent privacy regulations on medical records, on financial records, on the children's privacy protection act that was just passed. How do we bring all these together and have a consistent Federal policy? How do we get consistency among the States without pre-

empting their right to protect their citizens? I do not know. Let us ask the experts, and that is what this commission does.

Mr. Speaker, I rise today in strong support of H.R. 4049. I would like to thank my colleague ASA HUTCHINSON and JIM TURNER, the ranking member of the subcommittee, for their leadership and bipartisan efforts in introducing this bill.

This legislation has been criticized by some as a proposal to slow down other privacy legislation. On the other hand, the idea of a privacy commission has been criticized by at least some in the business community out of a concern that it may lead to the enactment of overbearing legislation.

Unfortunately, this way of thinking and operating has become a familiar pattern with a familiar result. Congress winds up doing nothing. That is really what we are talking about today. Do we engage in the same old partisan gridlock and do nothing or do we get serious about moving forward on some of the most important issues in this nation and pass this legislation.

I respect and appreciate much of the work that colleagues and friends like ED MARKEY and JOHN LAFALCE have done on privacy issues. I agree with them that there are some privacy issues, like the protection of medical records, that Congress should immediately move to protect.

That is why we purposely did not include any moratorium or preemption language that would prevent Congress or the states from enacting privacy legislation that may be needed before the work of this commission is done. But the reality is that there is not going to be any other privacy legislation passed this term. In the meantime, we can be doing something constructive.

Let me repeat that: Nothing in this bill precludes Congress or the states from moving forward on privacy legislation.

I do believe, however, that the work of the Privacy Commission will lead to better overall decisions about privacy, particularly as it relates to the Internet and electronic commerce.

Privacy has become a major public policy issue. Last year, the state legislatures considered over 7,000 privacy bills. Approximately one out of every five bills introduced in the state legislatures was a privacy bill. The Congress currently has before it dozens of privacy bills. The federal regulatory agencies are busy on numerous privacy initiatives.

And yet, it has been more than twenty years since the Privacy Protection Study Commission issued its landmark report in 1977. Since then, the personal computer and the Internet have transformed our economy. At the same time, they have raised and continue to raise new privacy issues that the 1977 study could not have envisioned. It is time to revisit the issues from the 1977 report as well as the broader new issues raised by the information economy. The Privacy Commission Act creates an opportunity to do just that.

Everyone agrees that getting privacy policy right will go a long way towards fully developing the potential of the Internet and e-commerce. The extent to which this exciting new medium will continue its incredible expansion depends in large measure on balancing legitimate consumer privacy rights with basic marketplace economics. An open and supportive legal environment has helped encourage the

rapid development of the Internet. Companies and consumers alike realize that Internet privacy is the one issue that must be done right.

Americans are rightly concerned about their lack of privacy. We know and appreciate that the public worries about cookies; worries about the capture of information regarding browsing behavior; and worries about profiling. But, we don't know what the dimensions are of the real privacy threats posed by these activities and what the economic payoffs are of these activities. We certainly don't know very much yet about the impact of recently enacted privacy protection legislation, such as the Children's Online Privacy Protection Act or the privacy protections in Title V of Gramm-Leach-Bliley.

There is a lack of consensus about whether the U.S. should move toward the establishment of some type of national privacy regulatory agency or whether the existing combination of courts, consumer protection authorities, Attorney Generals and various federal agencies provide a more than adequate privacy regulatory presence.

There is also the troubling question of preemption. In an electronic environment where information moves across local, state, and national borders in nanoseconds, does it really make any sense to allow the location of data, sometimes the momentary location of data, to dictate the rules that apply?

The stakes are high. As a nation, we must find a way to protect information privacy and to give our citizens confidence that they can engage in e-commerce and provide access to their personal information, knowing that the information will be used appropriately and in ways that are consistent with their understanding of the transaction.

At the same time, we must preserve the ability of the business community to use personal information effectively to promote consumer convenience and to drive down the cost and improve the quality of goods and services; and to personalize the marketplace—in a very real sense, revolutionize the marketplace—to spur growth and to give consumers information about the goods and services which consumers wish to receive.

The Privacy Commission created by H.R. 4049 will not answer every question to everyone's satisfaction. But, there is every reason to believe that this is exactly the right time for a Privacy Commission to look at these questions, as well as the profound changes in the underlying technology and the underlying business models that have ignited the current privacy debate. This will allow us to get to our destination with fewer mistakes and in a way that encourages the effective use of personal information while protecting privacy.

The Privacy Commission Act is supported by The Information Technology Industry Council, The Center for Democracy and Technology, The American Electronics Association, The Information Technology Association of America, and The Association for Competitive Technology.

I would like to thank ASA for his leadership on this issue and I urge my colleagues to support the serious study of these important issues and to vote for this important legislation.

Mr. WAXMAN. Mr. Speaker, may I inquire how much time each side has remaining.

The SPEAKER pro tempore (Mr. PEASE). The gentleman from California

(Mr. WAXMAN) has 6½ minutes remaining. The gentleman from California (Mr. HORN) has 50 seconds remaining.

Mr. WAXMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana (Mr. TAUZIN).

Mr. TAUZIN. Mr. Speaker, I thank the gentleman from California (Mr. WAXMAN) very much for yielding me this time.

Mr. Speaker, I rise in opposition to this legislation. Let me explain quickly why. First, it is important to know that this body has legislated for the past 30 years on privacy concerns. There are at least a dozen or so privacy bills that already have been passed by this body, some recently dealing with children online, some recently dealing with financial services, issues, or medical records. We continue to examine those before the Committee on Commerce and other committees of this body.

Recently, the Chamber of Commerce put on an extraordinary function at Lansdowne, Virginia where we brought in private sector individuals and learned a great deal more about the issue. The staff, as we speak, of the Committee on Commerce is working with my staff to see if we cannot have one additional hearing before we leave Congress this year as we prepare for what the Committee on Commerce expects to do in this area next year. But the last thing we need to do, in my opinion, is to give this issue to some commission to make decisions about these critical issues.

Let me tell my colleagues about a report that GAO just did at the request of the gentleman from Texas (Mr. ARMEY) and I. The gentleman from Texas (Mr. ARMEY) and I asked GAO to look at Federal Web sites to see how well they protected privacy and to use the FTC standard to find out which among our Federal sites were out of line.

Do my colleagues know how many sites on the Federal Web complied with the FTC guidelines? Three percent. Fourteen percent of them had cookies. Everyone of them was gathering personal information. Only 23 percent met the test for security, which means those Web sites are open to hackers every day.

The bottom line is the Federal Government itself does not have its act in order. Our own Federal Web sites, 3 percent only comply with the FTC. Yet, we are going to appoint a commission to tell us how the private sector should be adopting rules on privacy. No, I think that is our responsibility. I think our responsibility is, number one, number one, to get the Federal Web sites in line so that, on the Federal site where one has to give up information to the government, that information is protected properly; and then, two, for the Committee on Commerce and the legislature to come up with some good legislation for the private sector.

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

Mr. Speaker, along the lines of the argument just made by the gentleman from Louisiana (Mr. TAUZIN), I want to point out that a number of privacy experts, including individuals from the Electronic Privacy Information Center, Consumer Action, Privacy Times, the Privacy Rights Clearinghouse, the Free Congress Foundation, Junk Busters and others, they said: "We oppose this bill because it is unlikely to advance privacy protections in the United States. To the contrary, if adopted, it would likely retard the progress of legislation that would result in meaningful protections for Americans."

"Enacting this bill would give the appearance that Congress was finally doing something about protecting Americans' right to privacy when, in fact, it was not. Such a result would be unfair to the American people."

I agree with the argument that the gentleman from Louisiana (Mr. TAUZIN) and others have made, and I would urge my colleagues to oppose this legislation.

Mr. Speaker, I am glad to yield 2 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, I thank the gentleman from California for yielding me this time.

Mr. Speaker, let me give my colleagues an illustration of the problem that we have right now. The gentleman from Iowa (Mr. LEACH), Republican, passed a bill earlier out of his committee that would have given additional opt-in protections for medical information. It passed out of the Committee on Banking and Financial Services 26 to 14. That was back on June 29 of this year. The bill has not been heard from since.

It just sits over there with the leadership on the Republican side holding onto this bill even though, on a bipartisan basis, Democrats and Republicans have already come to an agreement that the financial records that include sensitive medical information should be protected with this extra level of an opt-in protection.

In addition, I mean, we can go down the litany, the gentleman from California already went down earlier the litany of bills which have been introduced in this Congress which are still awaiting hearings, still awaiting deliberation. But it is hard for Members of Congress to reach that bipartisan consensus if no hearings are being held by the Republican leadership on these very sensitive subjects.

And to basically subcontract out our responsibility to a commission when the American public expects us to be making those decisions ourselves, and we have the capacity to do so, while we feign ignorance, we are basically saying there is an invincible ignorance on our part, when we cannot understand these issues, when in fact the reality is that, when we act on these issues, when we move, the Republican leadership then blocks them from coming out here on the floor because the industries that

are affected do not want the American people to have any additional privacy.

That is the core issue that we are talking about here, whether or not we are going to take on those large industries who basically have a commercial stake in compromising the privacy of every single American.

At this point in time, if we look down the litany of bills that have been before the Congress over the past year, we can say that, without question, that there can only be a zero which is given to the Republican leadership in dealing with this issue of American privacy.

Mr. WAXMAN. Mr. Speaker, I yield 30 seconds to the gentleman from Virginia (Mr. MORAN).

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

Mr. Speaker, I would ask my colleague if he is aware, I was the author of the opt-in requirement on licensing and registration of automobile vehicles, and it is working. But it was done in a bipartisan way if the gentleman will recall and we had adequate information.

I would suggest to my colleague that if he has legislation that can pass that the authors of this bill would be more than happy to sign on to that legislation and support it.

□ 1530

We just want to get something done that will work, that is constructive, and that is sustainable.

Mr. WAXMAN. Mr. Speaker, I yield myself such time as I may consume to point out that the predecessor of the gentleman from California (Mr. HORN) of the committee that has the jurisdiction over privacy legislation, the gentleman from California (Mr. CONDIT), worked for many years on the issue of medical privacy; and, as a result, the gentleman from California (Mr. CONDIT) introduced a bill that had conservatives to liberals in the House on his legislation.

Rather than build on that legislation and move it forward, the Republican leadership let it languish. Rather than work to resolve the issues of financial privacy, the Republican leadership in the Congress has not brought that to the floor. What the Republican leadership in the Congress has suggested we do about privacy is set up another commission. And many of us fear that setting up another commission is an excuse not to move forward. That is why, when this commission legislation was brought before the committee, we wanted a mandatory deadline to force actual action to protect people's privacy, not simply to continually study it.

So I regret we do not have legislation on the subject, and that is why I would urge that we do not agree to this bill on suspension. I urge my colleagues to vote "no."

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

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

Obviously, this is the only thing that is going to happen, and it sounds like a lot of bipartisanship that we pride ourselves on in our subcommittee, with the gentleman Texas (Mr. TURNER) and the gentlewoman from New York (Mrs. MALONEY) over the years, is somehow missing here.

I am very sorry that the ranking Democrat on the full committee cannot go along on this. If the gentleman knew he was going to kill it, why did he not say it when we had it before the full committee instead of playing games here when we are getting near an election?

Mr. Speaker, I yield the balance of my time to the gentleman from Arkansas (Mr. HUTCHINSON), who spent a lot of hours and weeks and months on this legislation.

Mr. HUTCHINSON. Mr. Speaker, how much time remains?

The SPEAKER pro tempore (Mr. PEASE). The gentleman from Arkansas (Mr. HUTCHINSON) has 30 seconds.

Mr. HUTCHINSON. Mr. Speaker, one thing I believe we agree on is that we want to go in the same direction in protecting privacy. The bottom line here is that, for whatever reason, the bill of the gentleman from Massachusetts (Mr. MARKEY) is not moving through the Committee on Commerce.

Please do not disappoint people who want to do something about privacy by saying we are not going to do anything this year. This is our only opportunity. I hope we can come back and do something in the Committee on Commerce, but I also hope this bill can pass this year, and I ask for my colleagues' support.

Mr. STARK. Mr. Speaker, enactment of federal legislation to protect the medical privacy of Americans has been a subject of congressional debate for years. More recently, with passage of the financial modernization legislation last year, financial privacy has been on the minds of millions, and electronic privacy concerns are becoming a major source of friction for dot.com companies and consumers.

Legislative solutions in these areas are not simple. Inevitably, the rules that will do the most to protect consumers cause affected businesses to object that they would be burdensome and costly. But reasonable solutions are needed, or the fears that many harbor now—that public and private entities they know nothing about are somehow gaining access without their knowledge to intimate (and sometimes damaging and embarrassing) information about them—will increasingly cause privacy-protective consumers to take extreme measures to avoid releasing as much personal information as possible. Or, they may simply decide to lie.

Already, surveys tell us that some consumers are deciding not to seek certain medical treatments—genetic tests in particular—because they fear that the results could render them uninsurable. On the other hand, insurers insist that they have a right to seek and demand as much information as possible in order to accurately determine risk and premiums.

Legislation is urgently needed to set boundaries and rules that are fair, reasonable, broad and balanced. There are many such bills that are pending in this Congress that would do much to advance the privacy agenda. Regrettably, they have been bottled up in committee. Among these bills are:

H.R. 4380, a bill developed by the administration and introduced by Representative JOHN LAFALCE (D-NY). The legislation would inform and empower consumers in the area of financial privacy by giving them the choice of saying "yes" or "no" before any disclosure of their medical information that is gathered by financial institutions (which include insurers). It would also allow consumers who chose to take the initiative to stop the transfer of other personal financial information that would otherwise take place.

H.R. 4585, introduced by Representative JIM LEACH (R-Iowa) would also enhance financial privacy protections by giving consumers an affirmative "opt in" choice before their medical information could be shared by financial institutions. The bill also features a federal private right of action. It was marked up by the House Banking Committee on June 29, where it was approved 26–14.

H.R. 1941, introduced by Representative GARY CONDIT (D-Calif.) would give consumers control over the use and disclosure of their medical records, and private health plans, physicians, insurers, employers, and others clear rules for how medical records should be handled. Consumers whose privacy was violated would have legal redress through a private right of action.

H.R. 4611, introduced by Representative EDWARD MARKEY (D-Mass.) features the administration's proposals to strengthen privacy protections for use of Social Security numbers.

H.R. 3321, introduced by Representative MARKEY and Representative BILL LUTHER (D-Minn.) would provide comprehensive privacy protections on the Internet.

H.R. 4857, introduced by Representative CLAY SHAW (R-Fla.) and JERRY KLECZKA (D-Wisc.) was approved last week by the House Ways and Means Committee, and aims to curb identity theft with new rules restricting abuse of Social Security numbers. No floor action on the bill has yet been scheduled.

By comparison, the bill on today's suspension calendar, the Privacy Commission Act (H.R. 4049) offers no solutions. Instead, it calls for a 17-member commission to spend 18 months and \$5 million to figure out what to do. There is nothing inherently wrong with studying privacy. But the majority party, in putting only this legislation on the floor during the 106th Congress, misses the main point, which is that we need to be legislating—not sitting on our hands and waiting for input from a commission that may or may not provide additional worthwhile insights on crafting sound privacy policy in 2002.

Nor do we need a commission to second-guess the medical privacy regulations that will soon be issued by the Department of Health and Human Services. There are some in the health industry who are hoping a commission will call for further delay in the date on when the HHS regulations take effect, and who will use the commission to raise hypothetical concerns about their workability and cost. Yet the regulations are already subject to a 2-year implementation timeline, giving stakeholders a long lead-time to prepare and put in place

some initial necessary safeguards to protect consumers' medical records from misuse and abuse.

I urge my colleagues to raise their voices in support of real privacy legislation that will provide comprehensive medical, financial, and Internet protections for all Americans.

Mr. DAVIS of Virginia. Mr. Speaker, I rise today in support of H.R. 4049, the Privacy Commission Act. I am proud to be an original sponsor of this bill, which would be a significant step forward toward creating a comprehensive framework for the protection of personal privacy.

The Privacy Commission would be unique in Congress because of its comprehensive approach to dealing with the growing concern Americans have regarding the protection of their personal privacy—whether that be online privacy, identity theft, or the protection of health, medical, financial, and governmental records. The Commission would be charged with investigating the problem of protecting personal privacy in a broad-based fashion, across-the-industry spectrum. After an extensive 18 month investigation, the commission will then be required to recommend whether additional legislation is necessary, what specific proposals would be effective, and proposals for non-governmental privacy protection efforts as well.

This bipartisan commission would be comprised of 17 members representing experts of various industries and organizations whose work impacts individual's personal privacy. Specifically, the commission would be representing federal, state, and local governments; business and industry groups; academics; consumer groups; financial services groups; public policy and advocacy groups; medical groups; civil liberties experts; and the media, though it is not limited to just these areas.

Mr. Speaker, in these times of rapidly changing technology, people are uncertain and fearful about who has access to their personal information and how that information is being used. The Privacy Commission would examine the entire spectrum of privacy issues and find solutions that will aggressively protect these growing concerns. I urge all my colleagues to vote in support of the Privacy Commission Act.

Ms. SLAUGHTER. Mr. Speaker, I rise in opposition to H.R. 4049, the Privacy Commission Act.

As my colleagues know, this legislation would establish a commission to study various aspects of privacy—financial, medical, electronic, and so on—and make recommendations to Congress. The 15 commission members would have 18 months to complete their work.

My objections to this bill have little to do with its actual substance. If the majority prefers to study an issue rather than act upon it, they are welcome to do so. I am deeply disturbed, however, that they would deny those of us who wish to act the opportunity to offer amendments.

In many cases, we know privacy does not exist, and we know how to provide the protections that American consumers are demanding. Just last week, the Institute for Health Freedom released a Gallup survey finding that 78 percent of those polled considered it very important that their medical records be kept

confidential. Individuals are particularly concerned about their genetic privacy. Genetic information is perhaps the most personal information that can be learned about an individual, and can have enormous ramifications for their future. As a result, Americans are especially worried that their genetic information could fall into the wrong hands and be used to undermine, rather than advance, their best interests.

I am proud to sponsor H.R. 2457, the Genetic Nondiscrimination in Health Insurance and Employment Act. As its title states, this legislation would prevent insurers and employers from using genetic information to discriminate against individuals. The bill has the support of dozens of organizations, as well as over 130 bipartisan cosponsors. It was developed with the review and input of all the stakeholders, including consumers, health care professionals, and providers. H.R. 2457 has been enthusiastically endorsed by the administration, and the President has called repeatedly for its passage.

Nevertheless, this legislation languishes in committee without so much as a hearing. The majority has buried this reasonable, responsible, timely legislation in favor of establishing a commission that will, in this case, simply tell us what we already know.

I have traveled all over the nation to discuss genetic discrimination issues. At every turn, I am approached by individuals who tell me that they would like to take a genetic test, but have decided not to do so because they are afraid the results will be obtained by their insurer or employer. I am contacted by doctors who say that their relationships with their patients are being damaged because patients are afraid to have notes about a genetic disorder in their medical records. I receive calls and letters from researchers who tell me that it is getting more difficult every year to recruit participants in genetic research.

Congress has already waited too long to act on this issue. We cannot waste any more time by deferring to a commission that will not report for a year and a half. I urge my colleagues to vote against H.R. 4049, and to call for its consideration under regular order.

Mr. DINGELL. Mr. Speaker, I rise in opposition to H.R. 4049, the "Privacy Commission Act."

We don't need a commission to study consumer privacy rights. Consumers either have the right to determine how personal information they gave others will be used, or they don't. In my view, consumers deserve this right. Spending 18 months studying privacy and \$5 million of the taxpayers money will not bring us any closer to deciding this fundamental issue. Only Members of the Congress, not members of a study commission, can decide whether to protect consumer privacy.

What consumers are demanding is a simple and clear statement from Congress that banks, insurance companies, securities firms, HMO's, and other entities cannot disseminate or use personal information in ways the consumer has not approved. That's not a complicated concept, although many who don't want to protect consumer privacy will maintain that it is. One hundred and thirty-eight of our colleagues are cosponsors of one such bill that we should have the opportunity to consider either as an amendment to the bill before us or on its own.

That legislation, H.R. 2457, is sponsored by our colleague, Mrs. SLAUGHTER, and prohibits

genetic discrimination in determining eligibility for health insurance and employment. Polls show that more than 80 percent of those surveyed are afraid that genetic information could be used against them. One hundred and seventy-eight of our colleagues have signed a discharge petition to bring this matter to the floor for a vote. Outside medical professional groups, including the Director of the National Human Genome Research Institute, support the bill. The administration strongly support it, and the platforms of both major national parties include planks that call for legislation like H.R. 2457.

Clearly, Members are ready to act on genetic privacy, yet the Republican House leadership says we can't. The chairman of the Commerce Committee has repeatedly rejected requests from Democratic Members to let the committee act on this important legislation. In fact, Republican leadership won't even permit an amendment prohibiting genetic discrimination to be offered to the matter before us.

That's just plain wrong, and the Republican majority should not be allowed to cite passage of this meaningless commission bill as evidence that they have concerns for consumer privacy. If they truly were concerned about consumer privacy we'd be considering Mrs. SLAUGHTER's bill, or others like it that are intended to legally protect consumer privacy, not just study it. At the very least, Members should have the right to amend this bill with proposals that provide consumers real and needed protection.

Mr. Speaker, I urge my colleagues to vote "no" on H.R. 4049.

Mr. WATTS of Oklahoma. Mr. Speaker today I rise in support of H.R. 4049, the Privacy Commission Act. I commend the gentleman from Arkansas, Mr. HUTCHINSON, on this fine piece of legislation.

Mr. Speaker, as we enter into this new millennium, the Internet has taken the American economy to unseen levels of prosperity. The Internet has contributed to a stock market which has reached unimaginable highs.

However, with this amazing new medium, we must be cautious of the privacy of individuals. The Internet, this storehouse of financial, personal and medical information can be easily abused and unjustly destroy people's credit, reputation and security. America's families have a right to be concerned." This Congress must take steps to assure families that their privacy will be protected in the modern age.

This piece of legislation will create a bipartisan committee to study privacy and its protection. Mr. Speaker this legislation will take monumental steps in protecting individual privacy in the 21st Century. This commission will spend 18 months discussing the question of privacy, and find the answers to these questions.

Mr. Speaker, I support this important piece of legislation and urge my colleagues to vote yes on H.R. 4049, the Privacy Commission Act.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. HORN) that the House suspend the rules and pass the bill, H.R. 4049, as amended.

The question was taken.

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

The yeas and nays were ordered.

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

#### ENHANCED FEDERAL SECURITY ACT OF 2000

Mr. CANADY of Florida. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4827) to amend title 18, United States Code, to prevent the entry by false pretenses to any real property, vessel, or aircraft of the United States or secure area of any airport, to prevent the misuse of genuine and counterfeit police badges by those seeking to commit a crime, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4827

*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 "Enhanced Federal Security Act of 2000".*

#### SEC. 2. ENTRY BY FALSE PRETENSES TO ANY REAL PROPERTY, VESSEL, OR AIRCRAFT OF THE UNITED STATES, OR SECURE AREA OF AIRPORT.

*(a) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by adding at the end the following:*

**"§ 1036. Entry by false pretenses to any real property, vessel, or aircraft of the United States or secure area of any airport**

*"(a) Whoever, by any fraud or false pretense, enters or attempts to enter—*

*"(1) any real property belonging in whole or in part to, or leased by, the United States;*

*"(2) any vessel or aircraft belonging in whole or in part to, or leased by, the United States; or*

*"(3) any secure area of any airport;*

*shall be punished as provided in subsection (b) of this section.*

*"(b) The punishment for an offense under subsection (a) of this section is—*

*"(1) a fine under this title or imprisonment for not more than five years, or both, if the offense is committed with the intent to commit a felony;*

*or*

*"(2) a fine under this title or imprisonment for not more than six months, or both, in any other case.*

*"(c) As used in this section—*

*"(1) the term 'secure area' means an area access to which is restricted by the airport authority or a public agency; and*

*"(2) the term 'airport' has the meaning given such term in section 47102 of title 49."*

*(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 47 of title 18, United States Code, is amended by adding at the end the following new item:*

*"1036. Entry by false pretenses to any real property, vessel, or aircraft of the United States or secure area of any airport."*

#### SEC. 3. POLICE BADGES.

*(a) IN GENERAL.—Chapter 33 of title 18, United States Code, is amended by adding at the end the following:*

**"§ 716. Police badges**

*"(a) Whoever—*

*"(1) knowingly transfers, transports, or receives, in interstate or foreign commerce, a counterfeit police badge;*

*"(2) knowingly transfers, in interstate or foreign commerce, a genuine police badge to an individual, knowing that such individual is not authorized to possess it under the law of the*

place in which the badge is the official badge of the police;

“(3) knowingly receives a genuine police badge in a transfer prohibited by paragraph (2); or

“(4) being a person not authorized to possess a genuine police badge under the law of the place in which the badge is the official badge of the police, knowingly transports that badge in interstate or foreign commerce; shall be fined under this title or imprisoned not more than six months, or both.

“(b) It is a defense to a prosecution under this section that the badge is used or is intended to be used exclusively—

“(1) as a memento, or in a collection or exhibit;

“(2) for decorative purposes;

“(3) for a dramatic presentation, such as a theatrical, film, or television production; or

“(4) for any other recreational purpose.

“(c) As used in this section—

“(1) the term ‘genuine police badge’ means an official badge issued by public authority to identify an individual as a law enforcement officer having police powers; and

“(2) the term ‘counterfeit police badge’ means an item that so resembles a police badge that it would deceive an ordinary individual into believing it was a genuine police badge.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 33 of title 18, United States Code, is amended by adding at the end the following new item:

“716. Police badges.”

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. CANADY) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. CANADY).

#### GENERAL LEAVE

Mr. CANADY of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4827, the legislation under consideration.

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

There was no objection.

Mr. CANADY of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4827, the Enhanced Federal Security Act of 2000. H.R. 4827 will help make our Federal buildings and airports more secure by making it a Federal crime to enter or attempt to enter Federal property under false pretenses. Additionally, the bill will prohibit the trafficking in genuine and counterfeit police badges, which can be used by criminals, terrorists, and foreign intelligence agents to obtain unauthorized access to these secure facilities or to commit other crimes.

The gentleman from California (Mr. HORN) introduced H.R. 4827 in July, and it was reported by voice vote from the Committee on the Judiciary on September 20. The gentleman from California drafted this bill in response to the findings of an oversight investigation conducted by the Subcommittee on Crime, made public at a hearing on May 25 of this year, which revealed serious breaches of security at Federal buildings and airports.

At that hearing, GAO special agents testified that, while posing as plainclothes law enforcement officers, they targeted and penetrated 19 secure Federal buildings and two airports using fake police badges and credentials. In every case, these agents were able to enter agency buildings and secure airport areas while claiming to be armed and carrying briefcases, which were never searched, and were big enough to be packed with large quantities of explosives, chemical or biological agents. The agencies penetrated included the CIA, the Defense Department, the Pentagon, the FBI, the Justice Department, the State Department, and the Department of Energy.

To address the serious threat to our national security posed by individuals carrying fake badges and credentials, H.R. 4827 would do two things. First, it would make it a Federal crime to enter or attempt to enter Federal property or the secure area of an airport under false pretenses. A person entering such property under false pretenses would be subject to a fine and up to 6 months in prison. Additionally, a person entering such property under false pretenses, with the intent to commit a felony, would be subject to a fine and up to 5 years in prison.

H.R. 4827 would also prohibit trafficking in genuine and counterfeit police badges in interstate or foreign commerce. A person trafficking in police badges would be subject to a fine and up to 6 months in prison.

The bill creates a defense to prosecution to protect those who possess a badge as a memento, in a collection or exhibit, for decorative purposes, for dramatic presentation, or for recreational purposes.

Mr. Speaker, I want to thank the gentleman from California (Mr. HORN) for introducing this bill and the gentleman from Virginia (Mr. SCOTT) for working with us to improve it in the Committee on the Judiciary. This bill is an important step towards closing a major gap in security that currently exists at our Nation's most secure buildings and airports. We live in a time that some people call the age of terrorism. It is a time that calls for heightened vigilance and security. We must do all we can to thwart and punish those who would threaten our public safety and national security.

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

Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. HORN).

Mr. HORN. Mr. Speaker, H.R. 4827, as the gentleman noted, seeks to prohibit those who abuse forms of false identification, including the law enforcement badge, from committing crimes against innocent people.

This legislation prohibits entry under false pretense to Federal Government buildings and the secure area of any airport, but it also bans the interstate and foreign trafficking of counterfeit and genuine police badges

among those not authorized to possess such a badge. There is no attempt to harm collectors in any way. These are just people that are crooks and are rapists, and there are a whole series of these.

There is currently no Federal law dealing with counterfeit badges of State and local law enforcement agencies. Existing law only prohibits the unauthorized sale or possession of a Federal Government badge. H.R. 4827 complements existing law by prohibiting the misuse of State and local law enforcement agency badges.

This problem first came to my attention when David Singer, police chief of Signal Hill, a wonderful little community in my district, informed me how easy it is to obtain police badges. The local Fox television affiliate in Los Angeles conducted an undercover investigation in which the undercover reporter easily bought a fake Los Angeles Police Department badge, a California Highway Patrol badge, and a Signal Hill Police Department badge for relatively low cost.

Earlier this year, at the request of the gentleman from Florida (Mr. MCCOLLUM), chairman of the Subcommittee on Crime of the Committee on the Judiciary, the General Accounting Office, as we all heard, conducted an undercover investigation of security in Federal Government buildings. This investigation revealed critical lapses in policy, and the gentleman from Florida (Mr. CANADY) has covered that.

These undercover agents flashed fake law enforcement badges, which were easily obtained through the Internet, to penetrate secure areas in 19 government offices and two major airports. The General Accounting Office agents acquired the fake badges from public sources. Counterfeit law enforcement identification was created using commercially available information downloaded from the Internet. The ease with which the General Accounting Office agents were able to penetrate security suggests that the same opportunity exists for criminals to assume false identities and engage in criminal behavior.

Fake badges are especially dangerous when used to commit crimes against innocent individuals who trust in the authority of law enforcement officials. In two separate incidents in Tampa, Florida, an unidentified man attempted to abduct a young boy by using a fake police badge. In Chicago, Illinois, police recently arrested a suspect who used a fake police badge to commit a series of home invasion and sexual assaults against women. Just last week a Newark man was charged with illegal weapons possession and impersonating an officer. After his arrest for drunken driving, an investigation revealed that he was using a fake Newark police badge to avoid arrest and mislead his family and friends.

Although the bill is focused on curbing the criminal activity associated with misuse of the badge, concern has

been voiced, as I noted earlier, by legitimate badge collectors, and we have met their concerns. H.R. 4827 includes exceptions for cases where the badge is used exclusively in a collection or exhibit, for decorative purposes, or for a dramatic presentation such as a theater film or television production.

H.R. 4827 has bipartisan support as well as the support of the Fraternal Order of Police, the International Brotherhood of Police Officers, the California Peace Officers Association, and the California Narcotics Officers Association. Mr. Speaker, I urge my colleagues to support and pass H.R. 4827.

Mr. SCOTT. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of the Enhanced Federal Security Act of 2000, which addresses in part the vulnerabilities of Federal agencies, which were exposed by the May 2000 GAO investigatory report referred to by the gentleman from Florida (Mr. CANADY).

In its original form, this bill would make it a Federal crime to enter or attempt to enter Federal property or a secure area of an airport under false pretenses. The person who enters Federal property under false pretenses is subject to a fine of up to 2 years in prison. If such an entry were done with the intent to commit a crime, the person would be punished with a fine and up to 5 years in prison.

The bill would also prohibit trafficking in police badges, whether real or counterfeit. A person trafficking in badges would be subject to a fine and up to 6 months in prison. A person is, however, permitted to possess a badge or badges in a collection or exhibit, for decorative purposes, or for dramatic presentations such as a theatrical film or television production.

Mr. Speaker, at the Subcommittee on Crime's mark of this legislation, I indicated that, while I support the purpose of the bill, I had concerns regarding certain provisions. Following discussions between our staffs, the chairman of the subcommittee, the gentleman from Florida (Mr. MCCOLLUM), offered an amendment at the full committee which addressed my concerns and which were ultimately adopted by the Committee on the Judiciary.

Specifically, the amendment reduced the possible term of imprisonment for simple trespass from 2 years to 6 months, a term which is consistent with other Federal criminal trespass provisions. Further, the amendment provides that the felony provisions under the law require entry by false pretenses with the intent to commit a felony, as opposed to any crime, which the original bill provided.

Finally, the amendment makes it clear that transferring, transporting, or receiving a replica of a police badge as a memento or for recreational purposes, such as a toy, would not constitute a criminal offense under the bill.

Mr. Speaker, with those changes, I believe that H.R. 4827 addresses the

vulnerabilities of Federal agencies which were exposed in May of 2000 without sacrificing individual liberties or imposing penalties out of proportion with the underlying crime. I, therefore, commend the gentleman from California (Mr. HORN), the chairman of the subcommittee, the gentleman from Florida (Mr. MCCOLLUM), and the gentleman from Florida (Mr. CANADY) for their work on this matter; and I urge my colleagues to support the legislation.

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

Mr. CANADY of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. CAMP).

Mr. CAMP. Mr. Speaker, I thank the gentleman from Florida for yielding me this time.

Mr. Speaker, I would like to thank the gentleman from Illinois (Mr. HYDE), chairman of the Committee on the Judiciary, for all of his work, and the work of the entire committee for their work on this bill. I would also like to thank the gentleman from California (Mr. HORN) for his leadership in writing and drafting this bill. It is really about the safety of our citizens, and I believe he should be duly recognized for his efforts.

□ 1545

On June 29, the gentleman from California (Mr. HORN) brought H.R. 4827 before the Speaker's Advisory Group on Corrections. The Corrections Group is a bipartisan group that seeks to fix, update or repeal outdated or unnecessary laws, rules or regulations. This bill received unanimous support from the Corrections Advisory Group.

Earlier this year, agents of the General Accounting Office were able to enter Government buildings with ease by flashing fake badges and pretending to be law enforcement officers. These agents used badges purchased over the Internet. The agents passed through security at two airports without going through the regular security measures. Agents were also able to enter the Justice Department, State Department, FBI Headquarters, and the Pentagon.

H.R. 4827 would prohibit the transfer, transport or receiving in interstate or foreign commerce of a counterfeit or a genuine police badge to an individual not authorized to possess such a badge. The bill would also make it a crime to enter a Government building under false pretenses.

I am proud as chairman of the Advisory Group and as a cosponsor to be here today speaking in favor of H.R. 4827 and would urge support of this measure.

Mr. CANADY of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to join in congratulating the gentleman from California (Mr. HORN) for his leadership. I would like to again thank the gentleman from Virginia (Mr. SCOTT) for his cooperation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, the light that has been shed on the Breaches of Security at Federal Agencies and Airports by the General Accounting Office's (GAO), Office of Special Investigation (OSI) is extremely disturbing to me. The GAO's security test of federal agencies resulted in the OSI being able to breach security at each of the nineteen federal agencies it visited, and two airports.

Mr. Speaker, the Judiciary committee's investigation has highlighted the practicing of selling stolen and counterfeit police badges on the internet and other sources, and the potential to use these items for illegal purposes including breaching the security at through the vessels of our Nation's security is very alarming, to put it mildly, and has led us to hold very informative oversight hearings on these breaches.

GAO agents testified that they breached the offices of several of the Administration's cabinet heads including the Pentagon, Department of Treasury and Department of Commerce. In each of these cases, the agents testified that after producing false badges purchased over the internet, they were waved through check points with their weapons and bags that could have contained explosive devices. In fact, the agents testified that on several occasions they were left unescorted as they wandered through the personal offices of several cabinet heads.

Under the bill, anyone who enters federal property or a secure airport by posing as a police officer would be subject to a fine and up to 6 months in prison. If that person intends to commit a felony, the felony would be a fine and up to 5 years in prison.

H.R. 4827 also prohibits transfer, transport or receipt of a counterfeit police badge through interstate or foreign commerce and provides a penalty of a fine and up to 6 months in prison for doing so. This prohibition also applies to individuals who transfer a real police badge to someone who is not authorized to have it.

Mr. Speaker, I support this legislation and urge my colleagues to pass this common-sense bill. We must not delay to act when the security of our Nation's fortress is in question.

Mr. CANADY of Florida. Mr. Speaker, having no further requests for time, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from Florida (Mr. CANADY) that the House suspend the rules and pass the bill, H.R. 4827, as amended.

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

A motion to reconsider was laid on the table.

#### DNA ANALYSIS BACKLOG ELIMINATION ACT OF 2000

Mr. CANADY of Florida. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4640) to make grants to States for carrying out DNA analyses for use in the Combined DNA Index System of the Federal Bureau of Investigation, to provide for the collection and analysis of DNA samples from certain violent and sexual offenders for

use in such system, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4640

*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 "DNA Analysis Backlog Elimination Act of 2000".

#### SEC. 2. AUTHORIZATION OF GRANTS.

(a) AUTHORIZATION OF GRANTS.—The Attorney General may make grants to eligible States for use by the State for the following purposes:

(1) To carry out, for inclusion in the Combined DNA Index System of the Federal Bureau of Investigation, DNA analyses of samples taken from individuals convicted of a qualifying State offense (as determined under subsection (b)(3)).

(2) To carry out, for inclusion in such Combined DNA Index System, DNA analyses of samples from crime scenes.

(3) To increase the capacity of laboratories owned by the State or by units of local government within the State to carry out DNA analyses of samples specified in paragraph (2).

(b) ELIGIBILITY.—For a State to be eligible to receive a grant under this section, the chief executive officer of the State shall submit to the Attorney General an application in such form and containing such information as the Attorney General may require. The application shall—

(1) provide assurances that the State has implemented, or will implement not later than 120 days after the date of such application, a comprehensive plan for the expeditious DNA analysis of samples in accordance with this section;

(2) include a certification that each DNA analysis carried out under the plan shall be maintained pursuant to the privacy requirements described in section 210304(b)(3) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14132(b)(3));

(3) include a certification that the State has determined, by statute, rule, or regulation, those offenses under State law that shall be treated for purposes of this section as qualifying State offenses;

(4) specify the allocation that the State shall make, in using grant amounts to carry out DNA analyses of samples, as between samples specified in subsection (a)(1) and samples specified in subsection (a)(2); and

(5) specify that portion of grant amounts that the State shall use for the purpose specified in subsection (a)(3).

(c) CRIMES WITHOUT SUSPECTS.—A State that proposes to allocate grant amounts under paragraph (4) or (5) of subsection (b) for the purposes specified in paragraph (2) or (3) of subsection (a) shall use such allocated amounts to conduct or facilitate DNA analyses of those samples that relate to crimes in connection with which there are no suspects.

(d) ANALYSIS OF SAMPLES.—

(1) IN GENERAL.—The plan shall require that, except as provided in paragraph (3), each DNA analysis be carried out in a laboratory that satisfies quality assurance standards and is—

(A) operated by the State or a unit of local government within the State; or

(B) operated by a private entity pursuant to a contract with the State or a unit of local government within the State.

(2) QUALITY ASSURANCE STANDARDS.—(A) The Director of the Federal Bureau of Investigation shall maintain and make available to States a description of quality assurance protocols and practices that the Director

considers adequate to assure the quality of a forensic laboratory.

(B) For purposes of this section, a laboratory satisfies quality assurance standards if the laboratory satisfies the quality control requirements described in paragraphs (1) and (2) of section 210304(b) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14132(b)).

(3) USE OF VOUCHERS FOR CERTAIN PURPOSES.—A grant for the purposes specified in paragraph (1) or (2) of subsection (a) may be made in the form of a voucher for laboratory services, which may be redeemed at a laboratory operated by a private entity approved by the Attorney General that satisfies quality assurance standards. The Attorney General may make payment to such a laboratory for the analysis of DNA samples using amounts authorized for those purposes under subsection (j).

(e) RESTRICTIONS ON USE OF FUNDS.—

(1) NONSUPPLANTING.—Funds made available pursuant to this section shall not be used to supplant State funds, but shall be used to increase the amount of funds that would, in the absence of Federal funds, be made available from State sources for the purposes of this Act.

(2) ADMINISTRATIVE COSTS.—A State may not use more than three percent of the funds it receives from this section for administrative expenses.

(f) REPORTS TO THE ATTORNEY GENERAL.—Each State which receives a grant under this section shall submit to the Attorney General, for each year in which funds from a grant received under this section is expended, a report at such time and in such manner as the Attorney General may reasonably require, which contains—

(1) a summary of the activities carried out under the grant and an assessment of whether such activities are meeting the needs identified in the application; and

(2) such other information as the Attorney General may require.

(g) REPORTS TO CONGRESS.—Not later than 90 days after the end of each fiscal year for which grants are made under this section, the Attorney General shall submit to the Congress a report that includes—

(1) the aggregate amount of grants made under this section to each State for such fiscal year; and

(2) a summary of the information provided by States receiving grants under this section.

(h) EXPENDITURE RECORDS.—

(1) IN GENERAL.—Each State which receives a grant under this section shall keep records as the Attorney General may require to facilitate an effective audit of the receipt and use of grant funds received under this section.

(2) ACCESS.—Each State which receives a grant under this section shall make available, for the purpose of audit and examination, such records as are related to the receipt or use of any such grant.

(i) DEFINITION.—For purposes of this section, the term "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands.

(j) AUTHORIZATION OF APPROPRIATIONS.—Amounts are authorized to be appropriated to the Attorney General for grants under subsection (a) as follows:

(1) For grants for the purposes specified in paragraph (1) of such subsection—

(A) \$15,000,000 for fiscal year 2001;

(B) \$15,000,000 for fiscal year 2002; and

(C) \$15,000,000 for fiscal year 2003.

(2) For grants for the purposes specified in paragraphs (2) and (3) of such subsection—

(A) \$25,000,000 for fiscal year 2001;

(B) \$50,000,000 for fiscal year 2002;

(C) \$25,000,000 for fiscal year 2003; and

(D) \$25,000,000 for fiscal year 2004.

#### SEC. 3. COLLECTION AND USE OF DNA IDENTIFICATION INFORMATION FROM CERTAIN FEDERAL OFFENDERS.

(a) COLLECTION OF DNA SAMPLES.—

(1) FROM INDIVIDUALS IN CUSTODY.—The Director of the Bureau of Prisons shall collect a DNA sample from each individual in the custody of the Bureau of Prisons who is, or has been, convicted of a qualifying Federal offense (as determined under subsection (d)) or a qualifying military offense, as determined under section 1565 of title 10, United States Code.

(2) FROM INDIVIDUALS ON RELEASE, PAROLE, OR PROBATION.—The probation office responsible for the supervision under Federal law of an individual on probation, parole, or supervised release shall collect a DNA sample from each such individual who is, or has been, convicted of a qualifying Federal offense (as determined under subsection (d)) or a qualifying military offense, as determined under section 1565 of title 10, United States Code.

(3) INDIVIDUALS ALREADY IN CODIS.—For each individual described in paragraph (1) or (2), if the Combined DNA Index System (in this section referred to as "CODIS") of the Federal Bureau of Investigation contains a DNA analysis with respect to that individual, or if a DNA sample has been collected from that individual under section 1565 of title 10, United States Code, the Director of the Bureau of Prisons or the probation office responsible (as applicable) may (but need not) collect a DNA sample from that individual.

(4) COLLECTION PROCEDURES.—(A) The Director of the Bureau of Prisons or the probation office responsible (as applicable) may use or authorize the use of such means as are reasonably necessary to detain, restrain, and collect a DNA sample from an individual who refuses to cooperate in the collection of the sample.

(B) The Director of the Bureau of Prisons or the probation office, as appropriate, may enter into agreements with units of State or local government or with private entities to provide for the collection of the samples described in paragraph (1) or (2).

(5) CRIMINAL PENALTY.—An individual from whom the collection of a DNA sample is authorized under this subsection who fails to cooperate in the collection of that sample shall be—

(A) guilty of a class A misdemeanor; and

(B) punished in accordance with title 18, United States Code.

(b) ANALYSIS AND USE OF SAMPLES.—The Director of the Bureau of Prisons or the probation office responsible (as applicable) shall furnish each DNA sample collected under subsection (a) to the Director of the Federal Bureau of Investigation, who shall carry out a DNA analysis on each such DNA sample and include the results in CODIS.

(c) DEFINITIONS.—In this section:

(1) The term "DNA sample" means a tissue, fluid, or other bodily sample of an individual on which a DNA analysis can be carried out.

(2) The term "DNA analysis" means analysis of the deoxyribonucleic acid (DNA) identification information in a bodily sample.

(d) QUALIFYING FEDERAL OFFENSES.—(1) The offenses that shall be treated for purposes of this section as qualifying Federal offenses are the following offenses under title 18, United States Code, as determined by the Attorney General:

(A) Murder (as described in section 1111 of such title), voluntary manslaughter (as described in section 1112 of such title), or other offense relating to homicide (as described in

chapter 51 of such title, sections 1113, 1114, 1116, 1118, 1119, 1120, and 1121).

(B) An offense relating to sexual abuse (as described in chapter 109A of such title, sections 2241 through 2245), to sexual exploitation or other abuse of children (as described in chapter 110 of such title, sections 2251 through 2252), or to transportation for illegal sexual activity (as described in chapter 117 of such title, sections 2421, 2422, 2423, and 2425).

(C) An offense relating to peonage and slavery (as described in chapter 77 of such title).

(D) Kidnapping (as defined in section 3559(c)(2)(E) of such title).

(E) An offense involving robbery or burglary (as described in chapter 103 of such title, sections 2111 through 2114, 2116, and 2118 through 2119).

(F) Any violation of section 1153 involving murder, manslaughter, kidnapping, maiming, a felony offense relating to sexual abuse (as described in chapter 109A), incest, arson, burglary, or robbery.

(G) Any attempt or conspiracy to commit any of the above offenses.

(2) The initial determination of qualifying Federal offenses shall be made not later than 120 days after the date of the enactment of this Act.

(e) REGULATIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), this section shall be carried out under regulations prescribed by the Attorney General.

(2) PROBATION OFFICERS.—The Director of the Administrative Office of the United States Courts shall make available model procedures for the activities of probation officers in carrying out this section.

(f) COMMENCEMENT OF COLLECTION.—Collection of DNA samples under subsection (a) shall, subject to the availability of appropriations, commence not later than the date that is 180 days after the date of the enactment of this Act.

**SEC. 4. COLLECTION AND USE OF DNA IDENTIFICATION INFORMATION FROM CERTAIN DISTRICT OF COLUMBIA OFFENDERS.**

(a) COLLECTION OF DNA SAMPLES.—

(1) FROM INDIVIDUALS IN CUSTODY.—The Director of the Bureau of Prisons shall collect a DNA sample from each individual in the custody of the Bureau of Prisons who is, or has been, convicted of a qualifying District of Columbia offense (as determined under subsection (d)).

(2) FROM INDIVIDUALS ON RELEASE, PAROLE, OR PROBATION.—The Director of the Court Services and Offender Supervision Agency for the District of Columbia shall collect a DNA sample from each individual under the supervision of the Agency who is on supervised release, parole, or probation who is, or has been, convicted of a qualifying District of Columbia offense (as determined under subsection (d)).

(3) INDIVIDUALS ALREADY IN CODIS.—For each individual described in paragraph (1) or (2), if the Combined DNA Index System (in this section referred to as “CODIS”) of the Federal Bureau of Investigation contains a DNA analysis with respect to that individual, the Director of the Bureau of Prisons or Agency (as applicable) may (but need not) collect a DNA sample from that individual.

(4) COLLECTION PROCEDURES.—(A) The Director of the Bureau of Prisons or Agency (as applicable) may use or authorize the use of such means as are reasonably necessary to detain, restrain, and collect a DNA sample from an individual who refuses to cooperate in the collection of the sample.

(B) The Director of the Bureau of Prisons or Agency, as appropriate, may enter into agreements with units of State or local gov-

ernment or with private entities to provide for the collection of the samples described in paragraph (1) or (2).

(5) CRIMINAL PENALTY.—An individual from whom the collection of a DNA sample is authorized under this subsection who fails to cooperate in the collection of that sample shall be—

(A) guilty of a class A misdemeanor; and

(B) punished in accordance with title 18, United States Code.

(b) ANALYSIS AND USE OF SAMPLES.—The Director of the Bureau of Prisons or Agency (as applicable) shall furnish each DNA sample collected under subsection (a) to the Director of the Federal Bureau of Investigation, who shall carry out a DNA analysis on each such DNA sample and include the results in CODIS.

(c) DEFINITIONS.—In this section:

(1) The term “DNA sample” means a tissue, fluid, or other bodily sample of an individual on which a DNA analysis can be carried out.

(2) The term “DNA analysis” means analysis of the deoxyribonucleic acid (DNA) identification information in a bodily sample.

(d) QUALIFYING DISTRICT OF COLUMBIA OFFENSES.—The Government of the District of Columbia may determine those offenses under the District of Columbia Code that shall be treated for purposes of this section as qualifying District of Columbia offenses.

(e) COMMENCEMENT OF COLLECTION.—Collection of DNA samples under subsection (a) shall, subject to the availability of appropriations, commence not later than the date that is 180 days after the date of the enactment of this Act.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Court Services and Offender Supervision Agency for the District of Columbia to carry out this section such sums as may be necessary for each of fiscal years 2001 through 2005.

**SEC. 5. COLLECTION AND USE OF DNA IDENTIFICATION INFORMATION FROM CERTAIN OFFENDERS IN THE ARMED FORCES.**

(a) IN GENERAL.—(1) Chapter 80 of title 10, United States Code, is amended by adding at the end the following new section:

**“§ 1565. DNA identification information: collection from certain offenders; use**

“(a) COLLECTION OF DNA SAMPLES.—(1) The Secretary concerned shall collect a DNA sample from each member of the armed forces under the Secretary’s jurisdiction who is, or has been, convicted of a qualifying military offense (as determined under subsection (d)).

“(2) For each member described in paragraph (1), if the Combined DNA Index System (in this section referred to as ‘CODIS’) of the Federal Bureau of Investigation contains a DNA analysis with respect to that member, or if a DNA sample has been or is to be collected from that member under section 3(a) of the DNA Analysis Backlog Elimination Act of 2000, the Secretary concerned may (but need not) collect a DNA sample from that member.

“(3) The Secretary concerned may enter into agreements with other Federal agencies, units of State or local government, or private entities to provide for the collection of samples described in paragraph (1).

“(b) ANALYSIS AND USE OF SAMPLES.—The Secretary concerned shall furnish each DNA sample collected under subsection (a) to the Secretary of Defense. The Secretary of Defense shall—

(1) carry out a DNA analysis on each such DNA sample in a manner that complies with the requirements for inclusion of that analysis in CODIS; and

(2) furnish the results of each such analysis to the Director of the Federal Bureau of Investigation for inclusion in CODIS.

“(c) DEFINITIONS.—In this section:

“(1) The term ‘DNA sample’ means a tissue, fluid, or other bodily sample of an individual on which a DNA analysis can be carried out.

“(2) The term ‘DNA analysis’ means analysis of the deoxyribonucleic acid (DNA) identification information in a bodily sample.

“(d) QUALIFYING MILITARY OFFENSES.—(1) Subject to paragraph (2), the Secretary of Defense, in consultation with the Attorney General, shall determine those felony or sexual offenses under the Uniform Code of Military Justice that shall be treated for purposes of this section as qualifying military offenses.

“(2) An offense under the Uniform Code of Military Justice that is comparable to a qualifying Federal offense (as determined under section 3(d) of the DNA Analysis Backlog Elimination Act of 2000), as determined by the Secretary in consultation with the Attorney General, shall be treated for purposes of this section as a qualifying military offense.

“(e) EXPUNGEMENT.—(1) The Secretary of Defense shall promptly expunge, from the index described in subsection (a) of section 210304 of the Violent Crime Control and Law Enforcement Act of 1994, the DNA analysis of a person included in the index on the basis of a qualifying military offense if the Secretary receives, for each conviction of the person of a qualifying offense, a certified copy of a final court order establishing that such conviction has been overturned.

“(2) For purposes of paragraph (1), the term ‘qualifying offense’ means any of the following offenses:

“(A) A qualifying Federal offense, as determined under section 3 of the DNA Analysis Backlog Elimination Act of 2000.

“(B) A qualifying District of Columbia offense, as determined under section 4 of the DNA Analysis Backlog Elimination Act of 2000.

“(C) A qualifying military offense.

“(3) For purposes of paragraph (1), a court order is not ‘final’ if time remains for an appeal or application for discretionary review with respect to the order.

“(f) REGULATIONS.—This section shall be carried out under regulations prescribed by the Secretary of Defense, in consultation with the Secretary of Transportation and the Attorney General. Those regulations shall apply, to the extent practicable, uniformly throughout the armed forces.”

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“1565. DNA identification information: collection from certain offenders; use.”

(b) INITIAL DETERMINATION OF QUALIFYING MILITARY OFFENSES.—The initial determination of qualifying military offenses under section 1565(d) of title 10, United States Code, as added by subsection (a)(1), shall be made not later than 120 days after the date of the enactment of this Act.

(c) COMMENCEMENT OF COLLECTION.—Collection of DNA samples under section 1565(a) of such title, as added by subsection (a)(1), shall, subject to the availability of appropriations, commence not later than the date that is 60 days after the date of the initial determination referred to in subsection (b).

**SEC. 6. EXPANSION OF DNA IDENTIFICATION INDEX.**

(a) USE OF CERTAIN FUNDS.—Section 811(a)(2) of the Antiterrorism and Effective Death Penalty Act of 1996 (28 U.S.C. 531 note) is amended to read as follows:

“(2) the Director of the Federal Bureau of Investigation shall expand the combined DNA Identification System (CODIS) to include analyses of DNA samples collected from—

“(A) individuals convicted of a qualifying Federal offense, as determined under section 3(d) of the DNA Analysis Backlog Elimination Act of 2000;

“(B) individuals convicted of a qualifying District of Columbia offense, as determined under section 4(d) of the DNA Analysis Backlog Elimination Act of 2000; and

“(C) members of the Armed Forces convicted of a qualifying military offense, as determined under section 1565(d) of title 10, United States Code.”

(b) INDEX TO FACILITATE LAW ENFORCEMENT EXCHANGE OF DNA IDENTIFICATION INFORMATION.—Section 210304 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14132) is amended—

(1) in subsection (b)(1), by inserting after “criminal justice agency” the following: “(or the Secretary of Defense in accordance with section 1565 of title 10, United States Code)”;

(2) in subsection (b)(2), by striking “, at regular intervals of not to exceed 180 days,” and inserting “semiannual”;

(3) in subsection (b)(3), by inserting after “criminal justice agencies” in the matter preceding subparagraph (A) the following: “(or the Secretary of Defense in accordance with section 1565 of title 10, United States Code)”;

(4) by adding at the end the following new subsection:

“(d) EXPUNGEMENT OF RECORDS.—

“(1) BY DIRECTOR.—(A) The Director of the Federal Bureau of Investigation shall promptly expunge from the index described in subsection (a) the DNA analysis of a person included in the index on the basis of a qualifying Federal offense or a qualifying District of Columbia offense (as determined under section 3 and 4 of the DNA Analysis Backlog Elimination Act of 2000, respectively) if the Director receives, for each conviction of the person of a qualifying offense, a certified copy of a final court order establishing that such conviction has been overturned.

“(B) For purposes of subparagraph (A), the term ‘qualifying offense’ means any of the following offenses:

“(i) A qualifying Federal offense, as determined under section 3 of the DNA Analysis Backlog Elimination Act of 2000.

“(ii) A qualifying District of Columbia offense, as determined under section 4 of the DNA Analysis Backlog Elimination Act of 2000.

“(iii) A qualifying military offense, as determined under section 1565 of title 10, United States Code.

“(C) For purposes of subparagraph (A), a court order is not ‘final’ if time remains for an appeal or application for discretionary review with respect to the order.

“(2) BY STATES.—(A) As a condition of access to the index described in subsection (a), a State shall promptly expunge from that index the DNA analysis of a person included in the index by that State if the responsible agency or official of that State receives, for each conviction of the person of an offense on the basis of which that analysis was or could have been included in the index, a certified copy of a final court order establishing that such conviction has been overturned.

“(B) For purposes of subparagraph (A), a court order is not ‘final’ if time remains for an appeal or application for discretionary review with respect to the order.”

#### SEC. 7. CONDITIONS OF RELEASE.

(a) CONDITIONS OF PROBATION.—Section 3563(a) of title 18, United States Code, is amended—

(1) in paragraph (7), by striking “and” at the end;

(2) in paragraph (8), by striking the period at the end and inserting “; and”; and

(3) by inserting after paragraph (8) the following:

“(9) that the defendant cooperate in the collection of a DNA sample from the defendant if the collection of such a sample is authorized pursuant to section 3 of the DNA Analysis Backlog Elimination Act of 2000.”

(b) CONDITIONS OF SUPERVISED RELEASE.—Section 3583(d) of title 18, United States Code, is amended by inserting before “The court shall also order” the following: “The court shall order, as an explicit condition of supervised release, that the defendant cooperate in the collection of a DNA sample from the defendant, if the collection of such a sample is authorized pursuant to section 3 of the DNA Analysis Backlog Elimination Act of 2000.”

(c) CONDITIONS OF PAROLE.—Section 4209 of title 18, United States Code, insofar as such section remains in effect with respect to certain individuals, is amended by inserting before “In every case, the Commission shall also impose” the following: “In every case, the Commission shall impose as a condition of parole that the parolee cooperate in the collection of a DNA sample from the parolee, if the collection of such a sample is authorized pursuant to section 3 or section 4 of the DNA Analysis Backlog Elimination Act of 2000 or section 1565 of title 10.”

(d) CONDITIONS OF RELEASE GENERALLY.—If the collection of a DNA sample from an individual on probation, parole, or supervised release is authorized pursuant to section 3 or 4 of this Act or section 1565 of title 10, United States Code, the individual shall cooperate in the collection of a DNA sample as a condition of that probation, parole, or supervised release.

#### SEC. 8. TECHNICAL AND CONFORMING AMENDMENTS.

(a) DRUG CONTROL AND SYSTEM IMPROVEMENT GRANTS.—Section 503(a)(12)(C) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3753(a)(12)(C)) is amended by striking “, at regular intervals of not to exceed 180 days,” and inserting “semiannual”.

(b) DNA IDENTIFICATION GRANTS.—Section 2403(3) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796kk-2(3)) is amended by striking “, at regular intervals not exceeding 180 days,” and inserting “semiannual”.

(c) FEDERAL BUREAU OF INVESTIGATION.—Section 210305(a)(1)(A) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14133(a)(1)(A)) is amended by striking “, at regular intervals of not to exceed 180 days,” and inserting “semiannual”.

#### SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Attorney General to carry out this Act (including to reimburse the Federal judiciary for any reasonable costs incurred in implementing such Act, as determined by the Attorney General) such sums as may be necessary.

#### SEC. 10. PRIVACY PROTECTION STANDARDS.

(a) IN GENERAL.—Except as provided in subsection (b), any sample collected under, or any result of any analysis carried out under, section 2, 3, or 4 may be used only for a purpose specified in such section.

(b) PERMISSIVE USES.—A sample or result described in subsection (a) may be disclosed under the circumstances under which disclosure of information included in the Combined DNA Index System is allowed, as specified in subparagraphs (A) through (D) of section 210304(b)(3) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14132(b)(3)).

(c) CRIMINAL PENALTY.—A person who knowingly—

(1) discloses a sample or result described in subsection (a) in any manner to any person not authorized to receive it; or

(2) obtains, without authorization, a sample or result described in subsection (a), shall be fined not more than \$100,000.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. CANADY) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. CANADY).

#### GENERAL LEAVE

Mr. CANADY of Florida. 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 H.R. 4640.

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

There was no objection.

Mr. CANADY of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4640, the DNA Analysis Backlog Elimination Act, was introduced by the gentleman from Florida (Mr. MCCOLLUM) together with the gentleman from Virginia (Mr. SCOTT) the ranking minority member, the gentleman from Ohio (Mr. CHABOT), the gentleman from New York (Mr. WEINER), and the gentleman from New York (Mr. GILMAN) to address an important problem, the massive backlog of biological samples awaiting DNA analysis in the States.

According to the Justice Department's Bureau of Justice Statistics, approximately 69 percent of publicly operated forensic crime labs across the country have a backlog of unprocessed samples awaiting DNA analysis. While we do not have solid numbers for the total of crime scene and victim samples awaiting analysis, some estimates run into the tens of thousands.

We do know that the backlog of unprocessed samples taken from convicted offenders is nearing 300,000. Even the FBI's own crime lab in Washington has a backlog of samples awaiting DNA analysis.

Our bill addresses this problem by authorizing funding to eliminate the backlog. States seeking funding under the program created by the bill will be required to make application for this funding through the Justice Department's Office of Justice Programs. States seeking these funds will be required to develop and submit to that office a comprehensive plan to eliminate any backlog of samples awaiting DNA analysis.

Many of the samples analyzed will be loaded into the FBI's Combined DNA Index System, known as “CODIS,” a national compute database authorized by Congress in 1994. The purpose of this database is to match DNA samples from crime scenes where there are no suspects with the DNA of convicted offenders.

Clearly, the more samples we have in the system, the greater the likelihood we will come up with matches and solve cases.

One glaring omission in the law that authorized CODIS is that it did not authorize the taking of DNA samples from persons convicted of Federal offenses, District of Columbia offences, and offenses under the Uniform Code of Military Justice. H.R. 4640 will correct that omission. The offenses triggering the sample requirement for Federal and military offenders are specified in the bill and consistent of a number of felony crimes, most involving violence or sex offenses.

The bill leaves it to the District of Columbia government to determine those offenses that will trigger the sample requirement under District of Columbia law. Also, as amended, the bill requires that samples of offenders whose convictions are overturned be removed from the CODIS database. This will be the requirement regardless of whether the offender was convicted of a Federal or State crime.

H.R. 4640 is similar to three bills introduced by the gentleman from Rhode Island (Mr. KENNEDY), the gentleman from New York (Mr. WEINER) and the gentleman from New York (Mr. GILMAN), all three of which were the subject of a hearing before the Subcommittee on Crime on March 23, 2000. The bill before us today builds on the foundation laid by those bills, and I am pleased that the sponsors of those bills are original cosponsors of H.R. 4640.

As this bill has moved through the committee, it has been approved by amendments on both sides. The result is a very good bill, and I am pleased that this bill is the product of that bipartisan cooperation.

I am also pleased to inform my colleagues that H.R. 4640 is supported by the administration, the Federal Law Enforcement Officers Association, and the Fraternal Order of Police.

I want to particularly acknowledge the leadership of the gentleman from Florida (Mr. MCCOLLUM) the chairman of the Subcommittee on Crime, on this important legislation. He has really made it possible for us to bring this legislation forward here today.

I also want to particularly thank the gentleman from Virginia (Mr. SCOTT) the ranking member of the Subcommittee on Crime, for all of his help in crafting the legislation and for being an original cosponsor of the bill which is before the House now.

I urge all of my colleagues to support this important 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, I rise in support of the DNA Analysis Backlog Elimination Act of 2000. This bill represents a compilation of the fine effort by several of our colleagues to address the DNA analysis backlog that has accumulated at laboratories all over the country.

Earlier we conducted in the Subcommittee on Crime hearings on three DNA backlog elimination bills introduced by the gentleman from New York (Mr. GILMAN), the gentleman from Michigan (Mr. STUPAK), the gentleman from Rhode Island (Mr. KENNEDY) and members of the Committee on the Judiciary, the gentleman from New York (Mr. WEINER) and the gentleman from Ohio (Mr. CHABOT).

Elimination of the DNA analysis backlog would be a significant step forward in having our criminal justice system more accurately dispense justice. Not only will it greatly enhance the efficiency and effectiveness of our criminal justice systems throughout the country, but it would also save lives by allowing apprehension and detention of dangerous individuals while eliminating the prospects that innocent individuals would be wrongly held for crimes that they did not commit.

At the same time, I think it is important to recognize that with this expansion comes the increased likelihood that DNA samples and analyses may be misused. We must be ever mindful of our responsibility to protect the privacy of this DNA information, ensuring that it be used only for law enforcement purposes.

To that end, I was pleased that the Committee on the Judiciary agreed to an amendment that would impose criminal penalties for anyone who uses DNA samples or analyses for purposes not designated by the law enforcement officials.

I am also grateful that the majority provided for the expungement of DNA information on individuals whose convictions have been overturned on appeal.

In addition to the criminal penalties for misuse of DNA, I believe that we should encourage each State to develop a specific security protocol to prevent misuse of such samples, since the DNA does include sensitive personal information. This approach will be the only way to ensure that DNA analysis will not be used for unlawful purposes.

This legislation is a positive step for law enforcement, but I am disappointed that it does not include any requirement on States to provide access to DNA testing to convicted persons who did not have the opportunity for DNA testing at the time of their trial. I am hoping that the next Congress will consider additional legislation which would ensure that funds provided for H.R. 4640 might be made available to provide persons who want to prove that they were wrongfully convicted.

Nevertheless, Mr. Speaker, I am very aware of the benefits of this legislation. In fact, through his outstanding work in Virginia, Dr. Paul B. Ferrara, Virginia's Director of the Division of Forensic Sciences, has led efforts in this country on the use of DNA for criminal justice purposes. That is why I am pleased to be a cosponsor of this legislation and urge my colleagues to support the bill.

Mr. STUPAK. Mr. Speaker, I am pleased that the U.S. House is today taking up the DNA Analysis Backlog Elimination Act of 2000 bill. I originally introduced a bill addressing the DNA backlog problem with my colleagues Mr. GILMAN and Mr. RAMSTAD in November 1999. I am so pleased to support this bill on suspension today, as this body acts to bring desperately needed help to our law enforcement during these waning days of the 106th Congress.

This help does not come a moment too soon.

I would like to thank Mr. MCCOLLUM, Mr. SCOTT, Mr. CHABOT, Mr. WEINER and Mr. KENNEDY and all the other Judiciary Committee members who devoted their time and energy to move this important issue to the forefront. This bill would not be on the floor today without the hard work of these members, who held hearings and worked to craft this joint legislation.

This bill helps states and the FBI take a giant step in the fight against crime by eliminating the national backlog of DNA records. Federal, state and local law enforcement will be more connected, and better able to work together to solve crimes. It also closes significant loopholes that currently exist whereby the DNA samples of federal, military and District of Columbia serious offenders are not being collected. Lastly, it contains important privacy and expungement provisions, so that the rights of individual are protected as well.

Right now, state and local police departments cannot deal with the number of DNA samples from convicted offenders and unsolved crimes. These states simply do not have enough time, money, or resources to test and record these samples.

According to the Detroit Free Press, as of May 2000, Michigan has collected 15,000 blood samples from sex offenders since 1991, but state police have so far only run DNA analysis on 500 of them! This is truly frightening.

Unanalyzed and unrecorded DNA samples are useless to law enforcement and to criminal investigations. Let me illustrate why we need these samples tested and recorded, why we need this bill.

John Doe is a convicted offender serving time for a sexual assault. By law, his DNA has been collected, but because of the backlog, it has not been tested and is not in the law enforcement database. John Doe gets out of jail, he commits another sexual assault, and gets away, unidentified by the victim.

Even if the police collect his DNA from the subsequent crime scene, he will not be caught, and his DNA will not be matched up, because his previous DNA sample is sitting on a shelf, still waiting to be tested. In Michigan, his sample would be sitting with the almost 15,000 other samples—untested and therefore useless.

John Doe will stay on the streets, and he will commit more crimes.

This bill does not come a moment too soon, every day that goes by, a real John Doe is out there, committing more rapes, robberies, murders, when he could have been stopped.

This bill also ensures that the DNA samples of federal, District of Columbia, and military offenders are analyzed. The broader the database police have to work with, the better their ability to solve unsolved crimes and prevent future ones.

Because of this bill, you will see the number of unsolved cases go down, and you might see some people freed from jail, exonerated by the new DNA records available. It opens a door to better all around law enforcement and criminal investigation.

We are answering the call for help by police, communities, and victims, and it will save lives. This bill finally strikes back at criminals that until now have been able to strike and strike again and again at our society without being caught.

Mr. KENNEDY of Rhode Island. Mr. Speaker, I want to thank, Mr. McCOLLUM, Mr. SCOTT, and the other Members of the Judiciary Committee for their hard work on this important crime issue.

In September of last year, I introduced, along with Congressman CHABOT and Congressman VISCLOSKEY, The Violent Offender DNA Identification Act of 1999, H.R. 2810.

This bipartisan measure is the predecessor bill to H.R. 4640, which I also was proud to cosponsor.

These bills will put more criminals behind bars by correcting practical and legal obstacles that leave crucial DNA evidence unused and too many violent crimes unsolved.

Every week we hear stories about DNA evidence. Whether it is a prisoner on death row for a crime he didn't commit who is released by DNA evidence or a criminal suspect finally brought to justice using DNA evidence, DNA is making headlines.

Currently, all 50 states require DNA samples to be obtained from certain convicted offenders, and these samples can be shared through a national data base known as CODIS.

The data base is installed in over ninety laboratories and nearly five hundred thousand samples are classified and stored in it.

To date, the FBI has recorded hundreds of matches through DNA data bases, helping solve numerous crimes. As valuable as this system is, it is not being utilized effectively. The problems with the current system include backlog and jurisdiction.

The FBI estimates that there are several hundred thousand DNA samples that have been collected, but still need to be analyzed.

In my State of Rhode Island, the DNA collection began only a year and one half ago, but already there is a backlog of a hundred samples.

Today's bipartisan bill, which was crafted with input from organizations including the FBI and the ACLU, would address this backlog problem and ensure that more crimes will be solved through the matching of DNA evidence.

The bill does two critical things. First, it provides one hundred and seventy million dollars in grants to eliminate the backlog to states to increase their capability to perform DNA analysis. Second, the bill allows Federal, Military and District of Columbia law enforcement agencies to collect DNA evidence.

Under current law, Federal Courts and the local courts of the District of Columbia do not have this ability.

The Federal Courts and the District of Columbia have indicated their support for the ability to conduct testing as states do.

From my home State of Rhode Island, I have heard from lab experts and local law enforcement leaders on the need for this legislation.

It is clear that law enforcement supports legislation in this area. And it is our job in Con-

gress to balance this law enforcement need with the privacy needs of our citizens.

Recently, Congress has been very active on the DNA backlog issue.

I strongly feel that H.R. 4640, however, is the most effective piece of legislation on this topic because it has several provisions to guarantee civil liberties, excludes juveniles from this database and provides for the automatic right to expungement of a sample if a conviction is overturned.

The main sponsors of H.R. 4640, particularly the Ranking Member of the Crime Subcommittee, Mr. SCOTT, worked extensively with the ACLU to address many of their concerns, while taking our underlying model for the bill from the FBI's recommendations.

I feel strongly, that there are several areas of H.R. 4640 that could have been improved upon—including the clear prohibition on the use of funds for arrestee testing, and more specific requirements on States to provide DNA testing to convicted persons who did not have access at the time of their trial.

But, overall this bill has been crafted with the careful and attentive work of both sides of the aisle, in the hopes that it may be further improved during a conference with the other body.

In a bipartisan fashion, we attended to many civil liberty concerns and, therefore, narrowed the types of crimes covered, mandated stricter protocols for the use of DNA, and excluded juvenile offenders.

In this process, we came up with a bill that all members of the House can support.

Violent criminals should not be able to evade arrest simply because a state didn't analyze its DNA samples or because an inexcusable loophole leaves Federal and D.C. offenders out of the DNA data base.

We have the technology to revolutionize law enforcement and forensic science and the key to unlock the door of unsolved crimes—we must use this capacity and make these goals a reality.

Lastly, I want to recognize the hard work of several staffers who were integral in bringing this bill to the floor, most notably, Mr. Bobby Vassar, Minority Counsel for the Judiciary Committee, Mr. Glenn Schmitt with the Majority staff, and Ms. Elizabeth Treanor, Counsel for Mr. Chabot.

I urge all of my colleagues to support the "DNA Analysis Backlog Elimination Act."

Mr. GILMAN. Mr. Speaker, I would like to express my gratitude to Chairman McCOLLUM for his dedication and diligence in bringing H.R. 4640, the DNA Analysis Backlog Elimination Act, to the floor today, and am pleased that this legislation reflects many of the provisions outlined in my measure, H.R. 3375, the Convicted Offender DNA Index System Support Act. I've had the pleasure of working closely with him, Ranking Member SCOTT, and Representatives RAMSTAD, STUPAK, KENNEDY, WEINER, and CHABOT, in developing this legislation, which will meet the needs of prosecutors, law enforcement, and victims throughout our Nation.

Mr. Speaker, in 1994, the Congress passed the DNA Identification Act, which authorized the construction of the Combined DNA Index System, or CODIS, to assist our Federal, State and local law enforcement agencies in fighting violent crime throughout the Nation. CODIS is a master database for all law enforcement agencies to submit and retrieve

DNA samples of convicted violent offenders. Since beginning its operation in 1998, the system has worked extremely well in assisting law enforcement by matching DNA evidence with possible suspects and has accounted for the capture of over 200 suspects in unsolved violent crimes.

However, because of the high volume of convicted offender samples needed to be analyzed, a nationwide backlog of approximately 600,000 unanalyzed convicted offender DNA samples has formed. Furthermore, because the program has been so vital in assisting crime fighting and prevention efforts, our States are expanding their collection efforts. Recently, New York State Governor George Pataki enacted legislation to expand N.Y. State's collection of DNA samples to require all violent felons and a number of non-violent felony offenders, and, earlier this year, the use of the expanded system resulted in charges being filed in a 20-year-old Westchester County murder.

State forensic laboratories have also accumulated a backlog of evidence for cases for which there are no suspects. These are evidence "kits" for unsolved violent crimes which are stored away because our State forensic laboratories do not have the support necessary to analyze them and compare the evidence to our nationwide data bank. Presently, there are approximately 12,000 rape cases in New York City alone, and, it is estimated, approximately 180,000 rape cases nationwide, which are unsolved and unanalyzed. This number represents a dismal future for the success for CODIS and reflects the growing problem facing our law enforcement community. The DNA Analysis Backlog Elimination Act will provide States with the support necessary to combat these growing backlogs. The successful elimination of both the convicted violent offender backlog and the unsolved casework backlog will play a major role in the future of our State's crime prevention and law enforcement efforts.

The DNA Analysis Backlog Elimination Act will also provide funding to the Federal Bureau of Investigation to eliminate their unsolved casework backlog and close a loophole created by the original legislation. Although all 50 states require DNA collection from designated convicted offenders, for some inexplicable reason, convicted Federal, District of Columbia and Military offenders are exempt. H.R. 4640 closes that loophole by requiring the collection of samples from any Federal, Military, or D.C. offender convicted of a violent crime.

Mr. Speaker, as you are aware, our Nation's fight against crime is never over. Every day, the use of DNA evidence is becoming a more important tool to our nation's law enforcement in solving crimes, convicting the guilty and exonerating the innocent. The Justice Department estimates that erasing the convicted offender backlog nationwide could resolve at least 600 cases. The true amount of unsolved cases, both State and Federal, which may be concluded through the elimination of the both backlogs is unknown. However, if one more case is solved and one more violent offender is detained because of our efforts, we have succeeded.

In conclusion, we must ensure that our nation's law enforcement has the equipment and support necessary to fight violent crime and protect our communities. The DNA Analysis Backlog Elimination Act will assist our local,

State and Federal law enforcement personnel by ensuring that crucial resources are provided to our DNA data-banks and crime laboratories.

Mr. THOMPSON of California. Mr. Speaker, I rise in strong support of H.R. 4640, which would assist the states in reducing the backlog of DNA samples that have been collected from convicted offenders and crime scenes.

Recent reports indicate that in my own home state of California there are more than 100,000 unprocessed DNA samples. Even using the state's most optimistic projections, it will take two years to clear that backlog.

Many states are similarly situated. Mired with both funding and collection problems, the U.S. solves far fewer crimes with DNA. But, the potential for improvement is great. While the U.S. may never match Great Britain, which has a long-established DNA database and is reported to crack 300 to 500 cases a week, reducing the backlog of DNA samples will provide both law enforcement with an increasingly important investigative and prosecutorial tool.

H.R. 4640 addresses the backlog by providing a series of grants to assist the states in processing DNA samples collected from violent offenders and samples collected from crime scenes and victims of crime. Specifically, the bill authorizes \$15 million a year in grants for the next three years to process convicted offender DNA samples. In addition, it provides \$25 million to reduce the backlog of crime scene samples, an intrinsically more expensive processing, by both expanding state laboratory facilities and allowing states to contract with private labs.

As important, the bill closes a loophole that has existed with respect to individuals convicted of violent federal crimes and held in federal facilities. Currently, there is no requirement that DNA samples be taken from persons convicted of certain federal crimes. H.R. 4640 fixes this oversight. Of particular interest to me is the bill's requirement that DNA be collected from individuals convicted of violent and sexual offenses under the Uniform Code of Military Justice (UCMJ).

I authored a similar provision in the House-passed FY01 National Defense Authorization Act (H.R. 4205). That language required the Department of Defense to collect, process and analyze DNA identification information from violent and sexual offenders and to provide that information to the Combined DNA Index System (CODIS), national registry of DNA samples. Currently, the Department is not required to collect DNA samples from individuals convicted of qualifying UCMJ offenses.

There is clearly a need to close this loophole. In calendar year 1999, the total number of prisoners under confinement within the Department of Defense correctional facilities for terms other than life or a sentence of death was 963. Of those, 51.5% were confined because of violent and sexual offenses, the kind of offenses for which both H.R. 4640 and H.R. 4205 would require the DoD to collect DNA samples. Under both bills, the DoD would collect, process and analyze DNA samples and provide them to the CODIS database.

Several statistics about the characteristics of the civilian prison population underscore the importance of closing this loophole.

While the number of veterans in the prison facilities nationwide declined as a percentage of the total prison population between 1985 and 1998, the absolute number rose 46%,

from 154,600 to 225,700. According to the most recent data available (1997), a majority (55%) of veterans was sentenced for a violent offense (compared to 46% for non-veterans). And, veterans were twice as likely as non-veterans to be sentenced for a sexual assault, including rape (18% versus 7%).

The data do not answer precisely the question of how many veterans have a prior conviction as a member of the Armed Forces before a subsequent contact with the federal, state or local criminal justice system. However, the data show that 13.8% of the veterans in local jails, 17.4% of veterans in state prison, and 14.9% of veterans in federal prison were not honorably discharged. Many of these veterans had more serious criminal histories than those incarcerated veterans who had been honorably discharged. In fact, 43% of veterans not honorably discharged had at least three prior sentences, compared to 36% of those honorably discharged.

These data support the argument for imposing on the Department of Defense the requirement to collect DNA samples from service members convicted of a qualifying violent or sexual offense. By requiring the collection of DNA, it is likely that service members convicted of a qualifying UCMJ offense may be more readily identified, and quite possibly cleared, should they be suspected of perpetrating a violent crime as a civilian.

I strongly support H.R. 4640. It makes major strides in assisting the states in reducing the DNA backlog and in closing a loophole by which DNA samples from certain federal prisoners was not collected nor added to the national DNA database.

I urge passage of the bill.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I want to extend my gratitude to my colleagues who are interested in providing the fairest possible procedures in the application of the death penalty, the most serious punishment in the criminal justice system.

Much progress has been made since the recent mark-up session regarding this bill. In general, H.R. 4640 provides for the collection and use of DNA identification information from individuals convicted of a qualifying violent or sexual offense under the Federal code, UCMJ, or District of Columbia Code.

DNA (deoxyribonucleic acid), a high tech genetic fingerprint, was first introduced into evidence in a United States court in 1986. After surviving many court challenges, DNA evidence is now admitted in all United States jurisdictions. In fact, it has become the predominant forensic technique for identifying criminals when biological issues are left at a crime scene.

In the Violent Crime Control and Law Act of 1994 (1994 Crime Bill), Congress authorized the FBI to create a national index of DNA samples taken from convicted offenders, crime scenes and victims, and unidentified human remains. This was a crucial step forward because DNA has played such a significant role in our criminal justice system.

In response, the FBI established the Combined DNA Index System (CODIS). CODIS allows State and local forensic laboratories to exchange and compare DNA profiles electronically in an attempt to link evidence from crime scenes for which there are no suspects to DNA samples on file in the system. Today, CODIS is well established across the nation.

All fifty states have enacted statutes requiring certain convicted offenders to provide DNA

samples for analysis and entry into the CODIS system. Nevertheless, it is important to point out that samples from persons convicted of federal crimes, crimes under the District of Columbia code, or offenses under the Uniform Code of Military Justice (UCMJ), are not presently being taken because there is no statutory authority to do so.

In addition, the Department of Justice's Bureau of Statistics (BJA) reports that as of December 1997, approximately 60 percent of the publicly operated forensic crime labs across the country reported a DNA backlog totaling 6,800 unprocessed DNA case samples and an additional 287,000 unprocessed convicted offender samples. While I am encouraged that forensic labs have responded by hiring additional staff and increasing overtime, Congress has merely appropriated \$30 million toward solving the problem. Like some of my colleagues, I am concerned that the backlog continues to grow without adequate resources.

To qualify for funding under this legislation, a state must develop a plan to eliminate any backlog of samples and federal funding under the program may be awarded for up to 75 percent of the cost of the states plan. This is an important step forward in the use of DNA evidence in our federal courts.

I also believe that this legislation would ensure the collection and use of DNA identification information in CODIS from persons convicted of a qualifying violent or sexual offense under the federal code, UCMJ, or District of Columbia Code. Indeed, technical revisions have been made to the preliminary legislation that only strengthen the bill's application several offenses.

It is crucial for defendants to have access to the CODIS system in circumstances that possibly establish innocence. This is particularly important, for instance, in the growing number of capital cases where DNA identification information make a crucial difference.

Reducing the backlog regarding DNA identification information in federal courts is very important for our criminal justice system. To the extent that this legislation helps to eliminate the backlog through these grants, we can work towards establishing a more reliable justice system.

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

Mr. CANADY of Florida. 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 Florida (Mr. CANADY) that the House suspend the rules and pass the bill, H.R. 4640, as amended.

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

A motion to reconsider was laid on the table.

#### STOP MATERIAL UNSUITABLE FOR TEENS ACT

Mr. CANADY of Florida. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4147) to amend title 18, United States Code, to increase the age of persons considered to be minors for the purposes of the prohibition on transporting obscene materials to minors.

The Clerk read as follows:

H.R. 4147

*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 "Stop Material Unsuitable for Teens Act".

**SEC. 2. AGE INCREASE.**

Section 1470 of title 18, United States Code, is amended by striking "16" each place it appears and inserting "18".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. CANADY) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. CANADY).

**GENERAL LEAVE**

Mr. CANADY of Florida. 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 H.R. 4147.

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

There was no objection.

Mr. CANADY of Florida. Mr. Speaker, I yield such time as he may consume to the gentleman from Colorado (Mr. TANCREDO).

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

Mr. Speaker, I rise in support of H.R. 4147, the Stop Material Unsuitable for Teens Act.

In 1998, the Congress passed and the President signed into law the Protection of Children from Sexual Predators Act. This legislation sought to address many practices carried out to the detriment of our youth. This included halting child pornography online to cracking down on violent offenders.

H.R. 4147 would simply include those children under the age of 18 to the list of those who should be protected from harmful and potentially damaging material.

The Protection of Children from Sexual Predators Act also contained new language which provided for enhanced penalties for individuals who knowingly transfer obscene materials to juveniles whether through the mail or interstate commerce. These enhanced penalties carry the weight of up to 10 years incarceration, and/or applicable fines, compared with previous federal statutes under Title 18 of the United States Code that only carried a penalty of 5 years.

The bill is important for it builds upon the efforts of this body to regulate and stem the flood of obscene material throughout this country.

H.R. 4147 would build upon the efforts taken in 1998 to increase penalties against transferring obscene materials to juveniles under 16 years of age. It would raise the age limit for enhanced penalties for transfer to juveniles to 18 years of age and close the loophole left in the law by not protecting youth between the ages of 16 and 18.

If this body is going to act on behalf of our children and concerned parents in limiting exposure to obscene materials, then we should act accordingly and across the board for all juveniles.

The bill would not limit any material that is protected by the First Amendment. It would only limit the material which is defined as obscene.

The Supreme Court has gone on record several times as saying that obscene material is not protected by the First Amendment. Additionally, the Supreme Court has defined "obscenity" on several other occasions.

The bill in no way will prohibit the exchange of protected material and is designed solely to protect all children from what is clearly inappropriate material. More than 32 years ago, the Court recognized the harm to minors from pornography and the need to protect minor children from pornography in the case of Ginsberg v. New York. The Court ruled that protecting children from exposure to pornography is a "transcendent interest" of government because it concerns "the health, safety, welfare and morals of its community by barring the distribution to children of books recognized to be suitable for adults."

Furthermore, obscene material is an effective tool in the hands of predators. Pedophiles use the material as part of the seduction process of children. It is used to engage children and lure them into activities that pedophiles find acceptable and the rest of us find deplorable.

This bill, in short, would extend protection from pedophiles to those under the age of 18.

□ 1600

I would ask all my colleagues to support our children and support this bill. We should make sure that those who would seek to spread this filth knowingly to our children be ready to pay the price of up to 10 years behind bars. I believe strongly that it is the role of this body to protect children across the Nation from both direct violent harm and also from the type of harm that comes from being confronted with this kind of material at such a young age.

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

Mr. Speaker, this came to our attention late Friday afternoon that it would be on suspension and not available for amendment or any discussion. So I have been having a little trouble getting the details on it. We have contacted the sentencing commission that indicated a problem with the bill and, that is, there are certain sentencing inconsistencies. For example, if an 18-year-old were to have consensual sex with a 17-year-old, that would not be a Federal crime nor a crime in most States. However, if they shared dirty pictures, then that would be a Federal crime. Perhaps the sponsor of the bill or someone on the other side could explain to me what the probable effect of this legislation would be for the 18-

year-old sharing pictures with a 17-year-old, what the effect of this legislation would be.

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

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

Mr. TANCREDO. Mr. Speaker, the bill sets out the parameters very specifically, referring only to materials unsolicited, and in a case where someone is transferring that kind of material using the interstate, transferring that kind of material, unsolicited to anybody, they would be affected by the measures in this bill.

Mr. SCOTT. If the gentleman would respond, what would be the difference in sentencing? If the two went from Washington, D.C. to Northern Virginia and had consensual sex and shared dirty pictures, what would be the effect of this bill? It is already illegal to share those dirty pictures right now. It would be a Federal offense. What would be the impact of this bill on that Federal crime?

Mr. TANCREDO. If the gentleman will yield further, I do not know that there would be any impact of this bill on the particular situation that the gentleman identifies. Two people engaged in consensual sex, of course, that has nothing to do with this piece of legislation. Sharing materials at that point in time has nothing to do with this legislation. Quote, "dirty pictures," as the gentleman characterizes it, I do not know that that has anything to do with this legislation because, of course, the Supreme Court has already determined that you can distinguish between certain materials that some people would find objectionable to the kind of materials that this covers, which are strictly pornographic. It is the transfer of that material, unsolicited transfer of that material, from one person to another underage that this deals with. So I do not think, unless I mistook the gentleman's characterization of this particular action, that it would have any impact.

Mr. SCOTT. Mr. Speaker, in all due respect, I did not get an answer to my question. The bill would have an impact. I have not been able to determine exactly what that impact would be. But the point of the consensual sex was that they could be in bed not committing an offense and as soon as the 18-year-old showed some obscene pictures to the 17-year-old, then you would have a Federal crime. That is the present law. You cannot distribute obscene material. My question was, what would the impact of this bill have on that situation, because apparently there would be an enhanced punishment. I have not been able to ascertain what the enhancement would be.

Mr. TANCREDO. Once again, the bill is very specific about the method of transfer of the material we are talking about. In what you describe, there is no effect from this particular piece of legislation. It has got nothing to do with it.

Mr. CANADY of Florida. Mr. Speaker, will the gentleman yield?

Mr. SCOTT. I yield to the gentleman from Florida.

Mr. CANADY of Florida. This is a very simple bill. It amends a statutory provision, which I will read. It is short enough for us to read right here and see what is being amended. The prohibition is this:

“Whoever using the mail or any facility or means of interstate or foreign commerce knowingly transfers obscene matter to another individual who has not attained the age of 16 years, that is currently in the statute, the bill raises that to 18 years, knowing that such other individual has not attained the age of, raised from 16 years to 18 years, or attempts to do so shall be fined under this title, imprisoned not more than 10 years, or both.”

But it requires the use of the mail or other facilities or means of interstate or foreign commerce.

Mr. SCOTT. If the gentleman would respond, that would include e-mail or any other interstate commerce, could mean you could take it across the State line from Washington, D.C. to Northern Virginia.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to voice concerns regarding H.R. 4147, the Stop Material Unsuitable for Teens Act, which is before the House today under suspension. This bill should it become law would raise the age of minors to whom adults could be penalized for giving obscene materials from age 16 to age 18.

I would hope that this measure would offer some additional protection to children from those who would do them harm, but it appears that this bill will be going over ground that has already been covered by the passage into law of the Protection of Children From Sexual Predators Act (PL 105-314).

This law would amend the Protection of Children From Sexual Predators Act which prohibits transferring obscene material through the Internet or mail to children under 16 years of age. Violators under current law are subject to a mandatory prison sentence of 10 years.

Should the effort to pass this legislation be successful, I would hope that in keeping with the spirit of this change in the law I would hope that the definition of adult would also be amended. Because I believe that it would be judicially unproductive should an 18-year-old be found in violation of this law by providing inappropriate material to another 18-year-old and made to endure the full penalty that this bill provides for.

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

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

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from Florida (Mr. CANADY) that the House suspend the rules and pass the bill, H.R. 4147.

The question was taken.

Mr. CANADY of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further

proceedings on this motion will be postponed.

#### NATIONAL POLICE ATHLETIC LEAGUE YOUTH ENRICHMENT ACT OF 2000

Mr. CANADY of Florida. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3235) 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, as amended.

The Clerk read as follows:

H.R. 3235

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

#### SECTION 1. SHORT TITLE.

*This Act may be cited as the “National Police Athletic League Youth Enrichment Act of 2000”.*

#### SEC. 2. FINDINGS.

*Congress makes the following findings:*

(1) *The goals of the Police Athletic League are to—*

(A) *increase the academic success of youth participants in PAL programs;*

(B) *promote a safe, healthy environment for youth under the supervision of law enforcement personnel where mutual trust and respect can be built;*

(C) *increase school attendance by providing alternatives to suspensions and expulsions;*

(D) *reduce the juvenile crime rate in participating designated communities and the number of police calls involving juveniles during non-school hours;*

(E) *provide youths with alternatives to drugs, alcohol, tobacco, and gang activity;*

(F) *create positive communications and interaction between youth and law enforcement personnel; and*

(G) *prepare youth for the workplace.*

(2) *The Police Athletic League, during its 55-year history as a national organization, has proven to be a positive force in the communities it serves.*

(3) *The Police Athletic League is a network of 1,700 facilities serving over 3,000 communities. There are 320 PAL chapters throughout the United States, the Virgin Islands, and the Commonwealth of Puerto Rico, serving 1,500,000 youths, ages 5 to 18, nationwide.*

(4) *Based on PAL chapter demographics, approximately 82 percent of the youths who benefit from PAL programs live in inner cities and urban areas.*

(5) *PAL chapters are locally operated, volunteer-driven organizations. Although most PAL chapters are sponsored by a law enforcement agency, PAL chapters receive no direct funding from law enforcement agencies and are dependent in large part on support from the private sector, such as individuals, business leaders, corporations, and foundations. PAL chapters have been exceptionally successful in balancing public funds with private sector donations and maximizing community involvement.*

(6) *Today's youth face far greater risks than did their parents and grandparents. Law enforcement statistics demonstrate that youth between the ages of 12 and 17 are at risk of committing violent acts and being victims of violent acts between the hours of 3 p.m. and 8 p.m.*

(7) *Greater numbers of students are dropping out of school and failing in school, even though the consequences of academic failure are more dire in 1999 than ever before.*

(8) *Many distressed areas in the United States are still underserved by PAL chapters.*

#### SEC. 3. PURPOSE.

*The purpose of this Act is to provide adequate resources in the form of—*

(1) *assistance for the 320 established PAL chapters to increase of services to the communities they are serving; and*

(2) *seed money for the establishment of 250 (50 per year over a 5-year period) additional local PAL chapters in public housing projects and other distressed areas, including distressed areas with a majority population of Native Americans, by not later than fiscal year 2006.*

#### SEC. 4. DEFINITIONS.

*In this Act:*

(1) *ASSISTANT ATTORNEY GENERAL.—The term “Assistant Attorney General” means the Assistant Attorney General for the Office of Justice Programs of the Department of Justice.*

(2) *DISTRESSED AREA.—The term “distressed area” means an urban, suburban, or rural area with a high percentage of high-risk youth, as defined in section 509A of the Public Health Service Act (42 U.S.C. 290aa-8(f)).*

(3) *PAL CHAPTER.—The term “PAL chapter” means a chapter of a Police or Sheriff's Athletic/Activities League.*

(4) *POLICE ATHLETIC LEAGUE.—The term “Police Athletic League” means the private, non-profit, national representative organization for 320 Police or Sheriff's Athletic/Activities Leagues throughout the United States (including the Virgin Islands and the Commonwealth of Puerto Rico).*

(5) *PUBLIC HOUSING; PROJECT.—The terms “public housing” and “project” have the meanings given those terms in section 3(b) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)).*

#### SEC. 5. GRANTS AUTHORIZED.

(a) *IN GENERAL.—Subject to appropriations, for each of fiscal years 2001 through 2005, the Assistant Attorney General shall award a grant to the Police Athletic League for the purpose of establishing PAL chapters to serve public housing projects and other distressed areas, and expanding existing PAL chapters to serve additional youths.*

(b) *APPLICATION.—*

(1) *SUBMISSION.—In order to be eligible to receive a grant under this section, the Police Athletic League shall submit to the Assistant Attorney General an application, which shall include—*

(A) *a long-term strategy to establish 250 additional PAL chapters and detailed summary of those areas in which new PAL chapters will be established, or in which existing chapters will be expanded to serve additional youths, during the next fiscal year;*

(B) *a plan to ensure that there are a total of not less than 570 PAL chapters in operation before January 1, 2004;*

(C) *a certification that there will be appropriate coordination with those communities where new PAL chapters will be located; and*

(D) *an explanation of the manner in which new PAL chapters will operate without additional, direct Federal financial assistance once assistance under this Act is discontinued.*

(2) *REVIEW.—The Assistant Attorney General shall review and take action on an application submitted under paragraph (1) not later than 120 days after the date of such submission.*

#### SEC. 6. USE OF FUNDS.

(a) *IN GENERAL.—*

(1) *ASSISTANCE FOR NEW AND EXPANDED CHAPTERS.—Amounts made available under a grant awarded under this Act shall be used by the Police Athletic League to provide funding for the establishment of PAL chapters serving public housing projects and other distressed areas, or the expansion of existing PAL chapters.*

(2) *PROGRAM REQUIREMENTS.—Each new or expanded PAL chapter assisted under paragraph (1) shall carry out not less than 4 programs during nonschool hours, of which—*

(A) *not less than 2 programs shall provide—*

- (i) mentoring assistance;
  - (ii) academic assistance;
  - (iii) recreational and athletic activities; or
  - (iv) technology training; and
- (B) any remaining programs shall provide—
- (i) drug, alcohol, and gang prevention activities;
  - (ii) health and nutrition counseling;
  - (iii) cultural and social programs;
  - (iv) conflict resolution training, anger management, and peer pressure training;
  - (v) job skill preparation activities; or
  - (vi) Youth Police Athletic League Conferences or Youth Forums.

(b) **ADDITIONAL REQUIREMENTS.**—In carrying out the programs under subsection (a), a PAL chapter shall, to the maximum extent practicable—

- (1) use volunteers from businesses, academic communities, social organizations, and law enforcement organizations to serve as mentors or to assist in other ways;
- (2) ensure that youth in the local community participate in designing the after-school activities;
- (3) develop creative methods of conducting outreach to youth in the community;
- (4) request donations of computer equipment and other materials and equipment; and
- (5) work with State and local park and recreation agencies so that activities funded with amounts made available under a grant under this Act will not duplicate activities funded from other sources in the community served.

#### SEC. 7. REPORTS.

(a) **REPORT TO ASSISTANT ATTORNEY GENERAL.**—For each fiscal year for which a grant is awarded under this Act, the Police Athletic League shall submit to the Assistant Attorney General a report on the use of amounts made available under the grant.

(b) **REPORT TO CONGRESS.**—Not later than May 1 of each fiscal year for which amounts are made available to carry out this Act, the Assistant Attorney General shall submit to the Committees on the Judiciary of the Senate and the House of Representatives a report that details the progress made under this Act in establishing and expanding PAL chapters in public housing projects and other distressed areas, and the effectiveness of the PAL programs in reducing drug abuse, school dropouts, and juvenile crime.

#### SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

(a) **IN GENERAL.**—There are authorized to be appropriated to carry out this Act \$16,000,000 for each of fiscal years 2001 through 2005.

(b) **FUNDING FOR PROGRAM ADMINISTRATION.**—Of the amount made available to carry out this Act in each fiscal year—

- (1) not less than 2 percent shall be used for research and evaluation of the grant program under this Act;
- (2) not less than 1 percent shall be used for technical assistance related to the use of amounts made available under grants awarded under this Act; and
- (3) not less than 1 percent shall be used for the management and administration of the grant program under this Act, except that the total amount made available under this paragraph for administration of that program shall not exceed 6 percent.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. CANADY) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. CANADY).

#### GENERAL LEAVE

Mr. CANADY of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous mate-

rial on the bill now under consideration.

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

There was no objection.

Mr. CANADY of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3235, the National Police Athletic League Youth Enrichment Act of 2000. The gentleman from Wisconsin (Mr. BARRETT) introduced H.R. 3235 last November and the Committee on the Judiciary reported the bill by voice vote on July 25 of this year.

The bill would direct the Office of Justice Programs of the Department of Justice to award a grant to the Police Athletic League for the purposes of establishing Police Athletic League chapters to serve public housing projects and other distressed areas and expanding existing chapters to serve additional youth. The bill was modeled on legislation enacted in 1997 to increase the number of Boys and Girls Clubs serving low-income areas.

The Police Athletic League was founded by police officers in New York City in 1914; and its goal is to offer an alternative to crime, drugs, and violence for our Nation's most at-risk youth. Since 1914, the Police Athletic League, also known as PAL, has grown into one of the largest youth crime prevention programs in the Nation, with a network of 320 local chapters and 1,700 facilities that serve more than 3,000 communities and 1.5 million children. Local chapters are volunteer-driven and receive most of their funding from private sources. In partnership with local law enforcement agencies, PAL chapters help to narrow the gap in trust between children and police, especially in low-income and high-crime neighborhoods. PAL offers after-school athletic, recreational, and educational programs designed to give children an alternative to gangs, drugs, and crime and to reinforce the values of responsibility, hard work, and community. These programs are geared to the after-school hours of 3 o'clock to 8 p.m., the peak hours for juvenile crime and other antisocial behavior.

H.R. 3235 would authorize the appropriation of \$16 million a year for 5 years beginning with fiscal year 2001. The money would be used to enhance the services provided by the 320 established PAL chapters and provide seed money for the establishment of 250, 50 per year over a 5-year period, additional PAL chapters in public housing projects and other distressed areas, including distressed areas with a majority population of Native Americans.

In order to be eligible to receive a grant, the bill would require PAL to submit to the Assistant Attorney General an application which includes, one, a long-term strategy to establish 250 additional chapters; two, a plan to ensure that there is a total of not less than 570 chapters in operation before

January 1, 2004; three, a certification that there will be appropriate coordination with those communities where new chapters will be located; and, four, an explanation of the manner in which new chapters will operate without additional direct Federal financial assistance once assistance under this act is discontinued.

Mr. Speaker, this is a very worthwhile piece of legislation. I urge all my colleagues to support it.

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

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

I rise in support of H.R. 3235, the National Police Athletic League Youth Enrichment Act of 2000. I am a cosponsor of this bill. Although we have not had hearings on it and I generally do not support consideration of legislation without hearings, I believe that the congressional record in this Congress sufficiently supports the passage of this legislation and to have its passage take place expeditiously.

H.R. 3235 would award grant moneys to the Police Athletic League to assist the establishment of Police Athletic League chapters in high-crime and low-income areas as well as enhance existing services provided by the Police Athletic League. They offer young people opportunities to engage in constructive activities, including recreational programming and activities in creative and performing arts. I am pleased to note that research on these programs shows that communities with this program show a decrease in juvenile crime. In a survey of the California Police Athletic League, for example, preliminary data shows that communities served by the program reported a 34 percent decrease in juvenile arrests, a 58 percent decrease in aggravated assaults committed by juveniles and a 47 percent drop in the number of armed robberies by juveniles.

In short, Mr. Speaker, the record reflects that prevention and early intervention as compared to other approaches to reducing juvenile crime and delinquency are the most effective. In March 1999, for example, the Committee on Education and the Workforce held a hearing on H.R. 1150, the Juvenile Crime Control and Delinquency Prevention Act. During that hearing, the Administrator of the Office of Juvenile Justice and Delinquency Prevention identified promoting prevention as the most cost-effective approach to reducing delinquency.

At the same hearing, the Commissioner at the Administration on Children, Youth and Families at Health and Human Services also summarized what should be our priorities and said the following:

The early years are critical. We know that and we must continue to invest in early childhood. But we must also stick with kids as they grow older. Children are like gardens. It is critical that we prepare the soil and plant the seeds. But if that is all we do, we should not be surprised if they do not flourish. We have to pay attention to them

on an ongoing basis. Just as one would fertilize a garden, we must stimulate growth in young people. Just as one would weed a garden, we must root out the negative influences, peer pressure and self-doubt that threaten to stunt the positive development of our children. Especially during preadolescence and adolescence, we must have continued youth development activities to provide something to which the young people can say yes instead of just asking them to say no to risky behaviors.

Mr. Speaker, as a result of hearings such as these, the Subcommittee on Early Childhood, Youth and Families of the Committee on Education and the Workforce passed in this Congress H.R. 1150, the Juvenile Crime Control and Delinquency Prevention Act of 1999, which highlighted the importance of prevention and early intervention as the means of addressing juvenile crime. That passed out of the Committee on Education and the Workforce subcommittee with support from all of the subcommittee members. Similarly, the Subcommittee on Crime unanimously passed the first version of H.R. 1501, which provided for flexible accountability and early intervention approaches for juveniles before the court system with cosponsorship of the entire subcommittee.

Additionally, many of us had the opportunity to participate in a bipartisan task force to examine youth violence. The task force reviewed the research on the problem of youth violence and heard testimony from witnesses from academia, law enforcement, the judicial system, and advocacy groups.

□ 1615

I quote from the final report:

Overall, the need for prevention and early intervention programs at every step is paramount. Since the most important contributing factor to youth violence is the absence of a nurturing and supportive home environment, we know that youth can be steered away from crime. Building strong relationships between children and their parents and communities are the best way to ensure their health and well-being.

Mr. Speaker, experts who met with the bipartisan task force essentially agreed that early intervention and prevention efforts are essential to reducing youth violence. Furthermore, the task force concluded that such prevention efforts also require coordination and partnership with community organizations.

In sum, the record shows that we know how to reduce juvenile crime and delinquency. We must focus on prevention and early intervention, and we must seek help from community organizations such as police athletic leagues.

Mr. Speaker, H.R. 3235, the National Police Athletic League Youth Enrichment Act of 1999, would foster much-needed community partnerships and help to accomplish our goal of reducing juvenile crime. I therefore support the legislation and urge my colleagues to support the bill.

Mr. Speaker, I yield such time as he may consume to the gentleman from

Wisconsin (Mr. BARRETT), the chief sponsor of the legislation.

Mr. BARRETT of Wisconsin. Mr. Speaker, I am pleased to rise today in support of H.R. 3235, a bill I introduced to make the programs of the Police Athletic League available to more kids across the country.

I would like to thank the gentleman from Florida (Chairman MCCOLLUM) and the gentleman from Virginia (Mr. SCOTT) of the Subcommittee on Crime for their work in moving this bill through committee and on to the floor before the House adjourns for this year.

I would also like to thank the gentleman from Florida (Mr. CANADY) for his support in helping move this bill. Since this is sort of the waning days of the gentleman's days in Congress, I want to publicly thank him for his service to the people of Florida and his country, and wish him and his young family the best of luck as he returns to life as a normal person.

I also would like to applaud Ron Exley, a board member of the National Police Athletic League, for his tireless efforts in promoting this bill.

Mr. Speaker, since you are going to be going back to Indiana, I want to thank you for the opportunity to serve with you as well. This is sort of a bittersweet time of year for many of us. Both of you have really done a great job for the people you represent.

The Police Athletic League is a network of more than 320 chapters in 42 states serving over 1.5 million kids each year. Individual chapters are volunteer-driven and receive most of their funding from private sources. In partnership with local law enforcement activities, PAL chapters help to narrow the gap in trust that exists between kids and the police, especially in low-income and high-crime neighborhoods.

PAL offers after-school athletic and recreation programs designed to give kids an alternative to gangs, drugs and crime, and to reinforce in them the values of responsibility, hard work and community.

Just last week I was reminded of what PAL means for our kids when I attended the ground breaking for the Milwaukee chapter's new facility. This event was the perfect illustration of what we are trying to accomplish with this legislation. The new facility will be located in a neighborhood plagued by high crime and poverty, bringing these valuable programs and activities to the kids who need them.

The National Police Athletic League Youth Enrichment Act is modeled after legislation enacted in 1997 to increase the number of Boys and Girls Clubs serving low-income areas. Similarly, this bill calls for the establishment of 250 new PAL chapters over 5 years in public housing projects in other distressed areas and would provide additional resources to help existing chapters expand and enhance their services in underserved areas.

In addition to recreational activities, the new PAL chapters would be re-

quired to offer mentoring and academic assistance, technology training and drug and alcohol counseling. The bill would also direct the chapters to seek volunteers and donations from the business, academic and law enforcement communities.

Mr. Speaker, one of the strengths of this program is that it allows young kids, who many times encounter police only in stressful situations, to encounter police in a meaningful, friendly situation. I think that is a huge plus for the young kids.

It is also a plus for the police officers, who many times encounter these young kids again in stressful situations, and for the police officers to see these young people in athletic settings and learning how to run computers I think is very important, positive.

I have always said I would much rather have kids shooting basketballs than shooting each other, and I would much rather have them pushing computer keys than pushing drugs, and this bill will go a long way in trying to provide young people with alternatives to crime.

I am a strong believer in giving kids an alternative to the temptations of the street. The Police Athletic League has established an impressive track record of providing such an alternative in America's cities. But there are many kids out there who do not have access to help and deserve our attention. I urge my colleagues to help these kids by supporting this bill.

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

Mr. CANADY of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I again want to congratulate the gentleman from Wisconsin (Mr. BARRETT) for his outstanding leadership on this important legislation and to acknowledge the gentleman from Florida (Mr. MCCOLLUM) and the gentleman from Virginia (Mr. SCOTT) for helping move us to the point where this bill is considered by the House today.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in strong support of H.R. 3235, the "National Police Athletic League Youth Enrichment Act of 1999." I commend my colleagues on the Judiciary Committee for reporting the bill by voice vote. As a cosponsor of this legislation, I am delighted that it enjoys bipartisan support. I does so for a good reason.

It helps our children find alternatives to crime through a sensible grant program administered by the Department of Justice. America urgently needs such legislation to allow children, especially at-risk youth, to obtain greater exposure through such legislative solutions. Our children need the right kind of incentives that allow them to learn in a welcoming environment without the threat of violence.

The Police Athletic League (PAL) was founded by police officers in New York city in 1914. Its goal is to offer an alternative to crime, drugs, and violence for at-risk youths. PAL offers after school numerous school athletic, prevention programs in the nation, with a

network of 320 local chapters and 1,700 facilities that serve more than 3,000 communities and 1.5 million children. Local chapters are volunteer driven and receive most of their funding from private sources. That is certainly a record to be proud of.

H.R. 3235 would authorize the appropriation of \$16 million a year for 5 years beginning with this fiscal year. The funds would be used to enhance services provided by the present chapters, and provide seed money for the establishment of 250 additional chapters in public housing projects and other distressed areas. This could make an enormous difference to the life of so many children that need a fighting chance.

To be eligible to receive a grant, PAL would have to submit an application to DOJ with a few important requirements. First, a long-term strategy on how and where the 250 new chapters will be established and maintained, along with how the present 320 chapters will be maintained. Second, a certification that there will be coordination with the communities in which the new chapters are established. Third, an explanation of how the new chapters will continue to exist when the full federal funding stops.

Mr. Speaker, I believe these are very reasonable procedures to help find alternative steps to violence. These are reasonable and necessary incentives for communities to come together on behalf of our children.

Children need these after school athletic, recreational, and educational programs to improve their lives. As cosponsor of this important legislation, I urge my colleagues to embrace this measure in the widest bipartisan manner possible.

Mr. HORN. Mr. Speaker, I strongly support H.R. 3235. In California, the PAL programs play an integral role in our communities. PAL programs provide positive activities for youth to participate in as an alternative to gangs and violence. They instill family values, teach teamwork, honesty, and personal accountability. PAL programs keep our communities safe and our youth out of danger.

In Long Beach, California, a city I proudly represent, PAL programs have served thousands of youth in the area throughout the past ten years. Not only are young people enjoying recreational activities, they are receiving help with homework, learning to use computers, and positively influencing their peers to participate. This invaluable program has helped so many youngsters that would have otherwise been at risk of getting involved in criminal activity, gang violence or drug abuse.

Every community should be as fortunate to have a preventive program like the PAL program to help reduce juvenile crime. I commend the Long Beach chapter for their excellent work on behalf of our community and the lives of every youth that PAL has touched. I also look forward to hearing about more success stories from PAL programs across the country.

As a cosponsor and strong supporter of H.R. 3235, I encourage all of my colleagues to support and pass this bill. Our nation's youth deserves this commitment of resources.

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

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from Florida (Mr. CANADY) that the House suspend

the rules and pass the bill, H.R. 3235, as amended.

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

A motion to reconsider was laid on the table.

#### VICTIMS OF RAPE HEALTH PROTECTION ACT

Mr. CANADY of Florida. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3088) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide additional protections to victims of rape.

The Clerk read as follows:

H.R. 3088

*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 "Victims of Rape Health Protection Act".

##### SEC. 2. BYRNE GRANT REDUCTION FOR NON-COMPLIANCE.

(a) GRANT REDUCTION FOR NONCOMPLIANCE.—Section 506 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3756) is amended by adding at the end the following:

“(g) LAWS OF REGULATIONS.—

“(1) IN GENERAL.—The funds available under this subpart for a State shall be reduced by 10 percent and redistributed under paragraph (2) unless the State demonstrates to the satisfaction of the Director that the law or regulations of the State with respect to a defendant against whom an information or indictment is presented for a crime in which by force or threat of force the perpetrator compels the victim to engage in sexual activity, the State requires as follows:

“(A) That the defendant be tested for HIV disease if—

“(i) the nature of the alleged crime is such that the sexual activity would have placed the victim at risk of becoming infected with HIV; or

“(ii) the victim requests that the defendant be so tested.

“(B) That if the conditions specified in subparagraph (A) are met, the defendant undergo the test not later than 48 hours after the date on which the information or indictment is presented, and that as soon thereafter as is practicable the results of the test be made available to the victim; the defendant (or if the defendant is a minor, to the legal guardian of the defendant); the attorneys of the victim; the attorneys of the defendant; the prosecuting attorneys; and the judge presiding at the trial, if any.

“(C) That if the defendant has been tested pursuant to subparagraph (B), the defendant, upon request of the victim, undergo such follow-up tests for HIV as may be medically appropriate, and that as soon as is practicable after each such test the results of the test be made available in accordance with subparagraph (B) (except that this subparagraph applies only to the extent that the individual involved continues to be a defendant in the judicial proceedings involved, or is convicted in the proceedings).

“(D) That, if the results of a test conducted pursuant to subparagraph (B) or (C) indicate that the defendant has HIV disease, such fact may, as relevant, be considered in the judicial proceedings conducted with respect to the alleged crime.

“(2) REDISTRIBUTION.—Any funds available for redistribution shall be redistributed to

participating States that comply with the requirements of paragraph (1).

“(3) COMPLIANCE.—The Attorney General shall issue regulations to ensure compliance with the requirements of paragraph (1).”

(b) CONFORMING AMENDMENT.—Section 506(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by striking “subsection (f),” and inserting “subsections (f) and (g),”.

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the first day of each fiscal year succeeding the first fiscal year beginning 2 years after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. CANADY) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. CANADY).

GENERAL LEAVE

Mr. CANADY of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3088.

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

There was no objection.

Mr. CANADY of Florida. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. WELDON), the sponsor of this legislation.

Mr. WELDON of Florida. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, in the summer of 1996, a 7-year-old girl was brutally raped by a 57-year-old deranged man. The little girl and her 5-year-old brother had been lured to a secluded abandoned building. The man raped and sodomized this little girl. After the man's arrest, the accused refused to be tested for HIV. His refusal to take the test was permitted and protected under the State law. The man later admitted to police that he was infected with HIV.

The bill before us would ensure that families like this one, and numerous others, are not forced to endure torture beyond the assault that has already been inflicted upon their child.

I urge my colleagues to vote for passage of H.R. 3088, the Victims of Rape Health Protection Act. This bill will save the lives of victims of sexual assault. This bill ensures that the victims of sexual assault or their parents know as quickly as possible the HIV status of the perpetrator of the crime.

Sexual assault, sadly, occurs too often in our society. These victims suffer unimaginable cruelties and physical and emotional scars that usually last a lifetime. Furthermore, with the increased incidence of HIV infection in the population, these victims are often forced to wait months or years to know whether or not they were exposed to the HIV virus.

This bill puts an end to further torture of the victims and their families. This bill ensures that the victims of

sexual assault can require that the accused be tested as soon as an indictment or an information is filed against the person. No longer will a victim have to wait months or years for such a test of the accused. No longer will the perpetrators of these crimes be allowed to bargain for lighter sentences in exchange for undergoing HIV testing. This bill puts the rights of victims ahead of that of the sexual predators.

Why is it critical that the victim know as soon as possible if they were exposed? The new *England Journal of Medicine* published a study in April of 1997 finding that treatment with HIV drugs can prevent HIV infection, provided that the treatment is started within hours. The study reviews the treatment of health care workers with occupational exposure. That study found a 79 percent drop, almost 80 percent, drop in HIV infection with those individuals who are exposed to HIV and were started on treatment within hours of the initial exposure.

Furthermore, the study goes on to report the rate of transmission from needlestick injuries is similar to that of sexual exposure. Clearly, getting information to the victims of sexual assault as quickly as possible is critical in saving the lives of those if they have been exposed.

Some might suggest that all victims of sexual assault be given anti-HIV drugs as a precautionary measure. As a medical doctor myself who has administered these drugs many times in the past, I know firsthand that there can be serious side effects. Additionally, I will point out that a 4-week cost of these drugs can run anywhere from \$500 to \$800, an exposure that no person would want to needlessly be exposed to.

As a physician, I am particularly interested in seeing that we take steps that can ensure that the victims of sexual assault are given every available opportunity to protect themselves against HIV, a sentence of death, that could and has resulted from sexual assaults.

Many States already have this provision in law. H.R. 3088 builds on that. Let us approve this bill and place the rights of victims of crimes above those of the perpetrators of crime. Let us ensure the greatest protection possible for the victims of sexual assault.

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

Mr. Speaker, this bill has not gone through committee. The issue being addressed is being addressed in the Violence Against Women Act, where we can have committee hearings and actually come up with a decent bill. There are several States that have already addressed this issue in different ways. But the way it has come to us today, it has not gone through the Committee on the Judiciary. It sounds like it does a good job, but there are a number of problems with the legislation. Frankly, there has been no attempt to fashion the bill to accomplish its worthy alleged goal by any constructive manner.

For example, there has been no opportunity for anybody to review the bill, there is no opportunity for amendments and there is no opportunity for any interested parties to comment. It was just sprung on us Friday afternoon, and here it is. Six weeks before an election, I guess it is important to pass the bill without any hearings and without the opportunity to be heard, so I guess this is the way we are going to have to legislate the last few weeks.

First of all, there are a number of problems with the bill. It requires a person to be subjected to an AIDS test, even if they are innocent, even if they can prove their innocence beyond a reasonable doubt.

Now, some people that may actually have AIDS, may actually be innocent, and maybe they want to keep that fact a secret, and here you are, notwithstanding the fact that they can show by clear and convincing evidence that they were hundreds of miles away at the time of the alleged offense, that it was not them. They do not have an opportunity to be heard. They get tested, and there is nothing in the bill for confidentiality. This information just goes all over the place.

It requires that the test be given, even though in some circumstances there is zero risk of transmission. It says a person, if requested by the victim, even though there is no chance of transmission, the tests can be given.

There is no protocol, as I indicated, about confidentiality. You may have a situation where the victim actually has AIDS and wants to keep it a secret, and, all of a sudden, whether or not the perpetrator had AIDS or not, you have her subjected to the possibility of this information getting out.

It is a shocking process that we are here on; no opportunity to comment, no opportunity to require any due process, no opportunity to conform this to what many of the other States have done. Six weeks before an election, here we are with legislation with a good title, and no opportunity to constructively deal with it.

We asked the patron for 24 hours so we could consider some of these issues, and, no, here it is on suspension; no opportunity to review, no opportunity to amend, no opportunity for interested groups to comment. Here we are, vote it up or down.

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

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

Mr. WELDON of Florida. Mr. Speaker, I thank the gentleman for again yielding me time.

Mr. Speaker, I would like to respond to some of the concerns raised by my good friend, the gentleman from Virginia. First of all, regarding the issue of a probable cause hearing that the gentleman brought up, I believe that the language in my bill sufficiently addresses that issue, in that a charge has to be made, an information or an indictment.

□ 1630

That typically involves going before a grand jury, a jury of your peers, and those processes do not bring, in most instances, trivial incidents of somebody who was hundreds of miles away at the time of the alleged crime. Typically, there has been an arrest, for example, followed by an arraignment.

The reason this is so imperative, a lot of these crimes happen on Friday night, and if we have to insert in the process a probable cause hearing, we are going to get beyond a 72-hour window. And if we really look at the pathophysiology of how this virus is transmitted, the current recommendations are that if we cannot go on antiretroviral within 72 hours, then we might as well not even do it.

Mr. Speaker, while certainly respecting rights is something that I am very concerned about, we are talking about life and death here, a potential death sentence to somebody who has contracted AIDS. Yes, there are case reports in the medical literature of people contracting AIDS through rape; so we know that it happens. We know that the transmission rate is very, very similar to the rate on needlestick injuries.

We know if we institute antiretroviral therapy within 72 hours of a needlestick injury, we can lower the transmission rate of AIDS by almost 80 percent. It is for that reason that I feel that a probable cause hearing would lead to unnecessary and inappropriate delay.

We are balancing the life of the other person against the rights of the perpetrators of these crimes.

Mr. Speaker, I would like to additionally point out that several of the other bills that we have taken up today did not go before the committee. The committee frequently waives jurisdiction in a case where they feel that a piece of legislation is so inherently appropriate that it needs to move forward, and I think that is the case, the committee's acknowledgment in this particular piece of legislation.

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

Mr. WELDON of Florida. I yield to the gentleman from Virginia.

Mr. SCOTT. Mr. Speaker, I would ask the gentleman from Florida, in an indictment, does a defendant have any opportunity to be heard?

Mr. WELDON of Florida. Reclaiming my time, Mr. Speaker, certainly I am well aware of the fact that the gentleman from Virginia points out something that is correct, the defendant does not have any right to be heard; but the defendant has a period before a jury of his peers, a grand jury; and I believe that in that situation, a probable cause hearing would make unnecessary delay.

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

Mr. Speaker, I would just point out, as the gentleman commented, that in an indictment a person has no opportunity to be heard. If we can prove that

it is a case of false identification, we never have an opportunity to bring compelling proof beyond a reasonable doubt that it could not have possibly been you; and, yet, you are subjected to the AIDS test.

The legislation before us also includes a provision that a person must be subjected to the AIDS test, even though there is no likelihood at all of a transmission taking place. The legislation talks about not rape, but sexual activity. That could be fondling. If requested by the defendant, the person could be subjected to an AIDS test.

Mr. WELDON of Florida. Mr. Speaker, will the gentleman yield?

Mr. SCOTT. I yield to the gentleman from Florida.

Mr. WELDON of Florida. Mr. Speaker, as the gentleman knows, being very familiar with the law, and, of course, I bring to this debate my experience as a physician having taken care of a lot of AIDS patients, most reputable prosecutors will look at exonerating information before they would bring an indictment before a grand jury; and those pieces of information are not totally excluded.

My concern with the gentleman's issue, the probable cause issue is that it would lead to sufficient level of delay that people would not be treated within the 72-hour window; and then, therefore, people would unnecessarily contract AIDS, and that the better good is to allow this provision to go forward; and that the rights of the accused would be sufficiently protected through the indictment process.

Mr. SCOTT. Reclaiming my time, Mr. Speaker, I would ask the gentleman to advise us as to how much time after an offense an indictment is normally obtained.

Mr. WELDON of Florida. If the gentleman would continue to yield, it is my understanding that frequently in cases where the information is compelling, that it can be brought within 72 hours.

Mr. SCOTT. Reclaiming my time, Mr. Speaker, an indictment 72 hours after the offense, including the investigation and the arrest and the convening of a grand jury is frequently done within 72 hours. Is that the information that we are going to base our consideration of this bill on?

I know the gentleman is a physician and not a lawyer, and perhaps if it had gone through the Committee on the Judiciary, we would find that a lot of these cases the indictment comes months after the offense.

Mr. WELDON of Florida. If the gentleman would continue to yield, I realize that all those things occurring within 72 hours can occur, but it is unusual, and that very often it takes longer. But I am also aware that we can place a patient on antiretroviral therapy while that process is working through, and that if we do run into problems with side effects from the drugs or if there are some serious concerns regarding the costs of the drugs,

that, if at a later time, we are able to get an HIV test that comes back negative, we can discontinue the drugs. Whereas under current State law in some States, we wait months or years sometimes before you learn the HIV status.

Mr. Speaker, what I find even more egregious is some of these perpetrators engage in plea bargaining, trying to reduce a rape charge to an assault charge in exchange for an HIV test, which I think is reprehensible and should not be permissible by any State law, and that is why I decided to move forward with this legislation.

Mr. SCOTT. Reclaiming my time, Mr. Speaker, can the gentleman advise why it is necessary or what compelling reason there is if the activity would place the victim at no risk of becoming infected with AIDS, why the AIDS test ought to be required?

Mr. WELDON of Florida. Mr. Speaker, will the gentleman yield?

Mr. SCOTT. I yield to the gentleman from Florida.

Mr. WELDON of Florida. Mr. Speaker, I am confused by the gentleman's question.

Mr. SCOTT. Mr. Speaker, reclaiming my time, on page 2, lines 12 through 19, it says that the State shall require the following: an AIDS test if the nature of the activity would have placed the victim at risk of becoming infected or the victim requested the defendants to be so tested.

So if the victim requested the defendant to be so tested, even though there is no chance of a transmission, then the test goes forward anyway.

My question is, why do we have the provision that the defendant be tested even though there is no chance of them being infected?

Mr. WELDON of Florida. Will the gentleman continue to yield?

Mr. SCOTT. I yield to the gentleman from Florida.

Mr. WELDON of Florida. Mr. Speaker, I believe that there is a component of this that is necessary to put people's minds at ease in these cases. While it may be a scientific fact that HIV transmission is unlikely to occur from certain other types of exchange of bodily fluids and that the risk is quite low, the victims of these crimes have zero tolerance for risk.

And while it may be easy for the gentleman as a lawyer or for me as a doctor to say, oh, do not worry, what that perpetrator did to you puts you at virtually no risk, that is not acceptable to them; they want to know. They want zero risk, and that is why I put that provision in the bill.

Certainly, as this piece of legislation moves forward through the Senate and goes to a conference, there may be some opportunity to adjust this language to put some further provisions in there that may make the gentleman more comfortable with the legislation, but that is why I included that language in there.

Mr. SCOTT. Reclaiming my time, Mr. Speaker, that is why we asked for 24

hours so that we could work out some of these provisions including, perhaps, some kind of confidentiality, because the results of the AIDS test are being made available to at least six, and possibly unlimited numbers of, people.

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

Mr. CANADY of Florida. Mr. Speaker, I yield 6 minutes to the gentleman from Oklahoma (Mr. COBURN).

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

Mr. Speaker, I say to my associate, the gentleman from Virginia (Mr. SCOTT), that I would like to address three or four questions. Number one is, one of the bases of his arguments is that there is no integrity in the testing system in terms of confidentiality; that has been proven totally false, the basis of that claim.

We as a medical community, as a public health community have not allowed leaks; that is exactly the same argument that was stated when children are born to mothers with HIV that they would not come in and get tested because somebody would find out.

In fact, what has happened is we have even more women coming in and getting tested because all women are interested in their children.

Mr. Speaker, the assumption that there is not integrity in the testing process and somebody outside who absolutely needs to know will violate that person's right is an erroneous assumption, and it is one that is continually used in the HIV epidemic.

The other point that I would make, so that the gentleman would surely know this, is that out of the 1.2 million people who have been infected with HIV thus far in our country, 600,000 of them still do not know they have HIV; they still do not know if they have HIV.

So whether or not an HIV test is appropriate or a non-HIV test is appropriate, there is enough behavior in our country that is not malicious that is associated with HIV infection that nobody knows who is HIV infected and who is not, because they all look the same. HIV is not a regarnder of persons of color or sex or life-style. It does not care. It does infect.

The other question that I would ask from the gentleman is, this is really a question of squaring off of rights. The gentleman from Virginia (Mr. SCOTT) has a great record of protecting individual's rights, and I think that is very important, that we could not ignore it.

I want to read through a few sets of stories and tell me whether or not we ought to be protecting the rights of the rapist or the accused rapist or the accused molester or those that were, in fact, victims of it. 41-year-old Alabama man raped a 4-year-old girl, infecting her with HIV which later claimed her life, 1996.

Had we known at the time his HIV status, the little girl would be alive. As a matter of fact, what we know now is

if, in fact, we treat early, multiple times, we eliminate the infection, even if there was positive HIV there.

That knowledge within a 72-hour frame will give us an opportunity to have at least one aspect of an assault reversed.

A 35-year-old man in Iowa raped a 15-year-old girl and her 69-year-old grandmother. He was infected with HIV. No access to know. They did not know it until after the fact, until somebody became positive.

In New Jersey, 3 boys gang raped a 10-year-old mentally retarded girl. The girl's family demanded that the boys be HIV tested. Three years after the girl was raped and the boys were convicted, the family was still fighting to learn the HIV status of the attackers.

I believe that our law is based on balance, balance of both sets of rights and the claim that we cannot know. As a matter of fact, let me just change direction. We would not even be having this discussion today if we handled HIV like the infectious disease that it should be. That fact, if we had proper partner notification, proper follow-up, proper exposure follow-up, this would not even be a question on the House floor, but because we did the politically correct thing at the wrong time and did not treat it like the disease it is, we now have 600,000 Americans that have died from it.

I think the question is, are we for the rapists or are we for the molesters? Are we for those people who take advantage of others in terms of life beyond the attempt to harm someone, or are we for the victims?

□ 1645

So the real test of this vote this evening in the Chamber is people are going to line up. They are either going to be for rapists and molesters, or they are going to be for the victims. That is certainly somewhat of an oversimplification, but we would not be here if we did not have the same rationalization that the gentleman put forward before, that we cannot test people and hold that confidential.

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

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

Mr. SCOTT. Mr. Speaker, I appreciate the gentleman yielding.

Frankly, we would not be having the discussion if we had 24 hours notice in which to discuss the bill. I think it could have been worked out.

Mr. COBURN. Reclaiming my time, Mr. Speaker, the gentleman knows that I have nothing to do with that. That is not changing the fact that we are here to discuss the facts of this bill.

Mr. SCOTT. When I was in the State Senate of Virginia, we dealt with the issue and gave the defendant an opportunity to be heard so that we are not imposing this test on innocent individuals.

The gentleman mentioned that there is confidentiality within the medical

situation of the results of the test. The fact of the matter is that in the bill, the information is divulged not just to medical personnel but to the victim, the defendant, the attorneys for the victim, the attorneys for the defendant, the prosecuting attorneys, and the judge presiding at the trial.

The SPEAKER pro tempore (Mr. PEASE). The time of the gentleman from Oklahoma (Mr. COBURN) has expired.

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

Mr. Speaker, the information is also given to the judge presiding at the trial, and it provides that if the results are positive, such facts may, as relevant, be considered in the judicial proceedings conducted with respect to the alleged crime, by means that it virtually has to become public information in the public trial.

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

Mr. SCOTT. I yield to the gentleman from Oklahoma.

Mr. COBURN. Right. And today we do the exact same thing on syphilis.

Let me put forward to the gentleman that, number one, do we serve society's greater good if in fact we limit the spread of the disease; number two, do we serve the victim's greater good; and, number three, if in fact all those individuals that the gentleman mentioned are professional, they can be held in conduct claims against their own professionalism if in fact they divulge it.

The final point I would make in terms of the gentleman's argument is that it should be exposed. If somebody, in law, has violated somebody else and has given them a disease, one of the things we do when one is convicted of a felony is they lose certain rights.

Mr. SCOTT. Reclaiming my time, Mr. Speaker, there has been no opportunity for the defendant to express himself or show conclusive evidence he is innocent of the underlying charge. The fact that they may have AIDS becomes public during the trial, before they have had an opportunity to be heard.

The reason we are discussing this is the fact that before this information is spread all over the world, before they can say, "It was not me, I was 100 miles away, and can prove it," it is all over the world. We would not be having this discussion if we could work this out so we could have meaningful confidentiality, some meaningful opportunity to be heard. There would not have been this discussion. It was less than one business day, no opportunity to be heard, no opportunity to comment.

I will continue to read.

Mr. COBURN. Mr. Speaker, I would just ask the gentleman to think, if one of his family members—

Mr. SCOTT. Reclaiming my time, when I was a member of the State Senate, I worked on legislation just like this to give the victim the ability as soon as practicable to get the information. This does not have that.

The gentleman is talking about an innocent person who is having their private affairs exposed to the world. What good does that do?

Mr. COBURN. If the gentleman will yield, they are not exposed to the world, they are only exposed to the world if in fact it comes to trial. What is exposed today is those people who are plea bargaining to get out of the rape charge by granting testing for HIV.

Mr. SCOTT. Does the gentleman acknowledge that somebody could be factually innocent and could prove it by conclusive evidence, but does the gentleman disagree or will he acknowledge that that would become public?

Mr. COBURN. No, I will not acknowledge.

Mr. SCOTT. I ask the gentleman, how do they keep it private if the victim gets information, the defendant gets information, the attorneys for the victim, the attorneys for the defendant, the prosecuting attorneys, the judge, and the information can get used in a public trial? Then how does the gentleman keep that information private until the person can say, "I was 100 miles away from the alleged incident, it was not me, and I can prove it?"

Mr. COBURN. If the gentleman will continue to yield, is the gentleman saying that people are not held accountable for confidentiality otherwise?

Mr. SCOTT. If the gentleman reads the bill, it requires the information to become public.

Mr. COBURN. I do not know Virginia, but other States, if you have the information of public health knowledge that is considered confidential, then there is no right to distribute that information.

Mr. SCOTT. If the gentleman would read the bill, it is not in there.

Mr. COBURN. I have read the bill.

Mr. SCOTT. This is the bill. The bill requires the disclosure of information.

Mr. COBURN. At what time?

Mr. SCOTT. During the trial, before the defendant ever has an opportunity to respond.

Mr. COBURN. Right.

Mr. SCOTT. To show that he was not there, he was not within 100 miles, and the fact that he has AIDS becomes a matter of public information.

Mr. COBURN. If the gentleman will continue to yield, the gentleman's contention is that for those people today presently infected by HIV, it is more important to maintain their confidentiality than to treat and keep somebody else from getting HIV? That is what the gentleman just said. That is exactly how we have handled this epidemic. That is what is wrong with it.

Mr. SCOTT. If the gentleman would think back to what I had said, if the person is innocent of the charge and can prove it, then I see no compelling interest to expose the fact that they have AIDS. If they are in fact guilty, then the fact that they might have an opportunity to be heard would not slow things down one iota.

Mr. Speaker, basically if the other side had offered us 24 hours, even, to discuss the bill, I think it could have been done in the same form that Virginia did it, that gives an expedited opportunity to be heard and a right to be tested so everyone's rights are protected.

This provides no such rights. If someone has AIDS and wants to keep that information private, they have essentially, under this bill, no opportunity to do it because that information would be part of a public trial. Then, after the fact that they have AIDS has been made public, then they get to present their evidence showing that they were 300 miles away and could not have possibly been the one who is accused of the crime.

Mr. Speaker, this requires testing even though there is no risk of becoming infected. There is no confidentiality of the information. It is spread to a minimum of six, possibly dozens of others, even possibly more. It says attorneys for the victim, attorneys for the defendant, and that could be an entire law firm. There is no telling how many people would get the information. None of them are physicians.

This bill should have gone through committee. I am sure we could have worked out legislation, just like we did in Virginia when I was in the State Senate, we worked out legislation like this. We could have done it with the Violence Against Women Act, where the law presently deals with this issue.

But no, 6 weeks before the election here we come, vote it up or down. We do not have to consider any of this, we do not have to be able to review it, we do not have to be able to amend it or give people the opportunity to be heard, we just have to be able to vote it up or down.

That is not the way we ought to be legislating. This bill is unfair and unreasonable. It could have been fixed with some minor amendments, but we do not have the opportunity because it is right before an election and we have to take it up or down, take it or leave it.

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

Mr. CANADY of Florida. Mr. Speaker, I yield the balance of the time to the gentleman from Florida (Mr. WELDON), the sponsor of the legislation.

Mr. WELDON of Florida. Mr. Speaker, I thank the gentleman for yielding time to me.

Of course, I have the utmost respect for my colleague, the gentleman from Virginia, and his experience on this issue in the Virginia legislature. I will point out that it did occur prior to the development of a stronger body of knowledge on how to prevent HIV infection.

The article that I cited that this legislation is based on was published in 1997 prior to the Virginia statute being implemented, and the authors of this article appropriately point out that for

HIV prophylaxis to occur, it needs to be initiated within 72 hours.

I also would point out that many States currently already comply with the provisions in this law, including my home State of Florida, and there have not been problems with release of information to the public.

I would also like to point out that any inappropriate distribution of information on HIV testing that was to be given by any legal professionals, then those people would be subject to the standard disciplinary actions that currently are in place.

Therefore, I feel that this is clearly a case of balancing the greater good. I believe the greater good is to protect the right of victims in this case because of the potential to save life. I urge all my colleagues on both sides of the aisle to support this legislation.

Mr. WAXMAN. Mr. Speaker, I rise to express my concerns over H.R. 3088, the Victims of Rape Health Protection Act of 2000. While I fully sympathize with the intent of this legislation, I am afraid that it lacks important safeguards with would allow for the full protection of victims' rights. I have no doubt that the absence of these crucial details can be attributed to the bill's hasty discharge from the committee of jurisdiction, and the complete absence of any deliberation by the Committee on Judiciary.

It is important that we understand current law as it applies to the rights of victims of sexual assault. According to the National Victim Center, 44 states have laws for the mandatory testing of sexual offenders. Of these states, 16 require mandatory testing before conviction, 33 require testing after conviction, and six require testing both before and after testing.

Under Federal law, HIV testing of convicted sexual offenders is a mandatory condition of States' receipt of certain prison grants. Under the Crime Control Act of 1994, Congress allowed victims of sexual assault to obtain a court order requiring the defendant to submit to testing.

Under current law, such an order may be obtained provided that probable cause has been determined, the victim seeks testing of the defendant after appropriate counseling, and the court determines both that test would provide information necessary to the victim's health and that the defendant's alleged conduct created a risk of transmission.

In contrast, this bill requires that States enact mandatory HIV testing laws where the alleged crime "placed the victim at risk of becoming infected with HIV" or if "the victim requests that the defendant be so tested."

For a bill that purports to protect the rights of victims of sexual offenses, I am troubled by its lack of important and fundamental considerations.

First, under this bill, it is possible that testing of the defendant would occur and the results of that testing be widely distributed—despite the express wishes of the victim. In other words, in cases of sexual assault with a resulting risk of HIV infection, this bill seeks to have States enact laws to compel testing—even if the victim did not request such testing.

This is not just a theoretical possibility. Victims may justly be concerned about the disclosure of test results. Despite our best efforts, there remains a stigma associated with HIV/

AIDS. According to a recent Department of Justice report, New Directions from the Field: Victims' Rights and Services for the 21st Century, "Advocates still report problems with insurance companies that, upon learning of the victim's HIV test or results, raise health insurance premiums or cancel the victim's policy altogether." This is clearly unconscionable, yet could easily result from this bill.

Second, we should be concerned with the converse situation, where only the victim's request will trigger testing of the defendant. Under this bill, testing must occur if a victim desires it, even in situations where one cannot reasonably believe the test is needed. I strongly support retaining the standard under current Federal law of having the court determine whether the test provides information necessary to the victim's health and whether the defendant's conduct may have created a risk of transmission.

Third, this bill fails to truly account for the interests of the victim. There is no provision of counseling, referrals or services for the victim. If we are going to expend scarce resources on timely testing of the defendant, we must ensure that their victims have complete access to counseling, testing and to health services—services which should include immediate, aggressive treatment. Nor is there any question that victims of sexual offenses should be entitled to testing for other very serious sexually-transmitted diseases, not just HIV/AIDS.

As the Department of Justice's report states, "Although testing the offender may be important to the victim, it should be emphasized that testing the offender does not replace focusing on the victim's medical and emotional needs." Indeed, many states require counseling for victims prior or in conjunction with the mandatory testing, as does current Federal law. But that would not be the case under this bill.

Finally, in another counterproductive departure from current law, the bill needlessly requires distribution of HIV test results—which are highly sensitive health information—to a large number of parties, some of whom in some situations may not require or even desire the information. Again, in contrast, states like Wisconsin have been sensitive to these legitimate victim's concerns, specifying that test results shall not become part of a person's permanent medical records.

I am troubled by these obvious deficiencies of H.R. 3088, and regret that neither the Committee on Judiciary nor the Members of this House were afforded an opportunity to correct them.

Mr. STARK. Mr. Speaker, I rise today to oppose H.R. 3088, the Victims of Rape Health Protection Act.

This bill places the wrong emphasis in dealing with the very important crime of rape by violating law-biding citizen's constitutional privacy rights and due process rights.

This bill inappropriately focuses on the defendant rather than helping the victim of rape. If the Congress really wants to aid the health of a rape victim, then this bill should include referrals or direct assistance for health services to rape victims. These health services should include making available the rapid testing for HIV and other sexually-transmitted diseases in order to allow the rape victim to take advantage of an aggressive treatment regimen that needs to begin within 48–72 hours after infection.

This legislation illegally encourages the violation of the due process rights of people who

may well be innocent law-biding citizens. The bill threatens states with the partial loss of their drug control grants if they do not test individuals accused of rape for HIV. These individuals have not been convicted of a crime therefore it is not right to subject them to a mandatory health test. This action is a violation of these individuals' due process rights that are afforded to them during a search and seizure.

This bill violates the privacy of United States citizens. The law requires states to provide health information of individuals' accused—not convicted—of rape to court officials and to the prosecutor. This information is private medical documentation that this law encourages States to make public. The release of this information to the public could adversely affect innocent law biding individuals who are found not guilty. With the public misconceptions and lack of understanding surrounding the HIV virus, these individuals could experience job discrimination and social exclusion if these records become public.

Moreover, this legislation unfairly targets individuals with HIV and gives the implication that having HIV as being a crime rather than a medical condition. It is time that this Congress began treating diseases such as HIV as a medical condition and not a crime.

It is disgraceful that the majority has decided to put such a controversial bill on the suspension calendar. This bill has not had a hearing or a mark-up in committee and it only has eleven Republican cosponsors. This is another example of the Majority trying to score election year points rather than passing thoughtful legislation that improves the health and respects the rights of all United States citizens.

Mrs. FOWLER. Mr. Speaker, today I rise in support of H.R. 3088. I believe that we in Congress must do everything possible to insure the emotional, mental and physical health of the victims of violent crime.

In recent years Congress has worked very hard to elevate the status of the victim in the criminal court process—by recognizing the need for victims' rights and writing those rights into law.

Now we have the opportunity to expand upon doing the right thing for the victims of violent crime. HIV testing of those charged with violent crimes is a step in the right direction. The second step—making it legal to tell the victims the medical test results—is essential for their emotional, mental and physical health. And, of course, timeliness of testing and notification of the victim is of the essence.

We will never be able to undo the harm that has been done to the victim, but we can take steps to control its long-term effects. I urge my colleagues on both sides of the aisle to take a stand on victims' rights. Vote yes on H.R. 3088.

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

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from Florida (Mr. CANADY) that the House suspend the rules and pass the bill, H.R. 3088.

The question was taken.

Mr. WELDON of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the

Chair's prior announcement, further proceedings on this motion will be postponed.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 6 p.m.

Accordingly (at 4 o'clock and 56 minutes p.m.), the House stood in recess until approximately 6 p.m.

□ 1800

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LATOURETTE) at 6 p.m.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed today in the order in which that motion was entertained.

Votes will be taken in the following order:

H.R. 4049, by the yeas and nays;  
H.R. 4147, by the yeas and nays; and  
H.R. 3088, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

#### PRIVACY COMMISSION ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 4049, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. HORN) that the House suspend the rules and pass the bill, H.R. 4049, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 250, nays 146, not voting 37, as follows:

[Roll No. 503]

YEAS—250

Aderholt	Bliley	Chenoweth-Hage
Allen	Blumenauer	Clement
Archer	Blunt	Coble
Armey	Boehlert	Collins
Bachus	Boehner	Combust
Baird	Bonilla	Cooksey
Baker	Bono	Costello
Ballenger	Boswell	Cramer
Barcia	Boyd	Crane
Barrett (NE)	Brady (TX)	Crowley
Barrett (WI)	Burton	Cunningham
Bartlett	Buyer	Davis (FL)
Bass	Callahan	Davis (VA)
Bentsen	Calvert	DeFazio
Bereuter	Camp	DeGette
Berkley	Canady	DeLay
Berry	Cannon	DeMint
Biggert	Capps	Diaz-Balart
Bilbray	Castle	Dickey
Bilirakis	Chabot	Dicks
Bishop	Chambliss	Dooley

Doolittle	Kuykendall	Rogers
Dreier	LaHood	Ros-Lehtinen
Duncan	Lampson	Roukema
Dunn	Largent	Ryan (WI)
Edwards	Larson	Ryun (KS)
Ehlers	Latham	Salmon
Emerson	LaTourette	Sandlin
English	Leach	Saxton
Etheridge	Lewis (CA)	Scarborough
Ewing	Lewis (KY)	Schaffer
Foley	Linder	Sensenbrenner
Forbes	Lipinski	Sessions
Fossella	LoBiondo	Shadegg
Fowler	Lucas (KY)	Shaw
Frelinghuysen	Lucas (OK)	Shays
Frost	Maloney (CT)	Sherwood
Gallegly	Maloney (NY)	Shimkus
Ganske	Manzullo	Shuster
Gekas	Mascara	Simpson
Gibbons	McCarthy (NY)	Sisisky
Gilman	McCrery	Skeen
Gonzalez	McHugh	Smith (MI)
Goode	McInnis	Smith (NJ)
Gordon	McIntyre	Smith (TX)
Goss	McKeon	Smith (WA)
Graham	McNulty	Souder
Granger	Meek (FL)	Spratt
Green (WI)	Metcalf	Stabenow
Greenwood	Mica	Stearns
Gutknecht	Miller (FL)	Stump
Hall (TX)	Miller, Gary	Sununu
Hansen	Minge	Sweeney
Hastings (WA)	Moore	Talent
Hayes	Moran (KS)	Tancredo
Hayworth	Moran (VA)	Tanner
Herger	Morella	Taylor (NC)
Hill (IN)	Myrick	Terry
Hill (MT)	Nethercutt	Ney
Hobson	Ney	Northrup
Hoekstra	Northrup	Nussle
Holt	Ose	Oxley
Hooley	Oxley	Packard
Horn	Packard	Pascrell
Hostettler	Pascrell	Pastor
Hulshof	Pastor	Pease
Hunter	Pease	Peterson (MN)
Hutchinson	Peterson (MN)	Peterson (PA)
Hyde	Peterson (PA)	Petri
Inslee	Petri	Phelps
Isakson	Phelps	Pitts
Istook	Pitts	Porter
Jenkins	Porter	Price (NC)
Johnson (CT)	Price (NC)	Pryce (OH)
Johnson, Sam	Pryce (OH)	Quinn
Jones (NC)	Quinn	Radanovich
Kasich	Radanovich	Ramstad
Kelly	Ramstad	Regula
Kildee	Regula	Reynolds
Kind (WI)	Reynolds	Rivers
Kingston	Rivers	Roemer
Klecza	Roemer	Rogan
Knollenberg	Rogan	
Kolbe		

#### NAYS—146

Abercrombie	Doggett	LaFalce
Ackerman	Doyle	Lantos
Baca	Ehrlich	Lee
Baldwin	Engel	Levin
Barr	Evans	Lewis (GA)
Barton	Farr	Lofgren
Becerra	Fattah	Lowe
Berman	Filner	Luther
Bonior	Ford	Markey
Borski	Frank (MA)	Matsui
Boucher	Gejdenson	McCarthy (MO)
Brady (PA)	Gephardt	McDermott
Brown (OH)	Gillmor	McGovern
Bryant	Goodlatte	McKinney
Burr	Green (TX)	Meehan
Capuano	Gutierrez	Meeks (NY)
Cardin	Hall (OH)	Menendez
Clayton	Hefley	Millender
Clyburn	Hilliard	McDonald
Coburn	Hinchee	Miller, George
Condit	Hinojosa	Mink
Conyers	Holden	Moakley
Cox	Hoyer	Mollohan
Coyne	Jackson (IL)	Murtha
Cubin	Jackson-Lee	Nadler
Cummings	(TX)	Napolitano
Danner	John	Norwood
Davis (IL)	Johnson, E. B.	Oberstar
Deal	Jones (OH)	Obey
Delahunt	Kanjorski	Olver
DeLauro	Kaptur	Ortiz
Deutsch	Kennedy	Pallone
Dingell	Kilpatrick	Payne
Dixon	Kucinich	Pelosi

Pickering Sanford  
 Pickett Sawyer  
 Pombo Schakowsky  
 Pomeroy Scott  
 Rahall Sherman  
 Rangel Shows  
 Reyes Skelton  
 Rodriguez Slaughter  
 Rohrabacher Snyder  
 Rothman Stark  
 Roybal-Allard Stenholm  
 Royce Strickland  
 Rush Stupak  
 Sabo Tauscher  
 Sanchez Tauzin  
 Sanders Thomas

Thompson (CA) Baldwin  
 Thompson (MS) Ballenger  
 Thurman Barcia  
 Tierney Barr  
 Udall (NM) Sharrett (NE)  
 Upton Barrett (WI)  
 Velazquez Bartlett  
 Velazquez Barton  
 Visclosky Visclosky  
 Waters  
 Watt (NC) Becerra  
 Waxman Bentsen  
 Waxman Berreuter  
 Wexler Berkley  
 Weygand Berman  
 Wynn Berry  
 Biggert Gejdenson  
 Bilirakis Gekas  
 Bishop Gephardt  
 Bliley Gibbons  
 Blumenauer Gillmor  
 Blunt Gilman  
 Boehlert Gonzalez  
 Boehner Goode  
 Bonilla Goodlatte  
 Bonior Gordon  
 Bono Goss  
 Borski Graham  
 Boswell Granger  
 Boucher Green (TX)  
 Boyd Green (WI)  
 Brady (PA) Greenwood  
 Brady (TX) Gutierrez  
 Brown (OH) Hall (OH)  
 Bryant Hall (TX)  
 Burr Hansen  
 Burton Hastings (WA)  
 Buyer Hayes  
 Callahan Hayworth  
 Calvert Hefley  
 Camp Herger  
 Canady Hill (IN)  
 Cannon Hill (MT)  
 Capps Hilliard  
 Capuano Hinchey  
 Cardin Hinojosa  
 Castle Hobson  
 Chabot Hoeffel  
 Chambliss Hoekstra  
 Chenoweth-Hage Holden  
 Clayton Holt  
 Clement Hooley  
 Clyburn Horn  
 Coble Hostettler  
 Coburn Hoyer  
 Collins Hulshof  
 Combust Hunter  
 Condit Hyde  
 Conyers Inslee  
 Cooksey Isakson  
 Costello Istook  
 Cox Jackson (IL)  
 Coyne Jackson-Lee  
 Cramer (TX)  
 Crane Jenkins  
 Crowley John  
 Cubin Johnson (CT)  
 Cummings Johnson, E. B.  
 Cunningham Johnson, Sam  
 Danner Jones (NC)  
 Davis (FL) Jones (OH)  
 Davis (IL) Kanjorski  
 Davis (VA) Kaptur  
 Deal Kasich  
 DeFazio Kelly  
 DeGette Kennedy  
 Delahunt Kildee  
 DeLauro Kilpatrick  
 DeLay Kind (WI)  
 DeMint Kingston  
 Deutsch Kleczka  
 Diaz-Balart Knollenberg  
 Dickey Kolbe  
 Dicks Kucinich  
 Dingell Kuykendall  
 Dixon LaFalce  
 Doggett LaHood  
 Dooley Lampson  
 Doolittle Lantos  
 Doyle Largent  
 Dreier Larson  
 Duncan Latham  
 Dunn LaTourette  
 Edwards Leach  
 Ehlers Lee  
 Ehrlich Levin  
 Emerson Lewis (CA)  
 Engel Lewis (GA)  
 English Lewis (KY)

Linder Lipinski  
 LoBiondo Ewing  
 Lofgren Farr  
 Lowey Fattah  
 Lucas (KY) Filner  
 Lucas (OK) Foley  
 Luther Forbes  
 Maloney (CT) Ford  
 Maloney (NY) Fossella  
 Manzullo Fowler  
 Mascara Frelinghuysen  
 Matsui Frost  
 McCarthy (MO) Gallegly  
 McCarthy (NY) Ganske  
 McCrery Gekas  
 McDermott McDermott  
 McGovern McGovern  
 McHugh Gillmor  
 McInnis Gilman  
 McIntyre Gonzalez  
 McKeon Goode  
 McKinney Goodlatte  
 Gordon Gordon  
 Meehan Goss  
 Meek (FL) Graham  
 Meeks (NY) Granger  
 Menendez Green (TX)  
 Metcalf Green (WI)

Ryun (KS) Smith (TX)  
 Sabo Smith (WA)  
 Salmon Snyder  
 Sanchez Souder  
 Lowey Spratt  
 Sandlin Stabenow  
 Sanford Velazquez  
 Sawyer Stearns  
 Saxton Stenholm  
 Scarborough Strickland  
 Schaffer Stump  
 Schakowsky Stupak  
 Sensenbrenner Sununu  
 Serrano Sweeney  
 Sessions Watts (OK)  
 Shadegg Tancredo  
 Shaw Tanner  
 Shays Tauscher  
 Sherman Tauzin  
 Sherwood Taylor (MS)  
 Shimkus Taylor (NC)  
 Shows Terry  
 Shuster Thomas  
 Simpson Thompson (CA)  
 Sisisky Thompson (MS)  
 Skeen Thornberry  
 Skelton Thune  
 Slaughter Thurman  
 Smith (MI) Tiahrt  
 Smith (NJ) Tierney

Toomey Toomey  
 Traficant Traficant  
 Turner Turner  
 Udall (CO) Udall (CO)  
 Udall (NM) Udall (NM)  
 Upton Upton  
 Velazquez Velazquez  
 Visclosky Visclosky  
 Vitter Vitter  
 Walden Walden  
 Walsh Walsh  
 Wamp Wamp  
 Waters Waters  
 Watkins Watkins  
 Watts (OK) Watts (OK)  
 Waxman Waxman  
 Weiner Weiner  
 Weldon (FL) Weldon (FL)  
 Weldon (PA) Weldon (PA)  
 Weller Weller  
 Wexler Wexler  
 Weygand Weygand  
 Whitfield Whitfield  
 Wicker Wicker  
 Wilson Wilson  
 Wolf Wolf  
 Wu Wu  
 Wynn Wynn  
 Young (AK) Young (AK)  
 Young (FL) Young (FL)

NOT VOTING—37

Andrews Goodling  
 Baldacci Hastings (FL)  
 Blagojevich Hilleary  
 Brown (FL) Hoefel  
 Campbell Houghton  
 Carson Jefferson  
 Clay King (NY)  
 Cook Klink  
 Eshoo Lazio  
 Everett Martinez  
 Fletcher McCollum  
 Franks (NJ) McIntosh  
 Gilchrest Neal

□ 1826

Messrs. JACKSON of Illinois, VIS-CLOSKY, BRYANT, PICKERING, POMBO, NORWOOD, BURR of North Carolina, GOODLATTE, EHRlich, ROHRABACHER, BERMAN, BECERRA, and Ms. SANCHEZ and Ms. DAN-NER changed their vote from “yea” to “nay.”

Mr. KLECZKA and Mrs. CAPPS changed their vote from “nay” to “yea.”

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LATOURETTE). Pursuant to clause 8 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting on each additional motion to suspend the rules on which the Chair has postponed further proceedings.

STOP MATERIAL UNSUITABLE FOR TEENS ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 4147.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. CAN-ADY) that the House suspend the rules and pass the bill, H.R. 4147, on which the yeas and nays were ordered.

This is a 5-minute vote.  
 The vote was taken by electronic device, and there were—yeas 397, nays 2, not voting 34, as follows:

[Roll No. 504]

YEAS—397

Abercrombie Andrews  
 Ackerman Archer  
 Aderholt Army  
 Allen Baca

Bachus Bachus  
 Baird Baird  
 Baker Baker  
 Baldacci Baldacci  
 English English

Mica Millender-  
 Gutierrez McDonald  
 Miller (FL) Miller (FL)  
 Miller, Gary Miller, George  
 Minge Minge  
 Mink Mink  
 Moakley Moakley  
 Mollohan Mollohan  
 Moore Moore  
 Moran (KS) Moran (KS)  
 Moran (VA) Moran (VA)  
 Morella Morella  
 Murtha Murtha  
 Myrick Myrick  
 Nadler Nadler  
 Napolitano Napolitano  
 Nethercutt Nethercutt  
 Ney Ney  
 Northup Northup  
 Norwood Norwood  
 Nussle Nussle  
 Oberstar Oberstar  
 Obey Obey  
 Olver Olver  
 Ortiz Ortiz  
 Ose Ose  
 Oxley Oxley  
 Packard Packard  
 Pallone Pallone  
 Pascrell Pascrell  
 Pastor Pastor  
 Payne Payne  
 Pease Pease  
 Pelosi Pelosi  
 Peterson (MN) Peterson (MN)  
 Peterson (PA) Peterson (PA)  
 Petri Petri  
 Phelps Phelps  
 Pickering Pickering  
 Pickett Pickett  
 Pitts Pitts  
 Pombo Pombo  
 Pomeroy Pomeroy  
 Porter Porter  
 Price (NC) Price (NC)  
 Pryce (OH) Pryce (OH)  
 Quinn Quinn  
 Radanovich Radanovich  
 Rahall Rahall  
 Ramstad Ramstad  
 Rangel Rangel  
 Regula Regula  
 Reyes Reyes  
 Reynolds Reynolds  
 Rivers Rivers  
 Rodriguez Rodriguez  
 Roemer Roemer  
 Rogan Rogan  
 Rogers Rogers  
 Rohrabacher Rohrabacher  
 Ros-Lehtinen Ros-Lehtinen  
 Rothman Rothman  
 Roukema Roukema  
 Roybal-Allard Roybal-Allard  
 Royce Royce  
 Rush Rush  
 Ryan (WI) Ryan (WI)

NAYS—2

Watt (NC)

NOT VOTING—34

Blagojevich Goodling  
 Brown (FL) Hastings (FL)  
 Campbell Hilleary  
 Carson Houghton  
 Clay Hutchinson  
 Cook Jefferson  
 Eshoo King (NY)  
 Everett Klink  
 Fletcher Lazio  
 Frank (MA) Martinez  
 Franks (NJ) McCollum  
 Gilchrest McIntosh

□ 1836

Mrs. JONES of Ohio and Mr. JACK-SON of Illinois changed their vote from “nay” to “yea.”

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

VICTIMS OF RAPE HEALTH PROTECTION ACT

The SPEAKER pro tempore (Mr. LATOURETTE). The pending business is the question of suspending the rules and passing the bill, H.R. 3088.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. CAN-ADY) that the House suspend the rules and pass the bill, H.R. 3088, on which the yeas and nays are ordered.

This will be a 5-minute vote.  
 The vote was taken by electronic device, and there were—yeas 380, nays 19, not voting 34, as follows:

[Roll No. 505]

YEAS—380

Abercrombie Baca  
 Ackerman Bachus  
 Aderholt Baird  
 Allen Baker  
 Andrews Baldacci  
 Archer Baldwin  
 Army Ballenger

Barcia Barcia  
 Barr Barr  
 Barrett (NE) Barrett (NE)  
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Boucher  
Boyd  
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Brady (TX)  
Brown (OH)  
Bryant  
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Capps  
Cardin  
Castle  
Chabot  
Chambliss  
Chenoweth-Hage  
Clayton  
Clement  
Clyburn  
Coble  
Coburn  
Collins  
Combest  
Condit  
Cooksey  
Costello  
Cox  
Coyne  
Cramer  
Crane  
Crowley  
Cubin  
Cummings  
Cunningham  
Danner  
Davis (FL)  
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Davis (VA)  
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DeFazio  
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Delahunt  
DeLauro  
DeLay  
DeMint  
Deutsch  
Diaz-Balart  
Dickens  
Dicks  
Dingell  
Dixon  
Doggett  
Dooley  
Doolittle  
Doyle  
Dreier  
Duncan  
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Edwards  
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Emerson  
Engel  
English  
Etheridge  
Evans  
Ewing  
Farr  
Fattah  
Filner  
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Ford  
Fossella  
Fowler  
Frank (MA)

Frelinghuysen  
Frost  
Gallegly  
Ganske  
Gejdenson  
Gekas  
Gephardt  
Gibbons  
Gillmor  
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Goode  
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Gordon  
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Graham  
Granger  
Green (TX)  
Green (WI)  
Greenwood  
Gutierrez  
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Hall (OH)  
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Hansen  
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Hayes  
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Hefley  
Herger  
Hill (IN)  
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Hilliard  
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Holden  
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Hostettler  
Hoyer  
Hulshof  
Hunter  
Hutchinson  
Hyde  
Inslee  
Isakson  
Istook  
Jefferson  
Jenkins  
John  
Johnson (CT)  
Johnson, E. B.  
Johnson, Sam  
Jones (NC)  
Jones (OH)  
Kanjorski  
Kaptur  
Kasich  
Kelly  
Kennedy  
Kildee  
Kilpatrick  
Kind (WI)  
Kingston  
Klecicka  
Knollenberg  
Kolbe  
Kucinich  
Kuykendall  
LaFalce  
LaHood  
Lampson  
Lantos  
Largent  
Larson  
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LaTourette  
Leach  
Levin  
Lewis (CA)  
Lewis (KY)  
Linder  
Lipinski  
LoBiondo  
Lofgren  
Lowey  
Lucas (KY)  
Lucas (OK)  
Luther  
Maloney (CT)  
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McCarthy (MO)

McCarthy (NY)  
McCrery  
McGovern  
McHugh  
McInnis  
McIntyre  
McKeon  
McKinney  
McNulty  
Meehan  
Meek (FL)  
Meeks (NY)  
Menendez  
Metcalf  
Mica  
Millender-  
McDonald  
Miller (FL)  
Miller, Gary  
Minge  
Mink  
Moakley  
Mollohan  
Moore  
Moran (KS)  
Moran (VA)  
Morella  
Murtha  
Myrick  
Napolitano  
Nethercutt  
Ney  
Northup  
Norwood  
Nussle  
Oberstar  
Obey  
Olver  
Ortiz  
Ose  
Oxley  
Packard  
Pallone  
Pascrell  
Pastor  
Pease  
Peterson (MN)  
Peterson (PA)  
Petri  
Phelps  
Pickering  
Pickett  
Pitts  
Pombo  
Pomeroy  
Porter  
Price (NC)  
Pryce (OH)  
Quinn  
Radanovich  
Rahall  
Ramstad  
Rangel  
Regula  
Reyes  
Reynolds  
Rivers  
Rodriguez  
Roemer  
Rogan  
Rogers  
Rohrabacher  
Ros-Lehtinen  
Rothman  
Roukema  
Royce  
Rush  
Ryan (WI)  
Ryun (KS)  
Sabo  
Salmon  
Sanchez  
Sandlin  
Sawyer  
Saxton  
Scarborough  
Schaffer  
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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  
Spratt  
Stabenow  
Stearns  
Stromholm  
Strickland  
Stump  
Stupak  
Sununu  
Sweeney  
Talent

Tancredo  
Tanner  
Tauscher  
Tauzin  
Taylor (MS)  
Taylor (NC)  
Terry  
Thomas  
Thompson (CA)  
Thompson (MS)  
Thornberry  
Thune  
Thurman  
Tiahrt  
Tierney  
Toomey  
Traficant  
Turner  
Udall (CO)  
Udall (NM)  
Upton

Velazquez  
Visclosky  
Witter  
Walden  
Walsh  
Wamp  
Watkins  
Watts (OK)  
Weiner  
Weldon (FL)  
Weldon (PA)  
Weller  
Weygand  
Whitfield  
Wicker  
Wilson  
Wolf  
Wu  
Wynn  
Young (AK)  
Young (FL)

REPORT ON RESOLUTION PRO-  
VIDING FOR CONSIDERATION OF  
H.J. RES. 110, MAKING FURTHER  
CONTINUING APPROPRIATIONS  
FOR FISCAL YEAR 2001

Mr. LINDER, from the Committee on Rules, submitted a privileged report (Rept. No. 106-925) on the resolution (H. Res. 604) providing for consideration of the joint resolution (H.J. Res. 110) making further continuing appropriations for the fiscal year 2001, and for other purposes, which was referred to the House Calendar and ordered to be printed.

NAYS—19

Capuano  
Jackson (IL)  
Jackson-Lee  
(TX)  
Jones (OH)  
Lee  
Lewis (GA)

McDermott  
Miller, George  
Nadler  
Payne  
Pelosi  
Roybal-Allard  
Sanders

Sanford  
Scott  
Stark  
Waters  
Watt (NC)  
Waxman

NOT VOTING—34

Blagojevich  
Bilely  
Brown (FL)  
Campbell  
Carson  
Clay  
Conyers  
Cook  
Eshoo  
Everett  
Fletcher  
Franks (NJ)

Gilchrest  
Goodling  
Hastings (FL)  
Hilleary  
Houghton  
King (NY)  
Klink  
Lazio  
Martinez  
McCollum  
McIntosh  
Neal

Owens  
Paul  
Portman  
Riley  
Spence  
Towns  
Vento  
Wexler  
Wise  
Woolsey

□ 1845

Ms. PELOSI changed her vote from "yea" to "nay."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. FLETCHER. Mr. Speaker, due to my wife's illness and emergency surgery, I was not present for rollcall votes No. 504, and No. 505. Had I been present, I would have voted as follows: H.R. 4049—Privacy Commission Act—"yea"; H.R. 4147—Stop Material Unsuitable for Teens Act—"yea"; and H.R. 3088—Victims of Rape Health Protection Act—"yea".

REPORT ON RESOLUTION WAIVING  
POINTS OF ORDER AGAINST CON-  
FERENCE REPORT ON H.R. 4578,  
DEPARTMENT OF INTERIOR AND  
RELATED AGENCIES APPROPRIA-  
TIONS ACT, 2001

Mr. LINDER, from the Committee on Rules, submitted a privileged report (Rept. No. 106-924) on the resolution (H. Res. 603) waiving points of order against the conference report to accompany the bill (H.R. 4578) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2001, and for other purposes, which was referred to the House Calendar and ordered to be printed.

CONGRATULATING THE REPUBLIC  
OF HUNGARY ON THE MILLEN-  
NIUM OF ITS FOUNDATION AS A  
STATE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that the Committee on International Relations be discharged from further consideration of the concurrent resolution (H. Con. Res. 400) congratulating the Republic of Hungary on the millennium of its foundation as a state, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

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

Mr. LANTOS. Mr. Speaker, reserving the right to object, and I will not object, I would like to commend the authors of this resolution as well as all of my colleagues who, along with me, are cosponsors of this legislation. I think it is appropriate to pay tribute to a country 1,000 years old which at long last has decided to join the community of democratic and freedom loving nations.

It was my great pleasure to accompany our Secretary of State and the foreign ministers of Hungary, the Czech Republic and Poland to Independence, Missouri for the signing of the document that has made Hungary a part of NATO. I earnestly hope that Hungary, before long, will be able to join the European Union.

As we celebrate this momentous occasion, it is important, however, to hoist a flag of caution. Democracy in Hungary is functioning, but certainly not without its imperfections. There are still periodic outbursts of ethnic and racial harassment which the government needs to do more to put an end to. There are periodic attempts to destroy and desecrate Jewish cemeteries.

At soccer games, hooligans of the far right are engaging in racial and religious intimidation. There are indications that the television medium is not as objective and open as it needs to be in a free and democratic society.

So while I join my fellow sponsors of this legislation and congratulate Hungary for having put an end to its fascist and communist past and having

joined the family of democratic and freedom loving nations, I call on all Hungarians to meticulously observe the rules of political democracy and pluralism without which a promising future certainly will not be there for the 10 million people who deserve a good future. I want to congratulate my colleagues.

Mr. GILMAN. Mr. Speaker, will the gentleman yield.

Mr. LANTOS. I am happy to yield to the distinguished gentleman from New York.

Mr. GILMAN. Mr. Speaker, I thank the gentleman from California for yielding to me.

Mr. Speaker, I support the adoption of House Concurrent Resolution 400. It is interesting to note, as this resolution does, that this year marks not just the 1,000th anniversary of the crowning of Hungarian King Stephen, Saint Stephen, by Pope Sylvester II, but also the tenth anniversary of Hungary's first postcommunist, free and democratic elections.

Just as King Stephen anchored Hungary in Europe and the Western civilization, the leadership of postcommunist Hungary has begun to anchor Hungary in Pan-European and trans-Atlantic institutions once again through that country's admission into the NATO alliance and its application to enter the European Union.

While congratulating Hungary on the 1,000th anniversary of the foundation of the Kingdom of Hungary, this resolution makes it clear that we in the United States commend Hungary's efforts to rejoin the Pan-European and trans-Atlantic community of democratic states and its efforts to move beyond the dark days of communist dictatorship to create a lasting, peaceful and prosperous democracy.

Mr. Speaker, I urge my colleagues to join in supporting the adoption of this important resolution.

Mr. LANTOS. Mr. Speaker, under my reservation, I am delighted to yield to the distinguished gentleman from New Jersey (Mr. PALLONE), one of the principal authors of this resolution.

Mr. PALLONE. Mr. Speaker, I thank the gentleman from California (Mr. LANTOS) for yielding to me, and I appreciate all his support in bringing this resolution to the floor.

Mr. Speaker, several months ago, I introduced this bipartisan resolution congratulating the Republic of Hungary on the millennium of its founding as a nation, and I am pleased that this bipartisan resolution has reached the House floor. The bill currently has more than 30 cosponsors from both parties, and of course the House Committee on International Relations has approved it.

As a Member of Congress representing one of the largest Hungarian-American constituencies in this country, I am particularly proud to have introduced this measure with the gentleman from Oklahoma (Mr. ISTOOK) and the gentleman from California (Mr.

LANTOS) and others and to have it reach the floor. I hope it will be signed into law shortly.

More than 20,000 people of Hungarian descent reside in my congressional district in New Jersey with New Brunswick being a major center of Hungarian-American cultural life.

Located in the very heart of Europe, Hungary has been at the center of most of the epic historical events that have swept through the continent. Throughout the last thousand years, and particularly during the turbulent 20th century, Hungary has undergone wars, invasions and foreign occupations. Nevertheless, the Hungarian people have maintained their strong sense of nationhood and have preserved their unique language and culture. While the roots of the Hungarian nation lie in the East, in the last 1,000 years Hungary has been firmly attached to the West, an attachment that 45 years of Soviet domination could not break.

Today, Hungary is a crucial part of the Western alliance. Indeed, in 1990, Hungary became the first of the captive nations of the Warsaw Pact to hold free and fair elections. Now, as the gentleman from California (Mr. LANTOS) mentioned, it has become a member of NATO, too.

The celebration of 1,000 years of nationhood intends to look back at Hungary's past, remembering Hungarian intellectual and cultural values that enriched European culture in the past centuries, while also looking towards the future. Thus, during this year when Hungary and its people mark 1,000 years of its history, they also celebrate a decade of democracy.

Lastly, while paying tribute to our friend and ally in Central Europe, we should also honor the hundreds of thousands of Americans of Hungarian descent who have contributed their talents and hard work to this nation.

If I could just mention to my colleagues, many of the Hungarian-Americans in my district came here after the uprising in the mid-1950s, and of course their descendants are still there and contributing to our culture and our economy in central New Jersey.

But I assure my colleagues that, for those people who left after the 1956 uprising, there was nothing that they enjoyed more than seeing Hungary become a democracy and a part of NATO and to be able to increase every year their alliance with the West and to our democratic values.

Mr. LANTOS. Mr. Speaker, I thank the gentleman from New Jersey (Mr. PALLONE) for his eloquent and appropriate comments.

Mr. Speaker, under my reservation, I am delighted to yield to the distinguished gentleman from Oklahoma (Mr. ISTOOK), one of the principle authors of this legislation.

Mr. ISTOOK. Mr. Speaker, I thank the gentleman from California for yielding to me. I thank the gentleman from New York (Mr. GILMAN) for bringing this legislation up.

Mr. Speaker, as a principle sponsor, I think it is good that we talk about what it means for a nation, for Hungary, to celebrate 1,000 years as a Nation. Many of us recall when the United States of America celebrated its bicentennial in 1976. That was for 200 years. We have not yet made it quite to 225 or 250 or 500, much less 1,000 years that Hungary is celebrating.

When one looks at the history when they came into the Carpathian Basin and they decided that they wanted to establish permanency, and they wanted to be a key part of Europe, and they had the crowning of Saint Stephen as the first king of Hungary, and founded the state that has endured despite the Nazi occupations, the Soviet occupations. We, who have visited Hungary both before and after the Iron Curtain came down, see the marvelous resiliency of a people who could not be suppressed, who retained everything that they could, that made an example before the world in 1956 as the first nation to try to throw off the yoke of Communist oppression and domination.

The Freedom Fighters of Hungary earned a special place in the hearts of the American people. I am proud of the fact that Hungary was the first country under communist domination to break out by holding free elections. As the gentleman from New Jersey (Mr. PALLONE) mentioned, in 1990, when Hungary did that, that really started the collapse of the Iron Curtain.

Now this is especially important to me, not just because I visited this beautiful land, but this is the land from which my grandparents came to the United States of America. My father's parents were immigrants from Hungary. My grandfather came here just before the first world war. He became an American citizen. Just after that war, he went back and married my grandmother. James and Rozalia Istook became U.S. citizens.

If one has a chance to see the difference, Hungarians as well as so many people from throughout the land gathered to the United States of America and made this the melting pot. Because of that, we feel special kinship and ties to those who remained as well as those who came having had a chance to visit with family that we still have in Hungary before, and to rejoice with them in knowing that they have opportunities because they would not give up. They would not surrender their hearts and their minds and their souls to the communist yoke.

□ 1900

In fact, when we were visiting in Hungary before the fall of the Iron Curtain, it was fascinating to us that because of the 1956 revolution and the resistance that they constantly had to the Soviet regime, they were allowed certain economic opportunities and freedoms that other nations in the Communist block did not have, and we found that people there often referred to Hungary as the "Little USA." This

was what they were saying among themselves, because they had that same yearning for freedom and for opportunity, economic as well as political.

There is a great sharing between our Nation and Hungary, and to know that Hungary has set an example of endurance of a thousand years, I think, is a great challenge for the United States of America. I would love to see the day when the parliament in Hungary is passing a resolution commending the United States of America on 1,000 years as a nation. Anyone who has never had a chance to visit Hungary and Budapest, this is one of the most beautiful spots in the entire world there on the Danube River where the Hungarian parliament is located. So as well as commemorating Hungary, we urge Americans to visit this great land.

Mr. Speaker, I thank the gentleman from California (Mr. LANTOS); and of course, for him, it is not just a matter of his ancestors but himself who was born there, and he sets the example, as I mentioned, of being part of the melting pot: E Pluribus Unum, out of many nations has come one, the United States. And we want to remember this special land of Hungary and congratulate them on their millennium.

Mr. LANTOS. Mr. Speaker, reclaiming my time, I want to thank my colleague and friend for his most eloquent remarks.

Mr. Speaker, in conclusion, may I just say that as one of Hungarian heritage, who is immensely proud of his heritage, it is important for us to realize that this small nation of 10 million people has been a leader globally in science, in music, in art, in sports, in almost every field of human endeavor. In the Sidney Olympics just concluded, again the Hungarian Olympic team acquitted itself with remarkable success. There is a tremendous list of Nobel laureates from Hungary, testifying to the scientific and educational and academic achievements of this small country.

I strongly urge all of my colleagues to support this resolution and, more importantly, to work along with those of us who have special interests in Hungary to continue building ties of business and culture and academic exchange and good fellowship with the people of Hungary.

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

Mr. LANTOS. I yield to the gentleman from New York.

Mr. GILMAN. Mr. Speaker, I just want to thank the gentleman from California (Mr. LANTOS), the gentleman from Oklahoma (Mr. ISTOOK), and the gentleman from New Jersey (Mr. PALLONE) for their work on this measure and for their supporting statements. This is an important resolution, and I just want to urge my colleagues to fully support the measure.

Mr. LANTOS. Reclaiming my time, Mr. Speaker, I thank the distinguished chairman of the committee for his words.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 400

Whereas the ancestors of the Hungarian nation, 7 tribes excelling in horsemanship and handicrafts, settled in the Carpathian basin around the end of the 9th century;

Whereas during the next century this tribal association had accommodated itself to a permanently settled status;

Whereas the ruler of the nation at the end of the first millennium, Prince Stephen, realized with great foresight that the survival of his nation depends on its adapting itself to its surroundings by becoming a Christian kingdom and linking its future to Western civilization;

Whereas in 1000 A.D. Stephen, later canonized as Saint Stephen, adopted the Christian faith and was crowned with a crown which he requested from Pope Sylvester II of Rome;

Whereas, by those acts, Saint Stephen, King of Hungary, established his domain as 1 of the 7 Christian kingdoms of Europe of the time and anchored his nation in Western civilization forever;

Whereas during the past 1,000 years, in spite of residing on the traditional crossroads of invaders from the East and the West, the Hungarian nation showed great vitality in preserving its unique identity, language, culture, and traditions;

Whereas in his written legacy, Saint Stephen called for tolerance and hospitality toward settlers migrating to the land from other cultures;

Whereas through the ensuing centuries other tribes and ethnic and religious groups moved to Hungary and gained acceptance into the nation, enriching its heritage;

Whereas since the 16th century a vibrant Protestant community has contributed to the vitality and diversity of the Hungarian nation;

Whereas, particularly after their emancipation in the second half of the 19th century, Hungarians of the Jewish faith have made an enormous contribution to the economic, cultural, artistic, and scientific life of the Hungarian nation, contributing more than half of the nation's Nobel Prize winners;

Whereas the United States has benefitted immensely from the hard work, dedication, scientific knowledge, and cultural gifts of hundreds of thousands of immigrants from Hungary; and

Whereas in this year Hungary also celebrates the 10th anniversary of its first post-communist free and democratic elections, the first such elections within the former Warsaw Pact; Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring), That the Congress—*

(1) congratulates the Republic of Hungary, and Hungarians everywhere, on the one thousandth anniversary of the founding of the Kingdom of Hungary by Saint Stephen; and

(2) commends the Republic of Hungary for the great determination, skill, and sense of purpose it demonstrated in its recent transition to a democratic state dedicated to upholding universal rights and liberties, a free market economy, and integration into European and transatlantic institutions.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Concurrent Resolution 400, the matter just considered.

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

There was no objection.

PASS THE VIOLENCE AGAINST WOMEN ACT

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

Mrs. MALONEY of New York. Mr. Speaker, over 900,000 women suffer violence each year at the hands of an intimate partner. We need the Violence Against Women Act to be reauthorized. It has provided over \$1.6 billion in Federal grants to prosecutors, to law enforcement officials, and to victim assistance programs; yet it was allowed to expire this past weekend.

Last week, this body passed it overwhelmingly. There is deep support in the Senate, with over 70 co-sponsors. Yet the Senate is holding this important piece of legislation up. Meanwhile, women fleeing domestic violence and children who live in violent situations wait and wait and wait.

I urge the other body to pass this bill immediately. Women and children around this Nation are counting on us. We should have passed it in the other body last week. We should not have allowed it to expire.

VITAL LEGISLATION NEEDS ADDRESSING BEFORE CONGRESS ADJOURNS

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I want to offer my support for moving along the Violence Against Women Act. I believe that we have more than an important responsibility to deal with this legislation. As Chair of the Congressional Children's Caucus, I can tell my colleagues of the terrible and horrific results that come from a child that has experienced violence in the home.

In addition, Mr. Speaker, I think it is vital that we spend these last waning hours to address the question of a patients' bill of rights to address the question of a guaranteed Medicare drug prescription benefit for seniors. Having come from my district, I know what people are crying out for.

I also believe, Mr. Speaker, that as we have seen three recent votes on the floor of the House this evening, it is imperative when we look at serious issues dealing with privacy and violence against women that we have

hearings and the opportunity to deliberate and add amendments to the bill so we can put forward to the American people important and vital and serious and valuable legislation.

Mr. Speaker, I think that the American people are not expecting us to be the "do-nothing" Congress. They, frankly, want us to do our jobs.

#### SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. BILIRAKIS) is recognized for 5 minutes.

(Mr. BILIRAKIS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

(Mr. BROWN of Ohio addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. PORTER) is recognized for 5 minutes.

(Mr. PORTER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

#### WIND FOR ELECTRICITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. FILNER) is recognized for 5 minutes.

Mr. FILNER. Mr. Speaker, I represent San Diego, California, which is undergoing a tremendous crisis in terms of the price that we pay for electricity. In the last 3 months, prices have doubled and tripled. And while we have a short-term cap on those prices, we are looking to Congress to bring down the wholesale price of electricity and bring down the rates to consumers and small businesses.

Tonight, I want to speak about the long-range issue of energy and how that affects San Diego and the rest of our Nation. We all know that oil, natural gas, and home heating fuel prices are at a 10-year high. American consumers are facing record increases in domestic energy costs. This past summer households have been hit by soaring electricity rates in California, and motorists have faced astronomical gasoline price hikes. Now, in the coming winter months, high energy prices will affect households throughout the country.

The economic consequences are all too evident to individual consumers

both at home and overseas. In Europe we see gasoline shortages, panic buying, and massive protests over rising prices. Furthermore, the impact does not stop with the individual consumer; the whole Nation bears the consequences. A surge in the price of energy can derail the economic expansion that we have worked so hard to achieve and maintain.

I think we know that energy supplies and prices are indeed cyclical. We have been lulled into inaction by the long downside half of that cycle. Oil and gas have been in adequate supply and the moderate energy prices have made us forget the upside of that cycle. The energy crises of the 1970s and 1980s are forgotten history. Consequently, we have failed to implement policies to increase our energy supplies and to promote stable prices. We have steadily grown more dependent on conventional and imported energy. Congress has done very little to protect the Nation from the inevitable upswing in that cycle.

In particular, we have failed to support the development of alternative energy resources. In terms of domestic resource potential, wind energy is the most overlooked fuel source in this Nation. This resource is available in almost every State and can be utilized for electric generation more quickly than any other energy resource. Although California has been a leader, other States, such as Wyoming, Wisconsin, Vermont, Texas, Pennsylvania, Oregon, New York, Minnesota and Iowa, are beginning to utilize their wind energy resources. The use of wind power for electric generation is slowly growing.

Compared with the tax incentives for conventional nuclear energy, Federal tax support for renewable energy resources, such as wind, is relatively small. Aside from accelerated depreciation, which is shared by other fast-evolving technologies, wind facilities now qualify only for a temporary Federal production tax credit. This credit helps provide a price floor, but if the price of wind-generated electricity rises above a certain benchmark, the tax credit phases out and this credit took effect in 1994.

It was originally decided to sunset this credit in June of 1999. But several years after the credit was enacted, Congress considered repealing it when energy prices were at an all-time low. Fortunately, Congress retained the credit and later extended it until 2002. Despite wavering congressional policy, the credit has promoted use of domestic wind energy resources and has promoted technological development.

An uncertain credit and a temporary extension, however, does not support long-term planning, development and construction of electric generation projects. The experience with another credit program proves my point. Between 1986 and 1992, when the section 48 solar and geothermal credit was finally made permanent, Congress extended

this credit in 1-, 2-, and 3-year increments. Sizable projects could not be undertaken because of the short eligibility period; and small short-term projects that were attempted had to be rushed to completion at great cost to meet the qualification deadline. For both policy and practical reasons, the wind production credit should be made permanent, like the credit for solar and geothermal resources.

Our long-time reliance on conventional fuels has created a mindset which ignores alternatives. Mr. Speaker, the resulting institutional practices resist the use of nonconventional energy resources. Power management, transmission, and pricing practices need to adjust to the requirement of utilizing a new alternative resource. With the threat of another energy crisis looming in the future, Congress needs to reassess and redirect our national energy programs.

To spur that analysis and redirection, I have introduced today the Wind for Electricity Act to specifically promote the development of wind energy resources in this Nation. I know that San Diego is looking to this Congress for short-term relief from the high prices of electricity and to long-term alternative energy resources. I hope we all act soon.

#### RESPONSE TO PREVIOUS SPECIAL ORDER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. WELDON) is recognized for 5 minutes.

Mr. WELDON of Pennsylvania. Mr. Speaker, I have had the pleasure of serving in this body for 14 years. And during the 14 years, one of the things that I have learned about our colleagues is that we all have a feeling of high regard for each other. If someone is going to say something about another Member, the protocol usually has been that the Member be told about it in advance.

This past Thursday that did not happen, as the gentleman from California (Mr. WAXMAN) got up after everyone left Washington, late Thursday, and did a special order for 1 hour; a tirade mentioning a number of Members of Congress. Now, I will not do to him what he did to our colleagues. He only mentioned me briefly, but I told the gentleman from California (Mr. WAXMAN) this morning that I would come here personally and respond to the things he said regarding me.

The gentleman from California (Mr. WAXMAN) said that we were too harsh in criticizing the administration for the possibility of having the administration transfer technology to China in return for campaign dollars. He went on to make two specific charges: number one, that the Cox Committee, which I served on, in fact totally exonerated the administration on those allegations; and, number two, that the Justice Department said there was no

reason to believe there was any need to further investigate the transfer of campaign dollars for technology to China.

Well, let us look at the facts, Mr. Speaker. The fact is that this gentleman, the largest single contributor in the history of American politics, Mr. Bernard Schwartz, from 1995 to 2000, contributed personally \$2,255,000 to Democratic national candidates, DNC, the Democratic Senatorial Committee and the Democratic Congressional Committee.

□ 1915

The allegation was in 1998 when he contributed \$655,000 to those candidates that there was a potential quid pro quo because Bernard Schwartz had been lobbying for a permit waiver to transfer satellite technology to China.

Now, the Justice Department has said on the record they opposed that the President intervene to make a waiver decision, but the President went ahead on his own.

Now, in fact, our Cox committee did not even look at this issue. In fact, if the gentleman from California (Mr. WAXMAN) would have bothered to read the Cox committee report, in the appendix under the scope of the investigation it says, we did not even consider the political contribution aspect of this because other committees were looking at it and because we could not get people to testify because they pled the fifth amendment or they left the country.

But let us look at what the Justice Department said. Here is what the Justice Department said in the LaBella memo, which I would encourage our colleague, the gentleman from California (Mr. WAXMAN), and every citizen in America to request from their Member of Congress:

"It is not a leap to conclude that having been the beneficiary of Schwartz's generosity in connection with the media campaign, the administration would do anything to help Bernie Schwartz and Loral if the need arose."

This was written not by a Republican. This was written by Charles LaBella, Justice Department special investigator to Louis Freeh, which went to Janet Reno.

They further said this, Mr. Speaker: "As suggested throughout this memo, there are many as yet unanswered questions. However, the information suggests these questions are more than sufficient to commence a criminal investigation."

Who would that criminal investigation have been against? It would have been against four people: Bill Clinton, Hillary Clinton, Al Gore, and Harold Ickes, who is Hillary's campaign manager in New York. It would have been against the Loral Corporation and Bernard Schwartz.

So here we have it, Mr. Speaker. The two allegations made by the gentleman from California (Mr. WAXMAN) are totally false. He owes an apology to the

American people. Because, number one, the Cox Committee never looked at these facts. And he should know that unless he cannot read very well. It is right here in the text. Number two, he claims the Justice Department dismissed these allegations out of hand.

Well, I trust the American people. I would urge all of our colleagues to have this report available to every constituent across America, the LaBella memo. It is 94 pages. It is redacted, but they can read for themselves and they can see what this Justice Department, what FBI Director Louis Freeh, what handpicked Janet Reno Investigator Charles LaBella said about the need for a criminal investigation.

They name the four people in this document, and the four people are those four I mentioned along with Bernard Schwartz and the possibility of a quid pro quo for the \$655,000 and all this money being transferred.

In fact, Mr. Speaker, when I get more time, I will go through the specific findings in the LaBella memo where they raised the issue of the request coming in to the President and specifically on February 18, 1998, the President signed the waiver after the Justice Department advised him not to sign it.

On January 21 of that same year, Schwartz donated \$30,000 to the DNC. On March 2 he donated \$25,000. All through that year, he donated \$655,000 dollars. And that is why Louis Freeh and that is why Charles LaBella said there needs to be a further investigation for criminal activities involving the transfer of campaign dollars to the Democratic party, to the President and the Vice President and the First Lady and Harold Ickes based on the technology transfer to China, especially through the waiver that Bernie Schwartz got even though the Justice Department advised the President not to grant that waiver.

Mr. Speaker, the gentleman from California (Mr. WAXMAN) owes this Congress an apology.

Mr. Speaker, I include for the RECORD the following documents that I just referenced:

H. Res. 463 also authorized the Select Committee to investigate PRC attempts to influence technology transfers through campaign contributions or other illegal means. In light of the fact that two other committees of the Congress have been engaged in the same inquiry and had begun their efforts long before the Select Committee's formation, the Select Committee did not undertake a duplicative review of these same issues. The Select Committee did, however, contact key witnesses who could have provided new evidence concerning such issues.

The Select Committee's efforts to obtain testimony from these witnesses were unsuccessful, however, because the witnesses either declined to testify on Fifth Amendment grounds or were outside the United States. Because the Select Committee was unable to pursue questions of illegal campaign contributions anew, no significance should be attributed, one way or the other, to the fact that the Select Committee has not made any findings on this subject. The same is true with respect to other topics as to which time

constraints or other obstacles precluded systematic inquiry.

Much of the information gathered by the Select Committee is extremely sensitive, highly classified, or proprietary in nature. In addition, the Select Committee granted immunity to, and took immunized testimony from, several key witnesses. Pursuant to an agreement reached with the Justice Department, this testimony must be protected from broad dissemination in order to avoid undermining any potential criminal proceedings by the Justice Department.

There are two documents which could form a basis upon which to predicate a federal criminal investigation. The first is a February 13, 1998, letter from Thomas Ross, Vice President of Government Relations for Loral, to Samuel Berger, Assistant to the President for National Security Affairs. It could be argued from this letter that Schwartz intended to advocate for a quick decision on the waiver issue by the President. In the letter, annexed as Tab 47, Ross wrote: "Bernard Schwartz had intended to raise this issue (the waiver) with you (Berger) at the Blair dinner, but missed you in the crowd. In any event, we would greatly appreciate your help in getting a prompt decision for us."

In the letter Ross also outlined for Berger how a delay in granting the waiver may result in a loss of the contract and, if the decision is not forthcoming in the next day or so, Loral stood to "lose substantial amounts of money with each passing day." The President signed the waiver on February 18, 1998. On January 21, 1998, Schwartz had donated \$30,000 to the DNC; on March 2, 1998, he donated an additional \$25,000.

The second document is a memo from Ickes to the President dated September 20, 1994, in which Ickes wrote:

"In order to raise an additional \$3,000,000 to permit the Democratic National Committee ('DNC') to produce and air generic tv/radio spots as soon as Congress adjourns (which may be as early as 7 October), I request that you telephone Vernon Jordan, Senator Rockefeller and Bernard Schwartz either today or tomorrow. You should ask them if they will call ten to twelve CEO/business people who are very supportive of the Administration and who have had very good relationships with the Administration to have breakfast with you, as well as with Messrs. Jordan, Rockefeller and Schwartz, very late this week or very early next week.

"The purpose of the breakfast would be for you to express your appreciation for all they have done to support the Administration, to impress them with the need to raise \$3,000,000 within the next two weeks for generic media for the DNC and to ask them if they, in turn, would undertake to raise that amount of money.

\* \* \* \* \*

"There has been no preliminary discussion with Messrs. Jordan, Rockefeller or Schwartz as to whether they would agree to do this, although, I am sure Vernon would do it, and I have it on very good authority that Mr. Schwartz is prepared to do anything he can for the Administration." See Tab 12 (emphasis in original).

From this memo one could argue that Ickes and the President viewed Schwartz as someone who would do anything for the Administration—including raising millions of dollars in a short period of time to help the media campaign. We now know not only that the media campaign was managed by Ickes from the White House, but also that it played a critical role in the reelection effort. Consequently it is not a leap to conclude that having been the beneficiary of Schwartz' generosity in connection with the

media campaign, the Administration would do anything it could to help Bernie Schwartz (and Loral) if the need arose.

If in fact there is anything to investigate involving the Loral "allegations," it is—as set out in the Task Force's draft investigative plan—an investigation of the President. The President is the one who signed the waiver, the President is the one who has the relationship with Schwartz; and it was the President's media campaign that was the beneficiary of Schwartz' largess by virtue of his own substantial contributions and those which he was able to solicit. We do not yet know the extent of Schwartz solicitation efforts in connection with the media fund. However, if the matter is sufficiently serious to commence a criminal investigation, it is sufficiently serious to commence a preliminary inquiry under the ICA since it is the President who is at the center of the investigation.

For all these reasons, the Loral matter is something which, if it is to be investigated, should be handled pursuant to the provisions of the ICA.

#### CONCLUSION

We have been reviewing the facts and the evidence for the last ten months. During that time we have gained a familiarity with the cases, the documents and the characters sufficient to draw some solid conclusions. It seems that everyone has been waiting for that single document, witness, or event that will establish, with clarity, action by a covered person (or someone within the discretionary provision) that is violative of a federal law. Everyone can understand the implications of a smoking gun. However, these cases have not presented a single event, document or witness. Rather, there are bits of information (and evidence) which must be pieced together in order to put seemingly innocent actions in perspective. While this may take more work to accomplish, in our view it is no less compelling than the proverbial smoking gun in the end. As is evident from the items detailed above, when that is done, there is much information (and evidence) that is specific and from credible sources. Indeed, were this quantum of information amassed during a preliminary inquiry under the ICA, we would have to conclude that there are reasonable grounds to believe that further investigation is warranted. As suggested throughout this memo, there are many as yet unanswered questions. However, the information suggesting these questions is more than sufficient to commence a criminal investigation.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. DICKEY). Members are reminded not to make personal references toward the President or Vice President of the United States.

#### BREAST CANCER AWARENESS MONTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. BACA) is recognized for 5 minutes.

Mr. BACA. Mr. Speaker, this month is National Breast Cancer Awareness Month. This month is devoted to increasing the awareness of breast cancer and to promote a nationwide education effort for the love of life.

Breast cancer is a tragedy that we must fight to eliminate. A pink ribbon that I am wearing and many other individuals will be wearing this month

means more than awareness. It stands for the love of your wife, your sister, your mother, your grandmother, your daughter, and your colleagues.

We must do everything to stop this disease. About 182,000 new cases of breast cancer will be diagnosed in the United States this year alone, not to mention how many currently have breast cancer now or how many have died because of breast cancer.

Breast cancer prevention and treatment is an issue fought in the State legislature. It is one that I fought and I carried the legislation for the breast cancer stamp, the license plate for treatment and prevention. We must raise the awareness that the best protection is early detection and action.

There are measures women and their doctors can take to catch this disease early, including clinical exam, self-examination, and mammograms. During this month, I encourage all Members to spread the message about the importance of prevention and treatment. I encourage the Members to speak to their friends, co-workers, their families, and their communities. Some of the locations that we can speak at are hospitals, mammography centers, the health centers, and breast cancer awareness presentations.

This week I spoke at Loma Linda on behalf of a nonprofit organization named the Candlelight Research for Children that received treatment for cancer. And just this last week alone I spoke at Fontana Kaiser Permanente where they actually had the pink ribbon highlighted at the hospital for many individuals to see.

Congress should continue to support legislation such as H.R. 4386, the Breast Cancer and Cervical Cancer Treatment Act. This bill, supported by a bipartisan majority of Congress, would provide the treatment to low-income women who currently receive screening under the Federal program.

We should also support legislation pending in Congress to extend the Federal breast cancer stamp which would fund breast cancer research. We must also fund Federal agency research efforts, such as the Department of Defense peer-reviewed breast cancer research program.

We must not stop. We must not quit. We must continue to fight. This is an important national priority. We need to encourage everyone to be aware of this issue and encourage them to pass information on to those that they love. It just might save their life or the life of someone they love.

To touch a life is to save a life.

#### AMERICA DEMANDS STRONG ENERGY POLICY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. STEARNS) is recognized for 5 minutes.

Mr. STEARNS. Mr. Speaker, recently Governor Bush proposed a comprehensive energy policy which I believe will

go a long way towards increasing our Nation's energy self-sufficiency and strikes the proper balance between energy production and protecting the environment.

Last week, the Subcommittee on Energy and Power, on which I serve, held a hearing to examine the United States' energy concerns. Most of the hearing focused on the President's decision to release 30 million barrels of oil from the Strategic Petroleum Reserve to supposedly help Americans in the Northeast who may face a dwindling supply of home heating oil for the upcoming winter.

While no one would argue that we must ensure that Americans' heating needs are met, I seriously question the motivation and the reason for releasing this oil.

First, the key word here is "strategic." The reserve was created in the wake of the 1973 oil embargo, and Presidential authority to draw down the reserve is contingent only upon the finding of a severe energy supply disruption. In fact, the Energy Information Administration, in a letter to the chairman of the Committee on Commerce, the gentleman from Virginia (Mr. BLILEY), in February, stated: "The SPR is intended for release only in the event of a major oil supply disruption, not for trying to manage the world market of nearly 74 million barrels per day."

Last month, Treasury Secretary Summers and the Federal Reserve Chairman Alan Greenspan sent a memo to the President opposing the release of oil from the reserve based in part "it would be seen as a radical departure from past practice and as an attempt to manipulate prices."

Furthermore, Vice President Gore himself opposed the release of oil from the SPR earlier this year but suddenly had a change of heart with both winter and the elections looming ahead.

Upon announcing the release of 30 million barrels from the SPR, the President also announced the release of \$400 million of taxpayers' money in low-income home energy assistance program funding. However, these funds will have to be replaced by Congress, most likely through emergency supplemental appropriations, and the oil will have to be replaced, hopefully, when oil is at a lower price per barrel.

Mr. Speaker, this action is indicative of the administration's lack of leadership, I believe, on energy policy. This 30-million-barrel release amounts to only about a 36-hour supply. Instead of tackling our energy problems head-on with a coherent policy, the administration chooses to run in a circle throwing money at the problem or proposing politically expedient policies which fail to address the long-term solution.

Since the Clinton-Gore administration took office, America's oil consumption has increased by 14 percent, while domestic production has decreased by 18 percent. America is the world's only superpower, and we are 56

percent dependent on foreign countries for our main energy needs.

In contrast, during the crippling 1973 oil embargo, the United States was only 36 percent dependent on foreign oil. And to add insult to injury, Iraq has now become the fastest growing oil supplier to the United States.

Another fact that I found troubling is that the Strategic Petroleum Reserve is made up of predominantly foreign oil. For crude oil received up to 1995 for the SPR, only 8 percent came from domestic producers.

I find it ironic that we developed the SPR so as to never again be at the whim of foreign nations in terms of oil supply and yet we fill our reserve with foreign oil.

I would also like to point out that Americans also use a large amount of natural gas for home heating. However, I have heard of no cry from the Clinton-Gore administration to help these Americans.

The demand in price of natural gas is skyrocketing, while natural gas production has been virtually flat over the past few years, primarily because domestic exploration has been hindered by this administration's severe environmental policies.

At last week's hearings, witnesses testified that we do in fact have a type of natural gas reserve, but because of the lengthy permit process and access restrictions enforced by this administration, we are unable to adequately tap these reserves.

Mr. Speaker, our country's demand for both oil and natural gas will increase dramatically over the next 10 to 20 years. It is time for a real energy policy and not a Band-Aid policy.

#### RECOGNITION OF THE URBAN LEAGUE ON ITS 89TH BIRTHDAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, I rise this evening to give special recognition to a premier social service and civil rights organization that has fought the relentless fight for African Americans in the achievement of social and economic equality.

Historically, this organization has built bridges over the obstructions that impede the social freedom of citizens. Time and time again, this organization has been in the vanguard, providing guidance and instruction to millions.

As a principal shepherd, this organization has been a conduit that has negotiated on behalf of the voiceless and neglected. But most of all, this organization has contributed enormously towards inoculating the disease of institutionalized racism which continues to negatively impact many in America.

The organization of which I speak is the National Urban League as it prepares to celebrate its 89th birthday.

From the moment of its inception in 1911, the National Urban League has

been in the forefront of promoting social change, promoting black conscientiousness and racial pride.

Furthermore, the National Urban League has been contributing to the transformation of American social, cultural, and political life.

□ 1930

The National Urban League consistently has been on the front line to gauge pressure, temper ills and provide solutions over adverse forces that permeate all sectors in our society.

During the Great Migration, the National Urban League created successful social action programs aimed towards improving employment opportunities for African Americans who migrated northward to escape the endless cycle of poverty that held their lives hostage. The National Urban League successfully helped these citizens by working through local affiliates to help them adjust to urban life. These affiliates taught citizens the basic skills necessary to secure employment. In addition, the National Urban League sponsored community centers, clinics, kindergartens, day care, summer camps, as well as a host of other programs tailored to meet the specific needs of black newcomers. In essence, these social programs provided a comprehensive social support system that enabled African Americans to thrive and compete in mainstream society. Thus, the National Urban League firmly established itself as a lead organization for reform in America.

Under Lester B. Granger's mentorship, the National Urban League reached unprecedented new levels during the Great Depression. By focusing its reform efforts on coercing the Federal Government to develop equitable policies dedicated towards inclusion for blacks, the National Urban League lobbied government to end discrimination and open its doors of opportunity. As a result of direct pressure, President Franklin Roosevelt issued an executive order ending discrimination in defense industries and Federal agencies.

While the face of America was transforming in the turbulent 1960s, the National Urban League stood strong and helped organize extensively to help African Americans take an active role in the political process. Under the direction of Whitney Young, Jr., the National Urban League launched vigorous voter registration drives. Mr. Young's vision of political empowerment for blacks did not end there. To complement efforts to increase blacks' access to the polling booth, the National Urban League sponsored leadership development and voter registration projects. As a result of these and other initiatives, African Americans as a unit began to wield their newly developed, fine-tuned political prowess far more effectively in the political process.

Today, the National Urban League continues to promote social, economic,

and political empowerment. By using tools of advocacy, research, and program service as its main approach, the National Urban League has expanded its programs to help African Americans meet anticipated challenges in the new century.

Under the direction of Hugh Price, the National Urban League has worked to provide information and technical assistance to thousands of small businesses as they compete in the technological and global economy. In addition, the National Urban League is helping to tackle the sprouting problems that seize our Nation's failed schools. Mr. Price is committed to closing the digital divide that has a crippling effect on our Nation's youth.

Furthermore, the National Urban League continues to lead African Americans to new opportunities that will help them attain economic self-sufficiency and is helping to fight racial profiling and police brutality. Through its various programs, the National Urban League is helping to move America into a new era with vigor and vitality.

I could not mention the work of the Urban League without mentioning the tremendous work done by the Chicago Urban League under the leadership of its president and chief executive officer, James Compton, who is noted as one of Chicago's most outstanding leaders. Prior to the advent of Jim Compton, the Chicago League was led by William "Bill" Berry who was voted as one of the most effective leaders of his day. His wit, charm, and personality helped to move many situations.

#### IN OPPOSITION TO INTERIOR APPROPRIATIONS CONFERENCE REPORT

The SPEAKER pro tempore (Mr. DICKEY). Under a previous order of the House, the gentleman from Indiana (Mr. SOUDER) is recognized for 5 minutes.

Mr. SOUDER. Mr. Speaker, I rise tonight to oppose the Interior appropriations bill that is likely to come upon us, at least in the form that we have been hearing about. It is pumping millions of dollars into the appropriations process but guts CARA, the Conservation and Reinvestment Act, that three-quarters of this House voted to support. CARA has a trust fund. When we talk about the Medicare and Social Security trust funds being restored, we also have an obligation to put the money into other trust funds before we engage in disbursing it into various appropriations accounts. We have a number of smaller trust funds but they are nonetheless trust funds where we take fees from people and tell them they are going to be used for an intended purpose and then divert it, here in the case of many people who hunt or fish or pay different fees and have had their fund diverted into the general budget.

Secondly, by gutting CARA, this will hurt our efforts to increase oil drilling

and compensate for that oil drilling through additional environmental resources in the States where the drilling is done. This was a delicately crafted compromise. Alaska, California, and Louisiana are States that are going to be most directly affected by the oil drilling. I may not represent one of those States, but I represent a State right now where we desperately need more oil and gas so we can keep our energy prices down for home heating oil in the winter and for also the fact that in our district we make pickups, we make RVs, we make boats, we make lots of things that we sell to the rest of America that use gas. It is only fair if we drill for additional gas in these States and work out an agreement that funds for other environmentally-sensitive projects in those States are spent in those States.

Thirdly, CARA is one of the only ways that States like Indiana can get any Federal funds for wildlife and conservation efforts. We do not have national parks like in the West. In my district, Pokagon and Chain O'Lakes State Parks have received funds from this reservoir that in the past previously had been funded by this Congress but as of late has received minimal funding, Dallas Lake County Park in LaGrange County, and city parks in Decatur and Columbia City. CARA is one of the only ways that funds get equitably distributed around the country rather than just go to the appropriators' favorite projects or people where they already have big national parks.

The proposed Interior bill has many important projects in it, but it has the purpose and the practical impact of gutting CARA, a bill that three-quarters of us supported. So those who favor CARA, which is most of this body, would be wise to vote against this bill for environmental reasons; but as I pointed out last Thursday on this floor, those who have moral concerns should also vote against this bill.

First off, while they have not directly funded these programs, NEA in the last few years, National Endowment for the Arts, has funded in-your-face theater programs like, for example, the Woolly Mammoth Theatre. The Woolly Mammoth Theatre in its description of its purposes says it produces plays that are questioning of mainstream American values, such as "My Queer Body," where a man describes what it is like on stage to have sex with another man, then climbs naked into the lap of a spectator and attempts to arouse himself sexually in full view of the audience. They received a grant this year, by the way, Woolly Mammoth, yet another grant.

Or how about blaspheming Jesus Christ? We did not fund "Corpus Christi," but we fund the Manhattan Theatre prior to this being done. We funded it with two grants this year, where Jesus Christ is portrayed as having a homosexual relationship with the apostle Peter and all the apostles. We complain about Hollywood, then what are we doing funding these theaters?

Thirdly, there is "The Pope and the Witch," written by an Italian Communist against the Catholic Church there where the Pope, and it is performed by the Theatre for the New City which once again received a grant this year in spite of doing this offensive play where the Pope goes to the Vatican Square, there are 100,000 children, he decides it is a plot by the condo manufacturers to embarrass the Catholic Church. Fortunately, a little nun, or actually not a nun, it is a witch disguised as a nun, comes up and injects heroin into the Pope's veins. The Pope then gets addicted to drugs, to heroin. Then he sees the enlightenment, to enlighten the world by going around preaching free condom distribution, free heroin needles for drug addicts and free legalization of drugs throughout the world.

Is this what we want to do with taxpayer dollars, to fund theaters that perform this? By the way, there is another interesting little play in this book called "The First Miracle of the Boy Jesus," a mockery of Christ from the very beginning.

I think it is time that this Congress stop pointing the finger everywhere else, and instead we have to clean up the funding that we are doing here. We asked for a simple compromise with the Senate and with the President that says no obscenity or blasphemy will be funded; that there will be a small reduction in the direct NEA funding and we would put the additional funds, up to \$9 million, \$7 million and if we take \$2 million additional out of NEA, \$9 million into a special fund for rural areas where we have not had this.

I understand they can get around that, but it is like a Good Housekeeping seal. If the National Endowment for the Arts says a theater that does "The Pope and the Witch" is deserving of government funding, it is a Good Housekeeping seal from the Federal Government. It is time we stop that, stop criticizing Hollywood and clean up our own house first.

#### ARMENIAN GENOCIDE RESOLUTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, tomorrow in the House Committee on International Relations a very important debate will take place. The members of that committee will determine if this House of Representatives is able to vote on a resolution that would finally pay tribute to the victims of one of history's worst crimes against humanity, the Armenian Genocide of 1915 through 1923.

The Armenian Genocide was the systematic extermination of 1.5 million Armenian men, women, and children during the final years of the Ottoman Turkish Empire. This was the first genocide of the 20th century, but sadly not the last.

Yet, Mr. Speaker, I regret to say that the United States still does not officially recognize the Armenian Genocide. Bowing to strong pressure from Turkey, the U.S. State Department has for more than 15 years shied away from referring to the tragic events of 1915 to 1923 by using the word "genocide." President Clinton and his recent predecessors have annually issued proclamations on the anniversary of the Genocide, expressing sorrow for the massacres and solidarity with the victims and survivors, but always stopping short of using the word "genocide," thus minimizing and not accurately conveying what really happened beginning 83 years ago.

In an effort to address this shameful lapse in our own Nation's record as a champion of human rights, a bipartisan coalition of Members of Congress has been working to enact legislation affirming the U.S. record on the Armenian Genocide. I want to applaud the work of the gentleman from California (Mr. RADANOVICH) and the gentleman from Michigan (Mr. BONIOR), our Democratic whip, for their strong leadership in creating this legislation.

Many countries, as well as States and provinces and local governments, have adopted resolutions or taken other steps to officially recognize the Armenian Genocide. From Europe to Australia, to many States in the United States, elected governments are going on record on the side of the truth. Regrettably, the Republic of Turkey and their various agents of influence in this country and in other countries have fought tooth and nail to block these efforts.

Mr. Speaker, it is nothing short of a crime against memory and human decency that the Republic of Turkey denies that the genocide ever took place and has even mounted an aggressive effort to try and present an alternative and false version of history, using its extensive financial and lobbying resources in this country.

Mr. Speaker, there is a lot of sympathy and moral support for Armenia in the Congress, in this administration, among State legislators around the country, and among the American people in general. But we should not kid ourselves. We are up against very strong forces, in the State Department and the Pentagon, those who believe we must continue to appease Turkey, and among U.S. and international business interests whose concerns with exploiting the oil resources off Azerbaijan in the Caspian Sea far outweigh their concerns for the people of Armenia.

It is my hope, Mr. Speaker, that the Committee on International Relations tomorrow will quickly approve this resolution and finally bring it to the floor in this House in the coming weeks so that we can finally recognize this horrible crime.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mrs. MALONEY) is recognized for 5 minutes.

(Mrs. MALONEY of New York addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

#### GUAM'S ENVIRONMENTAL PROBLEMS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Guam (Mr. UNDERWOOD) is recognized for 5 minutes.

Mr. UNDERWOOD. Mr. Speaker, I rise today to express some concerns about environmental conditions on Guam as a result of problems with PCBs and as a result of some recently discovered mustard gas vials left over from the military. I am very concerned about the safety of my constituents in light of these recent discoveries of chemical weapons testing kits containing measurable amounts of mustard gas and other toxic chemicals on Guam. Given the public health dangers associated with exposure to these substances, I have requested the Department of Defense to perform a historical record survey to determine the final disposition of chemical weaponry that was brought to Guam. This survey should be comprehensive and include identifying former military dump sites as well as other potential disposal sites used by the military.

Guam has been a significant area for U.S. military activity for more than 50 years. First used as a major staging area during World War II, the military presence in Guam increased correspondingly with the Korean and Vietnam Wars.

□ 1945

Its full value as an area to forward deploy American military forces continues to be strong, even in today's post-Cold War era. At the time, Guam was home to a fully operational Naval Base, Naval Air Station, Naval Communications, Submarine Base, Air Force Strategic Air Command and Naval Weapons Depot, and today still has the largest weapons storage area in the entire Pacific.

But over these many years it has become clear that it was military activities during World War II that posed the greatest threat to the people of Guam. During World War II, Guam was used as a staging area for the invasion of the Philippines, Iwo Jima, Okinawa, and eventually, as contemplated, the invasion of the Japanese homeland.

Over time, several instances of mustard gas have been discovered; and a few months ago, officials from the University of Guam presented documents to military officials that a huge shipment of mustard gas was brought to Guam in 1945. But there has been no documentation of these weapons leaving the island.

In a September 5, 2000, Pacific Daily News article, a spokesman for the

Army Corps of Engineers surmised that the shipment had been likely dumped at sea. It is illogical, because the shipment was brought to Guam. How could it be taken off and dumped at sea? He went on to say that lacking evidence of a definitive area that should be searched, the Army Corps could not conduct a comprehensive search. "Otherwise, it is almost like a needle in a haystack."

However, just last week, additional chemical weapon cannisters were found with a pile of unexploded ordnance at Anderson Air Force Base, and these cannisters resemble the testing kits that had been earlier found in the central part of Guam, in Mongmong, an area that used to be a military base. With these two discoveries of toxic chemicals in less than 2 years, I believe that we have in fact found just the beginning of countless needles in the haystack.

I would have hoped that the first discovery of mustard gas would have spurred the Department of Defense to engage in this exhaustive survey, historical survey, of what chemical weapons and what general ordnance was stored on Guam left over from World War II.

In addition, this is combined with another issue concerning the environmental condition of Guam, and that is the inability to take PCBs out of Guam. Guam and other territories are outside the customs zone, and as laws regarding the disposal of PCBs, PCBs can be brought to Guam from the U.S. mainland, but they cannot be brought back into the U.S. mainland for proper disposal. I remain in strong conversation with EPA officials and have received a strong commitment to resolve this problem administratively in the upcoming months.

However, in a neighboring island to the north, Saipan, there were recently discovered PCB materials, but the EPA has already issued an administrative order releasing those PCB items to be moved back into the U.S. mainland. I think it is a situation that cries out for solution and fair and balanced treatment for all the territories.

It is important to understand that the Toxic Substances Control Act prohibits Guam from importing PCBs inside the U.S. customs zone, even though the PCBs originated inside the U.S. customs zone. The U.S. Court of Appeals Ninth Circuit's 1997 ruling of *Sierra Club v. EPA* overturned an attempt by EPA to solve this problem administratively, which would have dealt with PCBs in a more rational manner.

Parenthetically, PCBs that are on military bases are easily moved back into the U.S. This disparate treatment between military bases and the civilian community of Guam, composed of U.S. citizens, just like everywhere else, is simply intolerable and must be resolved by EPA.

In general, we have a very difficult situation with PCBs and their disposal in Guam. We have this issue with

chemical toxic weapons. I certainly call upon the Army Corps of Engineers and the Department of Defense to conduct an exhaustive search. We first called for this exhaustive search in July of 1999. We continue to press the issue, and certainly I hope that the Department of Defense will see fit to finally review all of the weapons which have been brought into Guam and through which two or three generations of people from Guam have been raised in the shadow of these weapons.

#### THE VETERANS ORAL HISTORY PROJECT

The SPEAKER pro tempore (Mr. DICKEY). Under a previous order of the House, the gentleman from Wisconsin (Mr. KIND) is recognized for 5 minutes.

Mr. KIND. Mr. Speaker, earlier this year, in April, as a matter of fact, this Congress declared the American GI the Person of the Century. I believe it was entirely proper and fitting that we did so. But I also believe it is appropriate that those men and women whose contributions were recognized as the single-most significant force affecting the course of the 20th century have an opportunity to share their unique experience so that future generations might better understand the sacrifices made for the cause of democracy. Now, we have the technology to do so, Mr. Speaker.

That is why I, along with my friend, the gentleman from New York (Mr. HOUGHTON), introduced a couple of weeks ago H.R. 5212, the Veterans Oral History Project. What the bill would do is direct the Library of Congress to establish a national archives for the collection and preservation of videotaped oral histories of our veterans, as well as the copying of letters that they wrote during their time in service, diaries that they may have kept, so there is a national repository of this very important part of our Nation's history.

We also believe that time is of the essence with this oral history project, given that we have roughly 19 million veterans still with us in this country today, 6 million of whom fought during the Second World War, roughly 3,500 still exist from the First World War, but we are losing approximately 1,500 of those veterans a day. With them go their memories. That is why we feel this project and this legislation has a sense of urgency attached to it.

Abraham Lincoln during his Gettysburg Address I think underestimated his oratorical skills when he stated, "The world will little note nor long remember what we say here, but we must never forget what they did here."

That is exactly the concept behind this oral history project. It will require the cooperation of people across the country, not only the veterans to come forward to offer their videotaped stories, but also their family members to do the videotaping, or friends or neighbors, with VFW and American Legion halls across the country participating in it.

I envision class projects centering on students going out and interviewing these veterans and preserving those videotapes for local history purposes, but to send a copy to the Library of Congress so that the library can digitize it, index it, and make it available, not only for today's historians and generation, but for future generations.

I envision students, young people in the 22nd, even the 23rd century, being able to pop up on the Internet the videotaped testimonies of their great-great-great-grandfather or grandmother and learn firsthand from their grandparents' own words what it was like to serve during the Second World War, Korea, Vietnam or the Gulf War. What an incredibly powerful learning opportunity that will be for future generations.

Every year I organize, on Veterans' Day, kind of a class field trip. I bring student groups into the VFW and American Legion halls, and I connect them to the veterans in our local communities and the veterans share their stories of the Second World War, Korea, Vietnam, for instance, and the students are silent with attention, absorbing every last syllable that these veterans enunciate during that time.

It is an incredible event that goes on, not only the veterans sharing of the stories, many of them for the very first time since they served their country, but for the students to learn on this firsthand account what it was like with the sacrifice and the courage that our men and women in uniform provided our country at the time of need.

That is what is behind this Veterans Oral History Project. Last year we had some veterans that went into the American Legion Post 52 back in La Crosse that remind me of the purpose of this legislation. Ed Wojahn, a veteran of the Second World War; Jim Millin, also a veteran of the Second World War; Ralph Busler, who served three different tours of duty in Vietnam, all of whom came out and spoke to these student groups at the American Legion in La Crosse, Wisconsin, in my congressional district.

I can recall as if it happened yesterday, Ed Wojahn telling his story and breaking down as he recounted visiting last summer in Belgium the grave site of a World War II comrade in arms who fell during the opening days of the Battle of the Bulge.

Mr. Wojahn is 77 years old, and he told the students he was a 22-year-old Army combat engineer when he was captured by German forces in Belgium on his birthday, on December 18, 1944. His unit was without food, without ammunition, and was surrounded by German soldiers for 2 days before his captain finally surrendered. He stated, "There was no way to go. You went forward, you went backwards, sideways, there were Germans everywhere." It was an incredible story that he told along with the other veterans on that day.

Mr. Speaker, that is why I ask my colleagues, 250 of whom are original co-sponsors, to move this legislation forward as quickly as possible since time is of the essence.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. SCOTT) is recognized for 5 minutes.

(Mr. SCOTT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore (Mr. DICKEY). Under a previous order of the House, the gentlewoman from Hawaii (Mrs. MINK) is recognized for 5 minutes.

Mrs. MINK addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

#### THE FUTURE OF RURAL AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Pennsylvania (Mr. PETERSON) is recognized for 60 minutes as the designee of the majority leader.

Mr. PETERSON of Pennsylvania. Mr. Speaker, I and a group here rise tonight to talk about rural America, the heartland of this country. The last few years we have had the most fantastic economic boom in this country in our history, but the question many ask is why has so much of rural America been left behind. Why has rural America struggled for its economic life when suburban America is flourishing and enjoying unparalleled prosperity?

We believe that a lack of leadership is very much a part of that. Rural America has not fared well under the Clinton-Gore policies. We are also very concerned that rural America will not fare well under a Gore administration.

Agriculture, at a time when this country has expanded its ability to grow products, wonderful products, better, better yields, better quality, our farmers are fighting for their economic life. World markets have not been opened because of inappropriate public policies.

Mr. Speaker, public land, America owns a third of our land; and when we have Federal public policy changes, it impacts rural America, not urban-suburban America. It impacts rural America, because that is the land we own. We are a country rich in natural resources, and many people claim that our strength and our great past was because we had those natural resources.

Have we had appropriate policies for energy, for mining that allowed us to

enjoy the fruit of what was here? Many think not.

Defense, the number one issue in the Federal Government, would it be strong under a Gore administration? Rural education, as we have the debate now going on education, how has rural America fared? Most rural districts receive 1 percent to 2 percent of their money from the Federal Government when the Federal Government's claiming that they are funding 7 percent.

The complicated urban-type formulas are stacked against rural America in many people's opinions. Rural health care fighting for its economic life, rural hospitals fighting to stay open. Rural America sometimes gets paid half as much under the current policies and formulas devised by HCFA that has been managed by the Gore-Clinton administration.

Timber, good forestry, a country rich in soft woods in the West and hard woods in the East, we are now importing. I am told, about half of our soft woods. Because of policies similar to oil we are now importing 60 percent from foreign countries.

Endangered Species Act needing to be changed, positively, to save endangered species; but it has been used by radical groups to push their will on the American citizens and supported by the Gore-Clinton administration.

Regulatory process, something Americans do not think enough about, because, in my view, an overzealous bureaucracy that regulates you, they are regulating instead of legislating. When we legislate, we debate. We debate the facts. We make decisions. We cast votes, but when the regulators have too much power, and I think everyone agrees that the Clinton-Gore administration has been far too zealous in their regulatory powers. The courts have been turning over many of their regulations.

So as we go through these issues and a few others tonight, the first person I want to call on is my good friend, the gentleman from Oklahoma (Mr. WATKINS), of the third district who is interested in agriculture in Oklahoman agriculture and energy, and how it affects Oklahoma and how it affects rural America.

Mr. WATKINS. First, let me thank my colleague from Pennsylvania (Mr. PETERSON) for his concern and for his time tonight for us to talk about some of this inappropriateness and lack of action by this Gore-Clinton administration.

Mr. Speaker, I would like first for my colleagues to know that I stand tonight not for political reasons, but because of an emotional concern, a life-long emotional concern about small towns and rural areas of this country, yes, our farms and our agriculture interests also throughout this Nation.

Let me share with my colleagues, I loved agriculture to the point in small town rural America, but even to the point that I majored in agriculture when I went off to college, I got a couple of degrees in agriculture, so I stand

with this emotional concern not just political concern.

Back when I served as State president of the Oklahoma Future Farmers of America, I would stand and I shared 16 percent of our people were in production of agriculture in the United States. 4 years later, when I received the Outstanding Agriculture Student Award at Oklahoma State University, I stood up and said there is only 12½ percent of us in the production of agriculture in the United States.

Tonight as I stand before my colleagues, I say there is only 1.5 percent of people in the production of agriculture; that is the erosion that has taken place in rural America. There is no other way I can paint the picture any better.

Not too long ago, earlier this year, I was invited to speak on agriculture before the Farm Credit Association in Oklahoma. They wanted to know the title of my speech. I usually do not have a title, but I said if you need to have a title, you can state it is "American Agriculture changing from the PTO to the WTO."

Now, PTO stands for the power take-off on the tractors which allowed us to get bigger farms and bigger units and allowed us to produce the food and fiber for this country. We can produce. Our big problem is being able to sell and now we have the World Trade Organization that we must be able to market through, 135 countries around this world; and we cannot forfeit those markets.

Let me share with my colleagues something on an inappropriate activity that took place in the Uruguay Rounds back in 1993 under this administration's United States trade representative. At the Uruguay Rounds, they basically had resolved all of the various disagreements in trade, and it came down to agriculture and they could not agree on settling their difference in agriculture. They established a peace clause. Now that sounds good, a peace clause. However, what did it do?

Actually, the peace clause of the Uruguay Rounds, the GATT talks, established and grandfathered in over \$7 billion of subsidies for the European Union. We only have about \$100 million, and there is a lot of differences in \$100 million and \$7 billion of subsidies which allows the European Union to grab our markets, preventing us from being able to sell around the world in many cases. I can go on and on and talk about agriculture, but I had to make that point.

But I stand with a sadness tonight, because I see what is happening is just pure politics concerning the energy industry. The Vice President attacks the fossil fuel industry; but I would like to point out to the American people and to my colleagues, he has no alternatives, he has no other options, except to attack, that would endanger us even more.

One of our colleagues earlier from Florida stated the fact that we now im-

port about 56 percent of our energy from oil from foreign sources compared to that or less than 40 percent back there in the oil barrel embargo. We are becoming more dependent.

Let me say, I submit to my colleagues, I submit to the American people that today we are more dependent than we ever have been at a time when we think we are independent. We are more dependent on a viable source of oil supply for this country, and the fact remains under the 8 years of the Gore-Clinton administration, they have not developed a national energy policy for the protection of this country.

We have not moved forward to try to make sure we secure the energy and develop the energy for this Nation, the fossil fuel, as well as the renewable energy. We still have today more fossil fuel reserves in the ground than we have mined or drilled and taken from the ground. It is a matter of us having a policy that will allow us to move forward.

So the people of this Nation need to know our national security is at stake. Yes, we have a volatile energy policy it appears, to say the least, when it goes from \$20 down to \$8 which not only disturbed the energy patch. It literally took nearly 100,000 of employees out of the rural areas of this country that were producing the energy for our Nation.

It is hurting the consumers. I have suggested that we reached out in a bipartisan way and we come together and we develop a national energy policy that would stabilize fuel prices in an amount we can all work with and live with and let us produce the Nation's needed energy. To do no less is making us subject to blackmail. We have seen this go overseas to OPEC and get on bended knee and beg, that is un-American.

Let me say it hurts not only the consumers in the urban centers of this country, but devastates rural America.

I hope and I pray that we will move forward, and I hope and pray that we do quickly because the future of our children and our grandchildren are at stake and the future of our country is at stake.

I say to the gentleman from Pennsylvania (Mr. PETERSON), I think the gentleman is lifting an issue of rural America and the lack of support, the lack of effort being made in the energy and agriculture and other areas that our people of this Nation need to know that under 8 years of the Gore-Clinton administration they have done nothing, zilch, zero in trying to move us towards some kind of independence in the field of energy.

Mr. PETERSON of Pennsylvania. Mr. Speaker, I thank the gentleman from Oklahoma (Mr. WATKINS).

I am not minimizing the importance of agriculture, because it is vital, what do we do in rural America. We farm. We mine. We drill for oil. We cut timber. We manufacture, all under attack, in my view, through the regulatory

process of this administration. And it is where rural jobs come from, and it is why urban areas are becoming crowded and rural America is becoming more sparsely populated, because the jobs have been forced out of rural America.

We have become as a country dependent on the rest of the world instead of strong and independent because of our own natural resources.

Mr. Speaker, next I will yield to the gentleman from Nevada (Mr. GIBBONS), who is going to talk about mining and the interest he feels passionately about.

Mr. GIBBONS. Mr. Speaker, I thank the gentleman from Pennsylvania (Mr. PETERSON), my colleague and good friend, for inviting me to join him in this dialogue this evening and on a very important issue about the future of rural America and its importance to this great country.

As the gentleman has just said, our rural economies and our rural areas are so valuable to the natural resources of this Nation. Mining, of course, like the gentleman before us from Oklahoma (Mr. WATKINS), who spoke about the oil industry and the fact that we are becoming so dependent upon industries outside of the borders of this country for our economy and for our well-being and for the quality of life that we have. Mining also fits into that very same category.

Mining is endangered at this very point, because of the policies of this administration and as well as I can imagine under any type of administration from a Gore administration would be as well.

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How are they doing that? They are taking the control of the public lands upon which most mining occurs. They are regulating through the administration these businesses out of business. Secondly, they are taking away the utility of our natural resources and our ability to produce them and keep the economy of this great country going.

In doing so, what their ultimate choice is is to endanger both the economy and the national security of this great Nation.

Let us look at how they control vast areas of this country. As the gentleman has said, approximately 800,000 square miles of the United States, the western part of the United States, a size equal to most of the leading industrialized world combined, including Japan, Germany, Great Britain, France, and Italy, plus Ireland, and Denmark, Switzerland, the Netherlands, Belgium, as well as a few Luxembourgs thrown in for good measure, 815,000 square miles of public land is regulated by the administration.

Upon those lands are where we gain much of our natural resources, including mining. Mining is indeed part of our everyday lives, and as we know, most individuals, every man, woman, and child in this great country consumes about 44,000 pounds of mined

materials in one form or another every year. That is 44,000 pounds of mined materials, whether it is coal, fuel, the electricity plant that generates the energy for our daily living, or whether it is metal mined for a vehicle to drive us to and from work, that we use in our jobs, or even the jewelry that we wear is part of our everyday life.

And especially when we start thinking about medical apparatus, medical technology, the mining industry has indeed provided us with the quality of health care that we have today that is indeed pushing out new frontiers and keeping America alive, making our own lives longer, and giving us a better quality of life due to mining.

Well, with that 815,000 square miles, and this administration seemingly hell-bent on acquiring more land and using administrative procedures to push the public off the public land to push mining companies off of land and force them overseas, we are growing into a new dependence, for all the strategic minerals and metals that we need for our armed forces and for everyday living, on countries where they can go mine and have the opportunity to do so. Therefore, like oil, we are soon to become dependent for these metals and materials.

We are left with two very critical choices. Mr. Speaker, we are left with a choice of whether we develop our own resources and keep our children, our sons and daughters, home, or do we go ahead and allow for mining activity to move overseas at the insistence of the Gore administration, and following up by sending our sons and our daughters over there to defend the national security when those vital critical elements to our economy are cut off at some point? So we have those very delicate balancing choices we need to make.

I am really concerned about what this administration is doing through the United Nations as well. I heard recently that many of the leaders of the United Nations have tried to enlist 25 specified international agreements to establish a legal framework of international governance, a body of binding rules that would also affect how we operate in this country and make it even more difficult for mining to succeed.

Such conventions and protocols are the primary interest of environmental programs which have been on a campaign to make new world environmental organizations the deciding factor in what we do at home.

Let me say just one quick analogy here. If resources were the measure of a country's wealth, the United States would not be the number one economy in the world, Russia would be. Russia has more oil, gas, more timber, more mined minerals than any other Nation. But because Russia could not develop those natural resources, because Russia had to depend upon outside sources, Russia is not the number one economy in this world, the United States is, because the United States learned long ago how to develop its own natural re-

sources, whether it is timber, whether it is mining, whether it is farming and agriculture, developing the land and making those resources work for us.

I am interested in what these candidates stand for and how an administration is going to critically hurt our rural America. I looked at the vice president's book, *Earth in the Balance*. The vice president himself argued that some new arm of the U.N. should be empowered to act on environmental concerns in the fashion of a Security Council, and in other matters. There should be global constraints and legally valid penalties for noncompliance.

Well, most mining companies today have a very strong, very hard dependent environmental quality that they use in their operations every day around this world. I will be the first to admit that there are some historically bad practices out there in the past that have given mining a bad image, but today's practice is environmentally sound. We have most mining companies, they are shareholder-owned, citizen-owned. They have a responsibility to their shareholders, a fiduciary responsibility, and they are going to keep our country and our resources in this world I think used with the highest priority and safety, environmental safety, that we have.

Let me also say that the administration under Vice President Gore has proposed a new tax on the mining industry, a tax that amounts to a royalty on mined minerals that would amount to about \$200 million a year over a 10-year period. That is a \$2 billion new tax. At a time when our government is flush with surplus tax revenues, they want a \$2 billion tax increase.

Do Members know what they plan to do with that money? I think they plan to acquire more public land, kicking the public off.

Nevada is one of those States where I think it has the highest percentage of land in its borders that is managed and owned by the Federal government, at about 89 percent. That leaves us with about 11 percent for our real estate tax base developed property. It takes away a lot of the area that mines could go and work with private individuals.

So buying up more land only excludes the public from this land. It excludes our mining industries, again forcing them overseas, so buying up that land is not in the best interests of rural America. It puts people out of jobs. It puts communities on the brink of disaster and failure and financial bankruptcy. All of this makes those rural communities become more and more dependent upon urban communities for their support. I am sure America does not want that.

I am also worried that the next president must understand mining, and our president must make great strides in becoming a responsible steward of the land. He must understand that mining is a responsible steward of the land. I would hope that he understands that

mining is as important to our urban communities as mining is to our rural communities, not just for the jobs but for the direct result of what they produce and put out for consumption to the American public.

We need an administration that will invite all interested parties to the table. When it comes to establishing public policy, this administration has not. It has relied solely on extremist environmental groups to make those decisions. They have dictated mining out of existence.

It is not my nature to stand here and join with my colleague and be so political, but I believe this election is going to be particularly important to America. It is going to be particularly important to rural America. It is going to be pivotal to the future of this country. It will be pivotal to determining the future of mining.

Because there is an old saying: Mining works for Nevada, but if it works for the rest of the Nation as well, then it is a good product. It is a good organization. It is a good industry to have.

There is one final saying that I want to leave my colleagues with here today about mining. That is, in mining, you have to remember that if it isn't grown, it has to be mined.

I want to thank my colleague, the gentleman from Pennsylvania, for allowing me to stand here and give a little bit of introduction on the value of mining. I just want everybody to remember the 44,000 pounds we each consume every year of mined minerals. It is critical to the future of this country and to the quality of life each and every one of us have.

I thank the gentleman for allowing me to be here.

Mr. PETERSON of Pennsylvania. If we are not mining it from our own lands, we will be buying it from some foreign country.

Mr. GIBBONS. If the gentleman will continue to yield, as the gentleman says, our oil right now, we are 60 percent dependent upon international deliveries of oil. When we reach the point where mining is overseas and our metals and strategic metals are now produced overseas, we will then become dependent upon those countries, as well, and we will end up making the choice, do we send our sons and daughters over there to defend the vital national interests of those strategic minerals to the United States?

Mr. PETERSON of Pennsylvania. I thank the gentleman. Most of us tonight that will be speaking have large rural districts, some of the West but some from the East. I have the largest district east of the Mississippi in Pennsylvania, but our next speaker, Mr. SHERWOOD, who joined us in 1998, 2 short years ago, comes from a district almost as large as mine, a gentleman who was a very successful businessman and had not served in government per se except for the school board, local government; I should not say except for local government. That is the most

important government we have, local government.

He served very well there, has been a very successful businessman, and has transitioned into a very successful Congressman. He brings so much knowledge and experience of the community with him.

Mr. Speaker, I yield to my friend, the gentleman from the eastern part of Pennsylvania (Mr. SHERWOOD), who will share with us the perspective of his rural district.

Mr. SHERWOOD. Mr. Speaker, I thank the gentleman for yielding me.

Mr. Speaker, I ran for Congress because it had been my observation that in northeastern and north central Pennsylvania, we exported our milk and our stone and our timber and our manufactured goods, but we had also for a couple generations been exporting our children.

The reason we exported our children is they would grow up in these good families and get an education and go somewhere else to find a job, because we did not have enough good jobs at home. I have worked very hard to get more good jobs in northeastern Pennsylvania. We have been pretty successful at that. But the first rule if we want a good economy in our own districts is to protect the jobs we have.

What do we historically do in the country? When I was a young man growing up in Nicholson, we had three feed mills, or excuse me, five feed mills, two car dealerships, three creameries. If we go through that town today, there are not any of those.

Why did that happen? That happened because we lost our agricultural base. In the country, there are a few things we do for a living. We farm, we timber, we quarry stone. Those are all very important revenue producers and sources of employment and sources of good, stable family life in my district.

I am concerned that we have policies in this country that are making those industries less and less viable. I am concerned that we are looking at an election coming up right away for president where one of the candidates does not believe in any of those industries, does not really seem to believe in a rural way of life.

We talk about the environment and we talk about rural jobs and resource jobs as if they were exclusive. With a well-run country, they are not mutually exclusive. We can have a good economy and a pristine environment if we continue to manage it carefully.

In Pennsylvania, we have the sustainable forestry initiative. We have the Chesapeake Bay initiative. Both are programs that have taught our forest industry people when they can timber, when they can't timber, when they have to be worried about degrading the water supply. They have taught our farmers nutrient management, and that everything we do runs downhill and eventually ends up in the Chesapeake.

We have learned a lot in the last 20 years. We have learned a lot about how

we are good stewards of our environment and the people that are downstream.

Yet, we have an EPA now that wants to make all farming operations point source polluters, all forestry operations point source polluters, when these two issues have been very capably dealt with by our Pennsylvania DCNR.

That would be an unprecedented power grab by the EPA that would federalize all these small business practices, all these landowners that are farming on their land or harvesting their timber. It would be an unnecessary escalation of the authority of the Federal government, and it would be very cumbersome, very hard to manage.

So that is why I am concerned, as some of my colleagues are concerned, about the direction the country might take when we have our election in November.

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We need a rural economy that stays strong. We need to protect those jobs, protect those families, protect the small towns that live off the forest products industry, the mining industry, and agriculture. We need sustainable agriculture. We do not need it all concentrated in just a couple areas of the country.

If one has small dairy farms dispersed around the country, that is a very environmentally friendly way to raise our milk and our food and our fiber. When one has huge concentrations of animals in one area, one gets problems like we saw in the Tar River and the floods of a year ago.

So we want policies that will keep our farmers operating in the Northeast. To do that, we have to have a good energy policy. And we have to understand what we have to work with, that we need to work on our domestic supply, and that we have to understand the industry.

I am not afraid of the internal combustion engine, and neither is rural America.

Mr. PETERSON of Pennsylvania. Mr. Speaker, I thank the gentleman from the eastern part of Pennsylvania (Mr. SHERWOOD). Rural America does not go very far without it. We do not accomplish very much agriculture without it. So I thank the gentleman from the eastern part of the State.

Mr. Speaker, I yield to the gentleman from Pennsylvania (Mr. WELDON), another Pennsylvanian, to share with us something that he shared with me earlier tonight that a large number of our Armed Forces of our recruits come from rural America. He is going to talk about rural America's concern about our defense.

Mr. WELDON of Pennsylvania. Mr. Speaker, I thank the gentleman for this special order on rural America. Let me talk briefly about two categories of our defense. The first is our domestic defense. Our domestic defense

relies on the 32,000 organized departments that are in every rural town in America. In fact, as my colleague knows, Pennsylvania has 2,600 of these rural fire and EMS departments. They are in every small town in every county in this Nation, in Montana, in Idaho, in Alabama, in Arkansas, in Hawaii, in New York, California. They are there. And 1.2 million men and women, 32,000 departments, 85 percent of them are volunteers. In fact, they are the oldest volunteers in the history of the country, older than America itself.

Now, the important thing is, what has this administration done to these people who are serving America, who are responding to floods, tornadoes, earthquakes, hazmat incidents, and fires? Well, they have cut the only program for rural fire departments which has been authorized at about \$20 million a year. This administration cut it last year to this year from \$3.5 million to \$2.5 million. What a disgrace. The President sneezes and spends more than \$2.5 million a year. Yet, this administration has done nothing for rural fire departments.

Now, why should they? Well, these people lose 100 of their colleagues every year that are killed. Name me one other volunteer group from America where 100 of their members are killed in the line of duty. They have ordinary jobs, but they are killed protecting their towns and their communities.

But this administration, they claim they are for volunteers. We saw them develop the AmeriCorps program. Is that not amazing, a \$500 million program supposedly designed to help create volunteers. But guess what, the volunteer fire service cannot apply because it is not politically correct to fight fires and respond to disasters. So here we have an administration that is so insensitive to our domestic defenders that they created a half-a-billion-dollar program, giving scholarships, incentives for people to volunteer, but they cannot volunteer in their communities, especially the rural communities where they so desperately need people to man those trucks and their ambulances. This administration just does not get it.

Now, Harris Wofford, the head of that program, just called me today, and they now want to do something after the program has been in existence for about 6 years because they realize how insensitive they have been.

The gentleman from Pennsylvania (Mr. PETERSON) talked about our international defenders, our military. He is right. The gentleman from Pennsylvania is often right, and he is right. The bulk of our military personnel are from the farms. They are from rural America. They are patriotic. They are dedicated. They will go any place that America sends them, and they will perform any task.

But do my colleagues know something? Look at what has happened to them. We have had three simultaneous things occur under this administration:

the largest decrease in defense spending, the largest increase in the use of our military around the world, and the absolute ignorance when it comes to arms control and the proliferation that has been occurring by China and Russia to rogue states, which further harms our Americans.

In fact, it was rural Pennsylvanians, 15 of them that came home in body bags in 1992 because this administration and other administrations had not done enough to build missile defense systems to stop that Scud missile when it hit the barracks in Saudi Arabia.

This administration has not done well by our military. The best evidence of that is our retention rate right now for pilots in the Air Force and the Navy is 15 percent. People are getting out because they are fed up with all of these deployments.

None of the Services over the past 3 years have been able to meet their recruitment quotas except for the Marine Corps because young people are saying, I do not want to join. Those farmers are saying, in the past, we have gone in the military, but I am fed up now because you are sending me from one deployment to the other.

Our once proud Navy which went from 585 ships to 317 ships now have to take people off of one aircraft carrier and move them to another, and they are still 600 sailors short on every aircraft carrier deployed in harm's way today.

What this administration has done to our military and has done to those brave Americans, many and oftentimes most of whom are from our rural areas, is absolutely outrageous. In fact, I think it is going to go down in history, the past 8 years, as our worst period of time in our history in undermining America's security.

If we look at the history records of World War II, the Vietnam War, World War I, the conflict Desert Storm, our volunteers from the heartland of America are always the first to come and volunteer for this country. But, again, we have not done well by them.

Those veterans out there across America have not been taken care of by this administration. This Congress had to fight to give our veterans and our military personnel cost of living increases because this administration thought it was more important to give an IRS agent an increase in their cost of living than they did to men and women who were serving and our veterans who have served.

We have got to change that. We need a President that will lead a Congress in proud support of our international defenders and in proud support of our domestic defenders. AL GORE just does not cut that.

Mr. PETERSON of Pennsylvania. Mr. Speaker, I yield to the gentleman from California (Mr. RADANOVICH) who is going to talk about the war on the West.

Mr. RADANOVICH. Mr. Speaker, I thank very much the gentleman from

Pennsylvania (Mr. PETERSON) noting that I will be talking about the "War on the West". I just want to make sure he knows I define the West as anything west of the East Coast.

So I appreciate this time to be able to talk on this subject, mainly about rural America and I think this administration's assault on rural America. While the "War on the West" might be a tired slogan, it is not nearly as tired as the people who continue to fight their own government to preserve their way of life.

As President Clinton's reign over western lands draws to a close, the war has been renewed with fresh vigor. New regulations sprout like kudzu, an unstoppable creeping vine, it strangles the jobs and life out of many western and rural communities.

During the past 8 years, the Federal Government has been a tough opponent. Few small businesses and landowners can withstand the due diligence of government lawyers who have unlimited funds and unlimited time.

For the victims, bureaucratic time is like Chinese water torture, slowly eroding the small business owner's ability to meet payroll and pay the bills. The waiting game is the government's most powerful weapon against individuals.

Delays and uncertainty can destroy any small business. But it is only in the West and in rural America where the Federal Government controls over half of the land, where our economy is dependent on natural resources, that a little bureaucratic red tape puts entire counties out of work.

Ask somebody who comes from rural Oregon or ask somebody who comes from rural California.

An example, in 1997, the Bureau of Land Management decided to carry out environmental assessments on every single grazing permit renewal. These can be very time consuming and expensive. It was a choice only a bureaucrat with government time and money would make.

Over 5,000 permits expired in 1999, nearly a fourth of the total number. Everybody knew that the BLM lacked the manpower to complete all the reviews in time. The ranchers faced enormous uncertainty, they feared they would have no place to put their cows and no extra feed available.

The Clinton-Gore administration showed all the concern that we would expect from Federal agents. They did not show much concern about the ranchers without permits who would go out of business. Maybe, Mr. Speaker, that was the point.

It took Congress to step in and temporarily renew the permits until the environmental reviews were completed. That move was labeled as an anti-environmental rider that "offered a perverse incentive for the BLM to delay environmental analysis."

One thing people do not get is that when one puts ranchers out of business, they sell the ranch. The people who

work there lose their jobs. The suppliers in the town lose their jobs. The people who buy the ranch, they build subdivisions.

This destruction of America's rural jobs is the unavoidable side effect of the Clinton-Gore public land policies. Politics has driven their systemic effort to demonize people who live on the land. They equate producers with destroyers.

They claim to save nature from man, and in the process, they gain political favor in the cities where people do not understand our rural culture, nor do they understand environmental stewardship.

Another example, President Clinton's Northwest Forest Plan virtually eliminated timber harvesting from almost 21 acres of forests in Washington and Oregon. Since 1990, almost 20,000 forests and mill workers in those two States have lost their jobs.

It is estimated that those industries supported another 40,000 to 60,000 service jobs. This all happened in small communities where unemployment is already over 15 percent.

This pattern has been repeated across the West. Thousands of mining, trucking and refining jobs have been lost by preventing the expansion or opening of new mines. The government has starved and destroyed countless small oil and gas producers and drillers by delaying regulatory permits.

The Clinton administration is now taking the final step by restricting recreational access as to Federal lands, a move that will erode the very tourism jobs they promised would sustain rural America after they eliminated the resource jobs.

What is most disturbing is that these unfortunate rural victims seem to be expendable casualties in the game of Presidential politics.

The chairman of the Democratic Congressional Campaign Committee, the gentleman from Rhode Island (Mr. KENNEDY) recently said that Democrats have basically written off the rural areas. That statement alone sheds light on the rural cleansing machine at work.

In 1996, the year of the Clinton-Gore reelection campaign, President Clinton designated 1.8 million-acre of Grand Staircase Escalante Monument in Utah. Initially, the Presidential advisor Katie McGinty, chairman of Council on Environmental Quality, expressed concern about abusing the Antiquities Act and stated that these lands are not really endangered.

But she later changed her position, apparently convinced of the political value in making such a designation. The process was pushed forward in spite of statewide outrage, and the Nation lost access to 62 billion tons of clean coal, 3 to 5 billion barrels of oil and 2 to 4 trillion cubic feet of clean-burning natural gas. The children of Utah lost billions of dollars in future royalties to pay for their schools.

Fast forward to the year 2000. In this Presidential election year, President

Clinton has named 10 new national monuments to the delight of hundreds of important urban activists.

One of the most recent, the Sequoia National Monument, was in my California congressional district. In spite of an existing ban on logging within the sequoia groves, and in spite of scientific recommendations that logging provides critical fire control around the groves, the administration decided to clear 330,000 acres off limits to anybody.

They immediately put 220 people in Dinuba, California out of work. This tragic result has been compounded by the fact that these families not only lost their primary income, but they also lost their employer-provided health insurance.

Possibly the worst effect of the Sequoia Monument, however, is that it has left the Sequoia Monument in the same position as the Bandelier Monument in Los Alamos, New Mexico. There is a virtual timber box of a forest, and prescribed burns are now the only way to control it. Just this year, 75,000 acres burned right next door in the Manter Fire.

So today, at the end of the Clinton administration's sovereignty over western lands, we find we are still fighting a war on the West.

City folk might be tired of hearing about this, but, Mr. Speaker, believe me, the people in rural America are exhausted after 8 years of living with it.

I thank the gentleman from Pennsylvania (Mr. PETERSON) for yielding me this time and also for bringing up this most important issue to my constituents and I think for the country; and that is this administration's attack on rural life in America.

Mr. PETERSON of Pennsylvania. Mr. Speaker, it is hard to hear any speech given that they do not talk about urban sprawl today. But one of the greatest causes of urban sprawl has been the slow methodical destruction of rural America. The economies, whether it is agriculture, whether it is mining, whether it is timbering, whether it is manufacturing, all those things we do in rural America, as they have been squeezed, and they have been, and made more difficult to accomplish, young people leave, move to the urban areas, and we have urban sprawl. Yet, in rural America, the quality of life is unparalleled, but it is not a quality of life if one cannot have an income.

□ 2045

So next I am going to call on my other friend from California who is going to talk about the fires, another failed policy of this administration.

Mr. HERGER. Mr. Speaker, I thank my good friend, the gentleman from Pennsylvania (Mr. PETERSON), for leading us in this special hour today talking about the challenges that we have in rural America, and particularly the challenges that have been brought about and magnified because of, regret-

tably, some of the misguided policies of the Clinton-Gore administration.

Let me begin by just giving a little background on the district that I am blessed and honored to represent in northeastern California. It is some 36,000 square miles, almost 20 percent of the land area of the State of California on the Nevada-Oregon border, just directly north of Lake Tahoe; north of Sacramento. There are some parts or all of 11 national forests within this area: Mount Shasta, Mount Lassen, the Trinity Alps. Again, some of the most beautiful mountain terrain and beautiful forests anyplace in the world are located in this area that I represent. Yet we see a tragedy taking place, a tragedy that began taking place because, I am afraid, of an ignorance within the United States, and certainly with this administration, on what is happening in our national forests.

For example, about the turn of the century and beginning in a major way around 1930, we began eliminating forest fires from our western forests. And of course our forests in the West are very different than those on the East Coast because it rains all summer long here. Fire is not something that people really understand that much on the East Coast. But on the West Coast we are basically a desert in the summertime. We have lightning strikes, and fire has historically been a natural phenomenon. It would be considered a positive phenomenon as well. But what happened, again in early 1900s, as people began living in these forest areas, they began preventing all forest fires. Then what happened is that our forests began to become much denser than they were historically.

As a matter of fact, the Forest Service has estimated that since 1928, our forests in the West are anywhere from two to four times denser than they were historically because, again, we have prevented the natural fires that would burn along and thin out the forests, burn out the smaller trees, and then we would have larger trees which would get larger. As a matter of fact, it was estimated that prior to the arrival of Europeans, there were approximately 25 large trees per acre in our forests. Today, we literally have hundreds of trees per acre.

Now, what happens today? Today, we see when we have a fire, either by lightning strike or accidental fire, we see what they call a catastrophic fire, where the fire begins in the brush area, it moves up and becomes what is referred to as a fire ladder, where it moves up into the smaller trees and then up into the very crowns of the big trees, which historically have lived for hundreds of years, and now we see the entire forest burn. We actually see where these fires get so hot, so intense, that the soil itself, the minerals within, are singed for two to three inches and nothing can grow for several years later. A catastrophic fire.

Now, what is the Clinton-Gore administration doing about it? Well, re-

grettably, not only are we not going in, as has been suggested by many, that we go in and begin thinning out our forests; that we begin removing this brush and thinning it out and restoring it more to its historic level so that we can again have the more normal restorative fires. By the way, the Native Americans, we know, would set fires. Again, it was a positive thing. But not today.

We have seen this year one of the worst fire seasons ever. The Government Accounting Office has estimated that there is some 39 million acres of national forest within the interior West that are at high risk of catastrophic fire. They also mention in this same report that it has been estimated that there is a window of only 10 to 25 years that is available for taking effective action before there is widespread, long-term damage from large-scale fires. That is a direct quote from the GAO report.

Again, what do we see happening? Nothing. We see nothing happening. This administration is following what some within the, regrettably, the extreme environmental community are dictating. For example, the Sierra Club came out 2 years ago in their public policy stating not a single tree should be removed from the Federal forest, not even a dead or dying tree. And, again, we see insect infestations. This is a normal thing to happen, and it is something that unless we go in and take out these diseased trees when it is first starting, we will see healthy trees and an entire forest destroyed. Not even a single tree, even if it is dead and dying, can be removed so as to remove this incredible catastrophic fire hazard, according to some within the extreme environmental community.

Regrettably, and the real tragedy is, that it seems very likely that were the Vice President, Mr. GORE, to become the President, he would continue this same policy that we have seen now for 7½ years into the next administration, the next 4 years; and we would see more trees burning.

How many trees have we seen burn? Well, last year some 5.6 million acres burned across the United States. This year it is already, as of the first of September, 6.8 million acres have burned. The cost of this has been \$626 million that has been spent; not to restore our forests to their historic level, but just to fight these catastrophic fires.

And I might mention that the biggest fire was in New Mexico. And, guess what. The Federal Government set this fire itself. This is what they called "a prescribed burn." Well, prescribed burn might have been great if we were a Native American back in the 1800s when there were only 25 trees per acre. But now, when we have a prescribed burn and we have these fire ladders, we can see what happens. Again, this was a tragedy in New Mexico, with hundreds of homes being burned and many hundreds of homes more threatening to be burned; people's lives being destroyed.

In my own district of Lewiston, a town last year, we had 120 homes burn. The entire community of Lewiston, it was in the national news for several weeks, was threatened to be burned. That was also a prescribed burn. Again, I want to mention that prescribed burns might be fine if we have gone in and restored these forests as they should, but not certainly as we see them today.

Is there something we can do? Yes. We passed legislation just this last year, legislation which I authored. I did not write it, but I authored it here. It was called the Quincy Library Plan. The reason it was called Quincy Library is because environmentalists and wood products people and elected officials and community leaders from within the community of Quincy in northern California, a small town of about 1,200, got together and they thought, well, the only place they would not yell at each other was in the library. So it was called the Quincy Library Plan. They came up with a plan using the latest scientific data, along with all the current laws, put it all together in a plan specific for their forest.

They came up with this plan, it was voted out of this House virtually unanimously, passed out of the Senate virtually unanimously, and the President signed it. This administration refuses to implement it. We have already been 1 year into it, and this plan has not been implemented. It was a 5-year pilot program, and they are eating up the time. This plan, by the way, does not cost taxpayers money. It brings in \$3 of revenue for every \$1 that is spent. Maybe this would help some of the 43 mills that were closed in my district alone in my 10 rural counties, not because we are short of trees, but because of Federal legislation that would not allow us to go in and thin out.

Again, there is a tragedy happening in our national forests and to our environment. No spotted owls can live where a catastrophic fire has taken place. We need to do something different. I am very pleased with Governor George W. Bush and his intent to work with us on this.

I thank the gentleman from Pennsylvania for yielding to me.

Mr. PETERSON of Pennsylvania. We have been joined, Mr. Speaker, by the majority leader, such a delight, and I would like to yield to him now.

Mr. ARMEY. Mr. Speaker, I thank the gentleman; and I see the he has more speakers, perhaps a wealth of speakers here, so I will not take but just a minute or two.

I want to thank the gentleman from Pennsylvania for taking this special order on a very important subject, and I would like to make three points that have come to me while I have listened to all of these speakers. The basic question we are asking here is how do we as a Nation preserve, utilize, conserve, and develop our resources to achieve the wealth of a Nation in the lives of

our children. It seems to me it takes a balanced and informed relationship between real people, who naturally will love their land more than anybody could when they make their living off it and they live on it, and a government.

I have to say, Mr. Speaker, sometimes the government can do some downright silly things. Driving through Georgia just a week ago, looking at the beautiful landscape of Georgia, seeing the damage that was done by what I call the kudzu government. A lot of my colleagues may not be familiar with kudzu, but if they were to go to south, southeast America they will see kudzu. My colleagues who are uninformed might say, my goodness, that is pretty. But what is kudzu? Kudzu is something introduced in rural America, in the southeast, ostensibly to control soil erosion. And what it does is it grows over and smothers all the natural foliage of the region.

So if anyone has been fortunate enough to have been given kudzu, a gift from the government, and it has been in their neighborhood for very long, they know that it has killed everything, even what they wanted to keep. That is so like the government: comes and shows up and says, "I am Mr. Kudzu, I am from the government, I am here to help you." And before we know it, they have smothered and destroyed everything that is dear to our native regions.

A look at mining reclamation. I wish everybody in America would go out to our great mining States and see what they are doing in mining in America today; to see how quickly they take the ore, the coal, out, extract it, clean up, replace and refill. It is not unusual to see the mine operating very productively, producing the minerals and the ores and the energy that we want, and within hundreds of feet we will see the natural wildlife of the region grazing on what had been, and is today again, the natural foliage of the region.

Once again, the government of the United States might have been helpful and encouraging in that. But today it says we are so extreme, as they did in the Grand Escalante, we will not allow the mining, we will not allow the reclamation. We will deny the Nation the resources.

One of the great philosophical questions of our lifetime is, If a tree falls in the forest and nobody is there, will anybody hear it? Well, if AL GORE becomes President, we might ask the greater question, and the one that has greater relevance to our life, If a tree falls in the forest, will anybody clear it? And we just heard a discourse on that.

There is a place in Idaho, in the district of the gentlewoman from Idaho (Mrs. CHENOWETH-HAGE), where you can stand and see that the environmental extremists allowed an experiment. They allowed somebody to do the natural, normal, sensible thing that we would all do as we cleaned up our own

backyards and take the fallen trees, the underbrush, the fire hazard, and clear it. And there is a section right across the road where that was disallowed. The fire came, and it is not difficult to see where the fire's devastation ended. It ended where people did the sensible thing with their land and cleared the fallen trees and stopped the fire hazard.

□ 2100

There are many things that we can see in rural America in our wonderful countryside, resources, wealth, that should be unlocked from rigid, inflexible, dogmatic Government controls that are naive in their understanding, innocent of their awareness, and arbitrary in their implementation.

Let America be what America has been and has built itself from, a free Nation of real people making a living and living on their own land.

I think we should return to this subject again soon.

#### EXPANDING TECHNOLOGY IN RURAL AMERICA

The SPEAKER pro tempore (Mr. ISTOOK). Under a previous order of the House, the gentleman from Utah (Mr. CANNON) is recognized for 5 minutes.

Mr. CANNON. Mr. Speaker, I want to thank my friend and colleague the gentleman from Pennsylvania (Mr. PETERSON) for the opportunity to speak on his special order and for his effort in putting this together.

Tonight we have heard about many of the blessings that we get from rural America. We get timber and paper products. The gentleman from Pennsylvania spoke about that. We have oil and gas. The gentleman from Oklahoma spoke about that. We have minerals extraction. The gentleman from Nevada spoke about that. And the gentleman from Pennsylvania (Mr. SHERWOOD) spoke about exporting kids.

Also, the gentleman from Pennsylvania (Mr. WELDON) spoke about the number of children, the young people, from rural America who get involved in the military. So we have these great, great resources that we have been exporting.

But on the other hand, there now is a turnaround and we are getting more and more people back in or at least more and more people want to come back to rural America, and technology is allowing that to happen.

I would like to talk for just a couple minutes about technology and education in rural America and why that is so compelling and why that is going to change the nature of what we do in America so that people can go back to where they came from where they enjoy life, where they have clean air and they have beautiful scenery and they have good friends and where they can leave their cars unlocked when they go to church.

We have a number of things that are happening in technology that are happening at a breathtaking rate. And,

frankly, we do not see them. We have had so much change that these new developments are coming faster than we can really understand. But on the cutting edge of technology today, we have two or three different things that are going on.

In the first place, we have all seen the plummeting prices and the decrease in the size of computer equipment. That is going on at an increasing rate. And we are going to see a time within the next year or so when you can take a little small computer that has all the power of a major computer and it will operate off of radio frequency and it will do so at a very rapid rate, so that every kid in the world in the next 4 or 5 years is going to have the opportunity to be educated at a very high level.

I would like to think that in the next few years we will see a time when we will have advertisements instead of send \$15 to feed a child for a month, we will see ads to send \$15 to educate a child for a month and every child in the world will have the opportunity to get a post-doctoral education off the Internet. That is partly because of the devices that are coming onto the market.

In addition to those devices, we have this great new technology with radio frequency and the ability to communicate a signal sometimes through multiple repeaters, so that we should be able to take satellite signals and get those down to every child and every person on Earth; and that certainly includes everyone in rural America.

And finally, we are seeing terrific growth in the ability to compress data so that we can do much, much more with a smaller band width.

So, for instance, in my State of Utah, Emery County, a little rural county in the State of Utah, every person in that county, because of the foresight of the local telecommunications company, now has access to DSL broad band telecommunications. That DSL is going to be a big enough pipeline to do almost anything that anyone could imagine they would want to do. And that takes the jobs into rural Utah and raises the life-style there.

Now, I would just like to wrap up by talking about the difference in perspective here. We have a battle going on. It is a cultural war. We see that battle going on with the Boy Scouts of America and the attempt to revoke their charter. We see that battle in many other places. But the battle really comes down to a battle between urban America and rural America.

The Democrats have taken a very clear position. The Democratic Congressional Campaign Committee chairman, the gentleman from Rhode Island (Mr. KENNEDY), in referring to the 2000 elections, said on June 21, 1999, as reported in the Providence Journal, "We have written off the rural areas." "We have written off the rural areas."

Now, the following day the minority leader said he did not mean to say

that. He did not say he did not mean what he said. He said he did not mean to say that. Because that gave away the strategy of the Democratic party. And it was probably unthoughtful. But it has never been recanted, as far as I know, by any leader of the Democratic National party. No one has said, we are actually going to court the rural vote.

And in fact, everything they have done has been shown to be a movement away from rural. They tax rural people the same they do everywhere else, but they move the programs into the urban areas under the Democratic regime. That is not right.

There is a digital divide today and that digital divide can be healed and overcome between rural and urban America if we let the free market work. But if we tax everyone in America and move that money to the urban areas, then we lose the opportunity to bring back to the rural areas the basis for jobs and economic growth that make the rural part of America so great.

#### EDUCATION IS AT THE CENTER OF AMERICA'S FUTURE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Wisconsin (Mr. OBEY) is recognized for 60 minutes as the designee of the minority leader.

Mr. OBEY. Mr. Speaker, before I proceed to the remarks that I had intended to make tonight, as a Member of this House who represents rural America, or at least a significantly rural district, I would simply note a few facts.

In 1979, the last year of the Carter administration, agriculture programs cost the taxpayer less than \$4 billion in direct payments to farmers and prices paid to farmers at the marketplace were considerably higher than they are today.

This year, under Freedom to Farm, better known in rural America as freedom to fail at farming, which was rammed through this House by the Republican leadership a number of years ago, the cost to taxpayers has risen to well above \$20 billion a year, almost 30 if we count all costs, and the prices paid to farmers have fallen through the floor.

I think most farmers, at least in my area, recognize that rural America cannot thrive unless family farmers get a decent price for their product and until the so-called Freedom to Farm Act is radically changed, rural America will continue to decay. Both parties need to face up to that fact. Major elements of my party have begun to. I wish I could say the same for major elements on the part of the other party.

But who knows, time may produce miracles. I hope that they will realize that they must undo what they did if farmers are to really have a decent shot at making a decent living through the marketplace.

Having said that, I would now like to turn to the subject that I wanted to talk about tonight, which is education. Because more than any other subject, education and what we do about it and what this entire country does about it lies at the center of the question of how well we will prepare for our country's future.

This is going to be a fairly dull speech. It will be filled with exactly what political consultants say we should not have in our speeches. It will be filled with numbers and facts. It will not be exciting. It is not meant to be. It is meant simply to state in a clear way who has tried to do what to education over the last 5 years.

We will undoubtedly hear in the Presidential debates tomorrow night; and we will have certainly seen across the Nation, Republican candidates giving speeches and running ads pretending to be friends of education. Those speeches fly in the face of the historical record of the past 6 years. That record demonstrates that education has been one of the central targets of House Republican efforts to cut Federal investments in programs essential for building America's future in order to provide large tax cuts that they have been promising their constituents for years.

Six years ago, in their drive to take control of the House of Representatives, the Republican leaders, then led by Newt Gingrich, produced the so-called Contract with America, which they claimed would balance the budget while at the same time making room for huge tax cuts.

They indicated that one of the ways that they would do so was by abolishing four departments. Eliminating the Department of Education was their new number one goal. They also wanted to eliminate the Departments of Energy, Commerce and HUD.

Immediately upon taking over the Congress in 1995, they proposed cuts below existing appropriations, not just below the President's request, but below previous appropriations in a rescission bill H.R. 1158. That bill passed the House on March 16, 1995, reducing Federal expenditures by nearly \$12 billion.

Education programs accounted for only 1.6 percent of the Federal expenditures in fiscal year 1995. But they made up 14 percent of the spending reductions in the House Republican package. That package was adopted with all but six House Republicans voting in favor of cuts totaling \$1.8 billion.

Next, H.R. 1883 was introduced, which called for "eliminating the Department of Education and redefining Federal role in education."

The legislation was cosponsored by more than half of all House Republicans, including as original cosponsors the gentleman from Illinois (Mr. HASTERT), the current Speaker; the gentleman from Texas (Mr. ARMEY), the majority leader; and the gentleman from Texas (Mr. DELAY), the majority whip.

The desire to eliminate the Department of Education was stated explicitly in both the report that accompanied the Republican budget resolution passed by the House and in the conference report on the budget that accompanied the final product agreed to by both the House and Senate Republicans.

That conference report, a sized-up copy of which I have here, for House Concurrent Resolution 76, the fiscal year 1996 budget resolution, states flatly: "In the area of education, the House assumes the termination of the Department of Education."

That is what they voted for. The fiscal 1996 budget resolution not only proposed the adoption of legislation to terminate the Department organizationally, but it put in place a spending plan to eliminate funding for a major portion of the Department's activities and programs in hopes of partially achieving the goal of elimination even if the President refused to sign a formal termination for the Department.

The conference agreement adopted on June 29 proposed cuts in funding for Function 500, the area of the budget containing all Federal education programs, of \$17.6 billion, or 30 percent below the amount needed to keep pace with inflation over the 6-year period starting in fiscal 1996.

The House passed resolution had proposed even larger cuts. Every House Republican but one voted for both the House resolution and the conference report.

Then the budget resolution established a framework for passage of the 13 appropriations bills. The Labor, HHS education appropriation bill, which contained the vast majority of funds that go to local school districts, was the hardest hit by that resolution.

□ 2115

The fiscal 1996 appropriations bill for Labor, Health and Education was adopted by the House on August 4 of 1995. It slashed funding from the \$25 billion level that had been originally approved for the Department in fiscal 1995 to \$20.8 billion for the coming year. That \$4.2 billion, or 17 percent cut below the prior year's levels, was even larger when inflation was considered and was passed in the face of information indicating that total school enrollment in the United States was increasing by about three-quarters of a million students a year.

The programs affected by those cuts included: title I for disadvantaged children, reduced by \$1.1 billion below the prior year; teacher training reduced by \$251 million; vocational education reduced by \$273 million; safe and drug-free schools cut by \$241 million; and Goals 2000 to raise student performance reduced by \$361 million. Republicans in this House voted in favor of that bill 213-18. The bill was opposed by virtually every national organization representing parents, teachers, school administrators, and local school boards.

The Republican leadership of the House was so determined to force the President to sign the legislation and other similar appropriations that they were willing to see the government shut down twice to, in the words of one Republican leader, "force the President to his knees." Speaker Gingrich said, "On October 1 if we don't appropriate, there is no money. You can veto whatever you want to but as of October 1, there is no government. We're going to go over the liberal Democratic part of the government and say to them, we could last 60 days, 90 days, 120 days, 5 years, a century. There's a lot of stuff we don't care if it's ever funded."

It is clear that the Labor, Health and Education bill and the education funding in particular in that bill was at the heart of the controversy that resulted in those government shutdowns. Cutting education was an issue that Republicans felt so strongly about that they literally were willing to see the government shut down in an attempt to achieve this goal. Speaker Gingrich said, "I don't care what the price is, I don't care if we have no executive offices and no bonds for 60 days, not this time."

House Republican whip Mr. DeLay said, "We are going to fund only those programs we want to fund. We're in charge. We don't have to negotiate with the Senate. We don't have to negotiate with the Democrats."

When the government shut down, the public reacted strongly against the Republican House leadership's hardheadedness and that led to the eventual signing of the conference agreement on Labor, Health and Education funding as part of an omnibus appropriations package on April 26, 1996, more than halfway through the fiscal year. That action came after nine continuing resolutions and those two government shutdowns. That agreement restored about half of the cuts below prior year's funding that had been pushed through by the Republican majority, raising the original House Republican figure of \$20.8 billion for education to \$22.8 billion.

So on that occasion, as you can see, pressure from the Democratic side of the aisle forced restoration of about \$2 billion in education spending.

Later in 1996, the Republican House caucus organized another attempt to cut education funding below prior year's levels in the fiscal 1997 Labor-Health-Education bill. On July 12, 1996, the House adopted the bill with the Republicans voting 209-22 in favor of passage. Incidentally, I will not read it into the record at this point but my submitted remarks will cite all of the rollcalls, dates and pages if anyone wants to check them. The bill cut education by \$54 million below the levels agreed to for fiscal 1996 and \$2.8 billion below the President's request. During the debate on that bill, Republicans also voted 227-2 to kill an amendment specifically aimed at restoring \$1.2 billion in education funding.

As the fall and election of 1996 began to approach, the Republican commitment to cut education began to be overshadowed by their desire to adjourn Congress and go home to campaign. As a result, the President and Democrats in Congress forced them to accept an education package that was more than \$3.6 billion above House-passed levels.

1997 brought a 1-year respite from Republican efforts to squeeze education. For 1 year a welcomed bipartisan approach was followed and the appropriation that passed the House and the final conference agreement were extremely close to the amounts requested by the President and the Department of Education.

Conflict between the two parties over education funding erupted again in 1998 when the President requested \$31.2 billion for the Department for fiscal 1999. In July, the House Appropriations Committee reported on a party line vote a Labor-Health-Education bill that cut the President's education budget by more than \$600 million; but the bill remained in legislative limbo after the beginning of the next fiscal year. Then on October 2, 1998, the Republicans voted with only six dissenting votes to bring the bill to the floor. The leadership then reversed itself on its desire to call up the bill and refused to bring it to the floor. The House Republican leadership finally grudgingly agreed to negotiate higher levels for education so they could return home and campaign. The White House and the Democrats in Congress had been able to force them to accept a funding level for education that was \$2.6 billion above their original House bill.

Last year, in 1999, the House Republican leaders again directed their appropriators to report a Labor-Health-Education appropriation bill that cut education spending below the President's request and below the level of the prior year. The fiscal 2000 bill reported to the Committee on Appropriations on a straight party line vote funded education programs at nearly \$200 million below the 1999 level. The bill was almost \$1.4 billion below the President's request.

Included in the cuts below requested levels were reductions in title I grants to local school districts for education of disadvantaged students, \$264 million below; after-school programs were taken \$300 million below the President's request; education reform and accountability efforts, \$491 million below; and improvement of education technology resources, \$301 million below. Because inadequate funding threatened their ability to pass the bill, House Republican leaders never brought it to the House floor. After weeks of pressure from House Democrats, they ordered a separate bill that had been agreed to with Senate Republican leaders to be brought to the House floor. That bill contained significantly more education funding than

the original House bill but still cut the President's request for class size reduction by \$200 million, after-school programs cut by \$300 million, title I by almost \$200 million, and teacher quality programs by \$35 million.

The bill was opposed by the Committee for Education Funding which represents 97 national organizations interested in education, including parent and teacher groups, school boards and school administrators. It was adopted by a vote of 218-211 with House Republicans voting 214-7 in favor. After further negotiations, they agreed on November 18 to add nearly \$700 million more, which we were requesting, to those education programs.

Now, this year. This year the President proposed a \$4.5 billion increase for education programs in the fiscal 2001 budget. The bill reported by House Republicans cut the President's request by \$2.9 billion. Cuts below the budget request included \$400 million cut from title I, \$400 million from after-school programs, \$1 billion for improving teacher quality and \$1.3 billion for repair of dilapidated school buildings. It was adopted by a vote of 217-214 with House Republicans voting 213-7 in favor. When the fiscal 2001 Labor, Health and Education bill was sent to conference, a motion to instruct the conferees to go to the higher Senate levels for education and other programs was offered. It also instructed conferees to permit language ensuring that funds provided for reduced class size and repairing school buildings was used for those purposes. It was defeated 207-212 with Republicans voting 208-4 in opposition.

In summary, and I will supply tables for the record, the record clearly shows that over the past 6 years, House Republicans set the elimination of the Department of Education as the primary goal. Failing that, they attempted to reduce education funding to the maximum extent possible. Failing that, they attempted to reduce education funding to the maximum extent possible. In every year since they have had control of the House, they have attempted to cut the President's request for education funding.

Appropriation bills passed by House Republicans would have cut a total of \$14.6 billion from presidential requests for education funding. I repeat. Appropriation bills passed by House Republicans would have cut a total of \$14.6 billion from presidential requests for education funding. In 3 of the 6 years that they have controlled the House, they have actually attempted to cut education funding below prior year levels despite steady increases in school enrollment, in the annual increase in cost to local school districts of providing quality classroom instruction.

Now, these education budget cuts have not been directed at Washington bureaucrats as some Republicans have tried to argue but mainly at programs that send money directly to local school districts to hire teachers and

improve curriculum. Programs such as title I, after-school, safe and drug-free schools, class size reduction, educational technology assistance, all send well over 95 percent of their funds directly to local school districts. While zealots in the Republican conference drove much of this agenda, it is clear that they could not have succeeded without the repeated assistance from dozens of Republican moderates who attempt now to portray themselves as friends of education. They may have been in their hearts, but they were not when the votes came.

The one redeeming aspect of the Republican record on education over the last 6 years is that in most of those years, they failed to achieve the cuts that they spent most of the year fighting to impose. When a coalition between Democrats in Congress and in some cases members of the Republican Party in the Senate and Democrats in the Senate, when a coalition between them and the Democrats in this House and the President made it clear that the bills containing those cuts would be vetoed and that House Republicans by themselves could not override the vetoes, legislation that was far more favorable to education was finally adopted. For Republican Members now to attempt to take credit for that fact is in effect bragging about their own political ineptitude.

The question that concerned Americans must ask is this: What will happen if the Republicans find a future opportunity to deliver on their 6-year agenda for education? They may eventually become more skillful in their efforts to cut education. They may at some point have a larger majority in one or both houses, or they may serve under a President who will be more amenable to their education agenda. All of those prospects should be very troubling to those who feel that local school districts cannot do the job that the country needs without greater assistance from the Federal Government.

Now, this is not an issue of local versus Federal control. Almost 93 percent of the money spent for elementary and secondary education at the local level is spent in accordance with the wishes of State and local governments. But there are national implications to failing schools in any part of the country. The Federal Government has an obligation to try to help disseminate information about what does and does not work in educating children, and it has an obligation to respond to critical needs by defining and focusing on national priorities. That is what the other 7 percent of educational funding in this country does. Education is indeed primarily a local responsibility, but it must be a top priority at all levels, Federal, State and local; or we will not get the job done.

In summary, as the tables will show in the remarks that I am making tonight, the House Republican candidates now shout loudly that they can be trusted to support education, but their

record over the last 6 years speaks louder than their words.

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The records show that in 3 of the last 6 years, House Republicans tried to cut education \$5.5 billion below previous levels and \$13 billion below Presidential requests, \$14.5 billion if you count their first rescission effort in 1995. It shows that more than \$15.6 billion that has been restored came only after Democrats in the Congress and in the White House demanded restoration.

That is the record that must be understood by those concerned about education's future, and that is the record that will be demonstrated by the three charts that I am inserting in the RECORD at this point.

#### THE HISTORY OF HOUSE REPUBLICAN EFFORTS TO ATTACK EDUCATION—1994 THROUGH 2000

Across the nation Republican Congressional Candidates are giving speeches and running ads pretending to be friends of education. Those speeches and ads fly in the face of the historical record of the past six years. That record demonstrates that education has been one of the central targets of House Republican efforts to cut federal investments in programs essential for building America's future in order to provide large tax cuts they have been promising their constituents.

Six years ago in their drive to take control of the House of Representatives, the Republican Leaders led by Newt Gingrich produced a so-called "Contract with America" which they claimed would balance the budget while at the same time making room for huge tax cuts. They indicated that one of the ways they would do so was by abolishing four departments of the federal government. Eliminating the U.S. Department of Education was their number one goal. They also wanted they said to eliminate the Departments of Energy, Commerce and HUD.

Immediately upon taking over the Congress in 1995 they proposed cuts below existing appropriations in a rescission bill, HR 1158. That bill passed the House on March 16, 1995 reducing federal expenditures by nearly \$12 billion. Education programs accounted for \$1.7 billion of the total. While the budget of the Department of Education totaled only 1.6% of federal expenditures in fiscal 1995, it contributed 14% to the spending reductions in the House Republican package. The package was adopted with all but six House Republicans voting in favor. (See Roll Call #251 for the 104th Congress, 1st session—Congressional Record, March 16, 1995, page H3302)

Next, legislation (HR 1883) was introduced which called for "eliminating the Department of Education and redefining the federal role in education." The legislation was cosponsored by more than half of all House Republicans including as original cosponsors, current Speaker Dennis Hastert, Majority Leader Dick Armey, and Majority Whip Tom Delay. (See Attachment A)

The desire to eliminate the Department of Education was stated explicitly in both the Report that accompanied the Republican Budget Resolution passed by the House and in the Conference Report on the Budget that accompanied the final product agreed to by both House and Senate Republicans. The Conference Report for H. Con. Res. 76 (the FY 1996 Budget Resolution) states flatly, "In the area of education, the House assumes the termination of the Department of Education."

That FY96 Budget Resolution not only proposed the adoption of legislation to terminate the Department organizationally, but

put in place a spending plan to eliminate funding for a major portion of the Department's activities and programs in hopes of partially achieving the goal of elimination even if the President refused to sign a formal termination for the Department. The Conference Agreement adopted on June 29, 1995 proposed cuts in funding for Function 500, the area of the budget containing all federal education programs or \$17.6 billion or 34% below the amount needed to keep even with inflation over the six-year period starting in Fiscal 1996. The House passed Resolution had proposed even larger cuts. Every House Republican except one voted for both the House Resolution and the Conference Report. (See Roll Calls #345 and 458 for the 104th Congress, 1st session—CONGRESSIONAL RECORD, May 18, 1995, page H5309 and June 29, 1995, page H6594)

That Budget Resolution established a framework for passage of the 13 appropriation bills. The Labor-HHS-Education appropriations bill, which contains the vast majority of funds that go to local school districts, was the hardest hit by that resolution. The Fiscal 1996 appropriations bill for labor, health, and education was adopted by the House on August 4th 1995. It slashed funding from the \$25 billion level that had been originally approved for the Department in fiscal 1995 to \$20.8 billion for the coming year. This \$4.2 billion or 17% cut below prior year levels was even larger when inflation was considered and was passed in the face of information indicating that total school enrollment in the United States was increasing by about three quarters of a million students a year. The programs affected by these cuts included Title I for disadvantaged children (reduced by \$1.1 billion below the prior year,) teacher training, (reduced by \$251 million,) vocational education (reduced by \$273 million,) Safe and Drug Free Schools (reduced by \$241,) and Goals 2000 to raise student performance (reduced by \$361 million). Republicans voted in favor of the bill, 213 to 18. (See Roll Call #626 for the 104th Congress, 1st session—CONGRESSIONAL RECORD, August 4, 1995, page H8420) The bill was opposed by virtually every national organization representing parents, teachers, school administrators, and local school boards.

The Republican Leadership of the House was so determined to force the President to sign that legislation and other similar appropriations that they were willing to see the government shut down twice to, in the words of one Republican Leader, "force the President to his knees." Speaker Gingrich said, "On October 1, if we don't appropriate, there is no money. . . . You can veto whatever you want to. But as of October 1, there is no government. . . . We're going to go over the liberal Democratic part of the government and then say to them: 'We could last 60 days, 90 days, 120 days, five years, a century.' There's a lot of stuff we don't care if it's ever funded." (Rocky Mountain News, June 3, 1995) It is clear that the Labor-HHS-Education bill, and education funding in particular, was at the heart of the controversy that resulted in those government shutdowns. Cutting education was an issue that Republicans felt so strongly about that they literally were willing to see the government shut down in an attempt to achieve this goal. Speaker Gingrich said, "I don't care what the price is. I don't care if we have no executive offices, and no bonds for 60 days—not this time." (Washington Post, September 22, 1995) House Republican Whip Tom DeLay said, "We are going to fund only those programs we want to fund. . . . We're in charge. We don't have to negotiate with the Senate; we don't have to negotiate with the Democrats." (Baltimore Sun, January 8, 1996)

When the government shut down, the public reacted strongly against Republican

House Leadership hard-headedness and that led to the eventual signing of the Conference Agreement on Labor-HHS-Education funding as part of an omnibus appropriations package on April 26 of 1996, more than halfway through the fiscal year. That action came after 9 continuing resolutions and those two government shutdowns. That agreement restored about half of the cuts below prior year funding that had been pushed through by the Republican Majority, raising the original House Republican figure of \$20.8 billion for education to \$22.8 billion.

Later in 1996 the Republican House Caucus organized another attempt to cut education funding below prior year levels in the fiscal 1997 Labor-HHS-Education bill. On July 12, 1996 the House adopted the bill with Republicans voting 209 to 22 in favor or passage (See Roll Call #313, CONGRESSIONAL RECORD, July 11, 1996, page H7373.) The bill cut education by \$54 million below the levels agreed to for fiscal 1996 and \$2.8 billion below the President's request. During the debate on that bill Republicans also voted (227-2) to kill an amendment specifically aimed at restoring \$1.2 billion in education funding (See Roll Call #303, CONGRESSIONAL RECORD, July 11, 1996, page H7330).

As the fall and election of 1996 began to approach, the Republican commitment to cut education began to be overshadowed by their desire to adjourn Congress and go home to campaign. As a result, the President and Democrats in Congress forced them to accept an education package that was more than \$3.6 billion above House passed levels.

1997 brought a one-year respite from Republican efforts to squeeze education. For one year, a welcome bipartisan approach was followed and the appropriation that passed the House and the final conference agreement were extremely close to the amounts requested by the President and the Department of Education.

Conflict between the two parties over education funding erupted again in 1998 when the President requested \$31.2 billion for the Department for fiscal 1999. In July, the House Appropriations Committee reported on a party line vote a Labor-HHS-Education bill that cut the President's education budget by more than \$660 million. But the bill remained in legislative limbo until after the beginning of the next fiscal year. Then on October 2, 1998 Republicans voted with only six dissenting votes to bring the bill to the floor. (See Roll Call #476, CONGRESSIONAL RECORD, October 2, 1998, page H9314.) The leadership then reversed itself on its desire to call up the bill and refused to bring it to the floor. The House Republican Leadership finally grudgingly agreed to negotiate higher levels for education so they could return home and campaign. The White House and Democrats in Congress were able to force them to accept a funding level for education that was \$2.6 billion above the House bill.

Last year, in 1999, House Republican Leaders again directed their Appropriators to report a Labor-HHS-Education Appropriation bill that cut education spending below the President's request and below the level of the prior year. The FY2000 bill reported by the Appropriations Committee on a straight party line vote funded education programs at nearly \$200 million below the FY 1999 level. The bill was almost \$1.4 billion below the President's request. Included in the cuts below requested levels were reductions in Title I grants to local school districts for education of disadvantaged students (\$264 million,) after school programs (\$300 million,) education reform and accountability efforts (\$491 million) and improvement of educational technology resources (\$301 million.) Because inadequate funding threatened their ability to pass the bill, House Repub-

lican Leaders never brought it to the House floor. After weeks of pressure from House Democrats they ordered a separate bill that had been agreed to with Senate Republican Leaders to be brought to the House floor. The bill contained significantly more education funding than the original House bill but still cut the President's request for class size reduction by \$200 million, after-school programs by \$300 million, title I by almost \$200 million and teacher quality programs by \$35 million. The bill was opposed by the Committee for Education Funding which represents 97 national organizations interested in education including parent and teacher groups, school boards, and school administrators. It was adopted by a vote of 218 to 211 with House Republicans voting 214 to 7 in favor. (See Roll Call 549, CONGRESSIONAL RECORD, October 28, 1999, page H11120) It was also promptly vetoed by the President. After further negotiations, they agreed on November 18th to add nearly \$700 million more, which we were requesting to educational programs.

This year the President proposed a \$4.5 billion increase for education programs in the FY2001 budget. The bill reported by House Republicans cut the President's request by \$2.9 billion. Cuts below the request included \$400 million from Title I, \$400 million from after school programs, \$1 billion for improving teacher quality and \$1.3 billion for repair of dilapidated school buildings. It was adopted by a vote of 217-214 with House Republicans voting 213 to 7 in favor. (See Roll Call #273, CONGRESSIONAL RECORD, June 14, 2000, page H4436)

When the FY2001 Labor-HHS-Education bill was sent to conference a motion to instruct Conferees to go to the higher Senate levels for education and other programs was offered. It also instructed conferees to permit language insuring that funds provided or reducing class size and repairing school buildings was used for those purposes. It was defeated 207 to 212 with Republicans voting 208 to 4 in opposition. (See Roll Call 415, CONGRESSIONAL RECORD, July 19, 2000, page H6563)

In summary, the record clearly shows that over the past six years House Republicans set the elimination of the Department of Education as a primary goal. Failing that, they attempted to reduce education funding to the maximum extent possible. In every year since they have had control of the House of Representatives they have attempted to cut the President's request for education funding. Appropriations bills passed by House Republicans would have cut a total of \$14.6 million from presidential request for education funding. In three of the six years that they have controlled the House, they have actually attempted to cut education funding below prior year levels despite steady increases in school enrollment and the annual increase in costs to local school districts of proving quality class room instruction.

The education budget cuts have not been directed at Washington bureaucrats as some Republicans have tried to argue but mainly at programs that send money directly to local school districts to hire teachers and improve curriculum. Programs such as Title I, After School, Safe and Drug Free Schools, Class Size Reduction, and Educational Technology Assistance all send well over 95% of their funds directly to local school districts. While zealots in the Republican Conference drove much of this agenda it is clear that they could not have succeeded without the repeated assistance from dozens of Republicans moderates who attempt to portray themselves as friends of education.

The one redeeming aspect of the Republican record on education over the last six

years is that in most years they failed to achieve the cuts that they spent most of each year fighting to impose. When a coalition between the Democrats in Congress and the President made it clear that the bills containing these cuts would be vetoed and that the Republicans by themselves could not override the vetoes, legislation that was far more favorable to education was finally adopted. For Republican members to attempt to take credit for that fact is in effect bragging on their own political ineptitude. The question concerned Americans must ask is: What will happen if the Republican find a future opportunity to deliver on their six-year agenda? They may eventually become more skillful in their efforts. They may at some point have a larger majority in one or both Houses or they may serve under a President that will be more amenable to their agenda. All of these prospects should be very troubling to those who feel that local school districts can not do the job that the country needs without great assistance from the federal government.

This is not an issue of local versus federal control. Almost 93% of the money spent for elementary and secondary education at the local level is spent in accordance with the wishes of state and local governments. But there are national implications to failing schools in any part of the country. The federal government has an obligation to try to help disseminate information about what does and does not work in educating children, and it has an obligation to respond to critical needs by defining and focusing on national priorities. And that is what the other 7% of educational funding in this country does. Education is indeed primarily a local responsibility, but it must be a top priority at all levels—federal, state, and local—or we will not get the job done.

The House Republican candidates now shout loudly that they can be trusted to support education, but their record over the six years speaks louder than their words. Their record shows that in three of the last six years, House Republicans tried to cut education \$5.5 billion below previous levels and \$14.6 billion presidential requests. It shows that the more than \$15.6 billion that has been restored came only after Democrats in Congress and in the White House demanded restoration. That is the record that must be understood by those concerned about education's future.

DEPARTMENT OF EDUCATION—GOP EDUCATION APPROPRIATION CUTS COMPARED TO PREVIOUS YEAR  
(Millions of dollars)

	Prior year	House level	House cut
FY 95 Rescission .....	25,074	23,440	-1,635
FY 96 Labor-HHS-Education .....	25,074	20,797	-4,277
FY 97 Labor-HHS-Education .....	22,810	22,756	-54
FY 00 Labor-HHS-Education .....	33,520	33,321	-199

Discretionary Funding, Minority Staff, House Appropriations Committee.

DEPARTMENT OF EDUCATION—GOP EDUCATION CUTS BELOW PRESIDENT'S REQUEST  
(Millions of dollars)

	Request	House level	House cut	Percent cut
FY 96 Labor-HHS-Education	25,804	20,797	-5,007	-19
FY 97 Labor-HHS-Education	25,561	22,756	-2,805	-11
FY 98 Labor-HHS-Education	29,522	29,331	-191	-1
FY 99 Labor-HHS-Education	31,185	30,523	-662	-2
FY 00 Labor-HHS-Education	34,712	33,321	-1,391	-4
FY 01 Labor-HHS-Education	40,095	37,142	-2,953	-7
Total FY96 to FY01 .....	186,879	173,870	-13,009	-7

Discretionary Funding, Minority Staff, House Appropriations Committee.

DEPARTMENT OF EDUCATION—EDUCATION FUNDING RESTORED BY DEMOCRATS  
(Millions of dollars)

	House level	Conf agreement	Restoration	Percent increase
FY 95 Rescission .....	23,440	24,497	1,057	5
FY 96 Labor-HHS-Education .....	20,797	22,810	2,013	10
FY 97 Labor-HHS-Education .....	22,756	26,324	3,568	16
FY 98 Labor-HHS-Education .....	29,331	29,741	410	1
FY 99 Labor-HHS-Education .....	30,523	33,149	2,626	9
FY 00 Labor-HHS-Education .....	33,321	35,703	2,382	7
FY 01 Labor-HHS-Education .....	37,142	40,751	3,609	10
Total FY95 to FY01 .....	197,310	212,975	15,665	8

Discretionary Funding, Minority Staff, House Appropriations Committee.

NIGHTSIDE CHAT

The SPEAKER pro tempore (Mr. HAYWORTH). Under the Speaker's announced policy of January 6, 1999, the gentleman from Colorado (Mr. MCINNIS) is recognized for 60 minutes.

OVERVIEW OF SPEECH

Mr. MCINNIS. Mr. Speaker, good evening. It is time for another nightside chat.

This evening I want to cover a couple of areas with my colleagues here. First of all, a couple comments about the Olympics, and then I would like to move on.

I had a discussion last week and in fact over the weekend I talked with a good close friend of mine, his name is Al, and we discussed a little about the situation with Wen Ho Lee, who is the spy, or the fellow who was accused of spying, but the gentleman in New Mexico, and I kind of need to retract my words there, I will not exactly call him a "gentleman" from my point of view, you will see. I think the facts are going to be very interesting.

Last week, as my friend Al and I discussed, I laid out what I thought was a very strong case that makes it very clear that this fellow in New Mexico, who has been accused of a crime, and, by the way, who is a convicted felon, in fact is not a hero. He is not a martyr. He is not somebody who has been victimized. He is not a victim of racial profiling. He is not a victim of the race card. I want to discuss that case in a little more depth, in fact in a great deal of depth tonight. So I am looking forward to that discussion.

DISRESPECT SHOWN BY AMERICAN OLYMPIC ATHLETES

First of all, let us talk about the Olympics. That is an exciting event. All of us had an opportunity, I am sure, to watch the events, and we are very proud of our athletes and the sports people that we send over to participate in these events and the medals. I mean, of course, in the West we are absolutely thrilled about the wrestler out of Wyoming who beat that Russian wrestler. To me, that was probably the highlight of the Olympics.

But let me say, first of all, I consider our athletes obviously very, very capable young people who I am proud to have represent the United States, in most cases. These athletes, in my opinion, while I would not call them heroes, you certainly would call them celeb-

rities. They have spent a lot of hard years to represent the United States.

But what I saw over the weekend dismayed me, and I want to be very specific about it, because it applies only to maybe four, maybe five at least, not the whole bunch. But, unfortunately, it kind of casts a shadow over all of our U.S. Olympic athletes, and that is those Olympic athletes representing the United States who thought it was kind of entertaining to show a lack of respect as they were receiving their medals and the Star Spangled Banner was played.

Perhaps it would be good for my colleagues to continue to remind our constituents just exactly what that song, the Star Spangled Banner, our National anthem, what it means and where it came from and what it represents.

Look, this is not some song by Metallica out there or some other group that is used for entertainment. This was a song that was written on sacrifice. This was a song written with the idea of patriotism. This was a song that was written in recognition of the many Americans who fought to preserve this country. They did not fight in Olympic games, they did not fight on a relay team to get the gold medal, they fought on a battlefield, and a lot of them gave their lives.

I will tell you, to every veteran in this country, in fact, to every citizen in this country, those athletes, who in my opinion embarrassed the United States of America with their behavior, owe an apology to every citizen in this country, and they especially owe an apology to those veterans who really went out and fought the wars, who really have represented this country since its conception.

Mr. Speaker, we all have an obligation, whether the moment is an exciting moment or whether the moment is at a funeral, or whether the moment is at the beginning of a basketball game or a football game, we have an obligation to citizens of this country to respect the history of the Star Spangled Banner.

While we do not stand there and recite the history of the Star Spangled Banner, we as Americans have that song to kind of be a symbol to the world, and even as a reminder to ourselves, about what this great country is all about and to see that some of our outstanding young people in this country who have been given the privilege, and, by the way, it is not in reverse, it is not what the country could do, so-to-speak, for those athletes, it is what those athletes can do to represent our country, and they do not represent our country when they stand there and make the kind of mockery or the kind of little professional side show they thought was entertaining for the cameras.

I hope those individuals out there who give sponsorships and commercial contracts keep in mind what these particular individuals did, how they embarrassed, in my opinion, the rest of

the Olympic team, and how they embarrassed our country, and, most of all, how they embarrassed the heritage of this country there during our National anthem.

We have every right to be proud. Boy, one does not have to go very far on our streets to find people who would tell you just how proud they are of this country, what kind of opportunity this country offered. I am sorry to say that we saw that on national TV. In fact, the entire world saw it on TV, and it did nothing at all, it did nothing at all, to exemplify the fine athletes that we had over there representing our country. I think it is very unfortunate that that is what occurred.

THE WEN HO LEE CASE: WHO IS THE VICTIM?

Let me completely shift gears. Over the last several weeks I have about had it with what I am reading in some of the national media on a public relations campaign put forward, in my opinion, by some defense attorneys on an individual named Wen Ho Lee.

As you may recall, Wen Ho Lee was the fellow who was arrested and held by the FBI on 59 counts involving some of the highest, most sensitive secrets this Nation has ever held, that is the secrets on our thermo-nuclear weapons.

I used to practice law, and I learned a long time ago, although I did not do criminal law, I was acquainted with criminal law. I used to be a police officer, and there are a couple of things I want to point out at the beginning of my comments about observations I made when I was a police officer and when I practiced law.

Let me start, first of all, when I was a police officer. When I was an officer and I would arrive at the scene of an accident, a lot of people would have a lot of different stories. What I learned time and time and time again as a police officer is what you see when you first get there a lot of times is not really what you come up with after you have been there for a while. So what seems obvious to you when you pull up to the scene of an incident is oftentimes not as obvious as you thought it was.

In other words, you may pull up to the scene of an accident and you may say, well, this is easy; that car crossed over that line and hit that car, so it is driver A's fault, because driver A hit B going the wrong way in the traffic. You may find out after further investigation that in fact driver B was in the wrong lane of traffic, spun out of control, had a collision, and the vehicles, by momentum, put themselves into the position that they were in. Point number one.

Point number two that I think is important, that I learned in the practice of law, is that defense attorneys really have a few standards by which to defend their client. The easiest way to defend your client who has been accused of a crime is the facts. If the facts are on your side, obviously the easiest fact is your client did not do it.

If your client did not do it, you focus your case on the basis of the facts; my client did not do it.

If you do not have those facts on behalf of your client, then what you try and do is you try and attack the prosecution's witnesses. So you try and divert attention away from the fact that maybe your client did it, and you try and attack the credibility of the people who saw him do it or otherwise would testify to some type of circumstantial evidence that this individual is guilty of the crime alleged.

If you cannot defend your client on the facts, and if you are not too successful attacking the credibility and the character of the prosecution, then you adopt what seems to be the most popular item of defense for the last 20 years, your client is a victim. Oh, my client, I know he went out and robbed a bank, but he was victimized; he had an abused childhood; or, you know, the police did not treat him right. Anything you can use as a defense attorney to make your client seem like a victim being picked on by society or being picked on by the FBI or being picked on by the cops or being picked on by his parents, or et cetera, et cetera, et cetera. You get the idea. You know where I am going.

Well, what we have seen in the last several weeks is a massive public relations effort on an individual named Wen Ho Lee, trying to play this individual as a victim; trying to divert attention away from what this individual did.

Some of the facts or defenses they are using for Wen Ho Lee are almost laughable. One, well, he was just resume building. He wanted to build his resume, so he wanted to accumulate a library of the most sensitive thermo-nuclear secrets ever held in the history of the world. He just wanted to have a resume. He said, I have a library with that.

Two, this was just a coincidence. It was really accidental. He did not intend to copy over 400,000 pages of the most sensitive thermo-nuclear material ever held by any person in the history of mankind. It was just an accident that he happened to get his hands on that and started transferring it around.

One of the other defenses that in some cases have some merit and have some bearing is the race card. When you take a look the facts as I am going to present them to you, the other side of the story, you are going to find, I think, as I find, forget the race card. Throw that one out. This is not a race case. This case is based on hard, verifiable evidence. This case is based on the fact that the party is a convicted felon. This case is based on the fact that the secrets were found in his custody.

So I want to present, and I think the first thing is at the beginning of my discussion that we ask the question, and this is what I ask you to think about this evening when I go through

the facts of this case, this is kind of like one of those new detective shows on TV or some kind of criminal mystery. Let us try and solve the mystery. Let us look at the basic question: Who is the victim? That is what we want to determine tonight, because we have seen this massive effort, and, frankly, it is amazing to me, the national publications that have adopted the public relations effort of these defense attorneys to point Wen Ho Lee as the victim, instead of the United States of America and its citizens.

□ 2145

That is the question we are going to ask tonight. Who is the victim? Is it Wen Ho Lee, or is it the United States of America? That is the question we want to look at this evening.

By the way, if my colleagues see my quote marks, this is testimony taken from the hearing that was given over in the Senate side; however, it is important to keep in mind that this is not an ordinary criminal matter. However, it is important to keep in mind that this is not an ordinary criminal matter. It never was. This is a national security matter of paramount importance.

This is a national security matter of paramount importance. At least seven and possibly 14 or more tapes containing vast amounts of our Nation's nuclear secrets remain unaccounted for. This is not rhetoric. It is simple frightening fact.

Mr. Speaker, let us all go back, kind of place ourselves in the laboratory in New Mexico. Let us get kind of an outlay of what that laboratory does. This is one of the most highly classified top secret locations for the United States. We have two labs that have this kind of classification. This lab in New Mexico contains within its computers not only the research, but the elements to put together thermonuclear weapons.

This lab contains the elements so that you could compose and construct a weapon, the only real weapon known to mankind that one military could use against the military of the United States of America and successfully engage it and successfully destroy it. In other words, I cannot overstress the sensitivity of the material that is contained within those laboratory walls down there in New Mexico, nor can I overstress the responsibility, the high respect of these individuals who are given the utmost trust by the citizens of the United States of America to work in that laboratory.

These citizens, they know exactly what they are dealing with. These scientists, these experts, these professionals, and every one of them is a professional. They know it. Of all 250 million or 300 million people in the United States and of all the hundreds of millions of people in the world, they alone down there have their hands on what is considered the most destructive weapons in the history of mankind.

They alone down there, while they are in that laboratory, many of them

have access that is entrusted to no other citizens in the United States outside of a handful, like the President of the United States, certain Members of Congress, certain Members of the Senate and so on and so forth. In other words, what we are dealing with is our entire design plan of our thermonuclear weapons. This is not what you call a missile-light or a criminal-light matter.

During my career, I am not sure in my career of Congress I have ever witnessed a crime that I think is more of a threat to the national security of the United States but also a threat to the entire world. I want to point to my colleagues I am not sure I have ever witnessed a more clever defense design to take an individual who the facts will reveal intentionally and very methodically transferred these nuclear secrets.

It is amazing to me that that kind of individual can get the kind of spin by our national media to play this situation into pointing it out like he is the victim, like somehow he innocently transferred these; that, in fact, all he was trying to do was build up his resume.

He thought it would be impressive to have a library of the world's most sensitive thermonuclear weapons. Let us go through some of the facts. Wen Ho Lee worked for the X Division at the Los Alamos National Laboratory. The X Division, and that is important to remember, this is the top secret division, the X Division is responsible for the research, design and development of thermonuclear weapons; and it requires the highest level of security of any division at Los Alamos.

This week I intend to go into even more depth in this case with the gentleman from Georgia (Mr. BARR), who used to be, by the way, a U.S. Attorney. He is an expert I think in prosecution, and it will be interesting to have his comments in regards to the Los Alamos lab and what level we can consider this breach of security.

The X Division scientists, and that is what Wen Ho Lee was, he is an X Division scientist. Now the scientist most familiar with the downloaded information would have testified that Wen Ho Lee took every, not some, not a little here, not a little there, every significant piece of information to which a nuclear designer would want access. It gets worse.

Before Wen Ho Lee created these tapes, only two sites in the world held this complete design portfolio, the secure computer inside the highest security division at Los Alamos and the secure computer system inside the highest security division in another one of our national laboratories. Now, this is what one of the defenses they are using is that, look, accidents happen, poor Wen Ho Lee was in there working on his computer. He was a computer buff, kind of a computer geek; and as he is working it by accident he happens to transfer a couple hundred thousand pages, pretty soon 300,000, pretty soon

400,000 pages of thermonuclear weapons from a classified position to a non-classified position, from a nonclassified position to the computer at his desk.

I will walk through those steps, and we will see why it takes a methodical and well thought out process to complete what Wen Ho Lee did to do what he did. Let us go on. It is not a simple task for Wen Ho Lee to move files from the closed to the open system. The CFS tracking system reveals that Wen Ho Lee spent hours unsuccessfully trying to move the classified files into unclassified space; eventually, Wen Ho Lee worked his way around what was designed to be a cumbersome process.

In other words, here is what is going on. The computer with the thermonuclear secrets accounts is here, and contained within that computer are documents which are an entire library on thermonuclear weapons; and when I say our entire library, it is the research. It is the construction. It is the impact, et cetera, et cetera, et cetera.

In order for one to move a document from this top secret computer, you have to declassify it, because if the document is classified top secret, you cannot move it from that computer to a nonclassified computer. So the first step that you need to take is you need to take these documents that are classified top secret, and you need to declassify them to a declassified document. And what this is saying right here is that in order to do that, we wanted to make sure we had a fail-safe system. In a fail-safe system, we wanted to make the process very cumbersome. In other words, it took a lot of study; it took a lot of processes to get through it.

It had several what you might call barriers built into the computer programming, so that you could not automatically or by accident hit a button and classify a document from classified to nonclassified or from secret to non-secret.

So when Wen Ho Lee went through this, it took him hours to figure out the system, how do I move it from classified to nonclassified. He studied it and eventually he mastered it. And that is what he did. He first moved it from the top secret computer, changed the classification of the documents; then moved the documents to his other computer at his desk, because they can move his unclassified documents and put them on to his personal computer and who knows where those secrets are today. Although, there are many suspicions of where those secrets are today.

Let us go on. Wen Ho Lee worked to command the computer to declassify the files when he was well aware that the files contained some of the most sensitive information at Los Alamos, and this process over here just kind of tells us what was necessary. First, you had to have an input deck, file information. Now this information was a blueprint of the exact dimensions and the geometry of the Nation's nuclear

weapons, including our most successful modern warheads.

The data files included nuclear bomb testing protocol, nuclear weapons bomb test problems, information related to physical and radioactive properties. And the source codes included data used for determination by simulation the validity of nuclear weapon designs. So the information that Wen Ho Lee worked with on his computer, he knew, he knew how secret that information was. He knew exactly what keys that information provided for somebody who wanted to get their hands on it to build their own nuclear arsenal. Yet, he continued over a period of time, and I am going to show us some of the interesting facts about that period of time. He went over a period of time and continued to declassify top secret material for the sole purpose of transferring it out of that computer into his own computer and copying it into his own personal library, which now he has. We do not know where those documents are.

Before we go further, let me point out that it has been very easy to criticize the Federal Bureau of Investigation. They were the lead investigator here. The Department of Justice, Janet Reno, as I said, in fact, in my discussions with AL this weekend, my constituent that I visited with, in my discussions, he reminded me of how critical I had been of the Federal Bureau of Investigation with Ruby Ridge.

I think Ruby Ridge and the conduct by the Federal Bureau of Investigation was a shame. I think it was shameful. They know it was shameful. I think it was unfortunate that some of the people who were involved with the FBI who did wrong ended up with promotions.

I have had disagreements with Janet Reno, the Attorney General. Although I am an ex-police officer, I am not coming in here with a bias in favor of the FBI. I am not coming in here with a basis in favor of Janet Reno. I am coming in here, I believe, well studied in the facts; and I am telling my colleagues do not let them divert Wen Ho Lee's activity and his behavior by putting the blame on Louis Freeh, the director of the Federal Bureau of Investigation. Do not let them divert from the facts what Wen Ho Lee did by bringing Janet Reno into the equation and saying for some reason she misbehaved.

The facts are clear in this case. I am going to present some more to you.

Let us go on further. It is critical to understand it; and I think this is so important, so important, for us to pay attention to. It is so critical to understand that Wen Ho Lee's conduct was not inadvertent. It was not careless, and it was not innocent. Over a period of years, Lee used an elaborate scheme to move the equivalent of 400,000 pages of extremely sensitive nuclear weapons files from a secure part of the Los Alamos computer system to an unclassified, unsecure part of the system,

which could be accessed from outside of Los Alamos, indeed, from anywhere in the world.

In fact, at one point Lee attempted to access that from overseas. He could not quite get the connection down, so he contacted the computer help system, which had a tracer on it, and in asking for help on the computer, how do I do this, I am not being successful in transferring in this country, I believe he was over in Taiwan.

In order to achieve his ends, Wen Ho Lee had to override default mechanisms that were designed to prevent any accidental or inadvertent movement of these files. His downloading process consumed approximately 40 hours of 70 different days. Do not let people tell you he did it by accident. There are default mechanisms built into this computer program. You have to go around it. You have to go under it. You have to go above it. You have to go sideways.

There are a lot of computer safeguards placed in there, so somebody who is handling this sensitive material cannot inadvertently send it to a computer system where it can be accessed around the world. His behavior was not inadvertent. It was not careless, and it was not innocent.

Let us go on. Nor was this all. Wen Ho Lee carefully and methodically removed classification markings from documents.

□ 2200

He attempted repeatedly to enter secure areas of Los Alamos after his access had been revoked, including one attempt at 3:30 in the morning on Christmas Eve.

Think about that, how many people would attempt to get into a top secret part of a lab at 3:30 in the morning on Christmas Eve; in the morning, a.m., 3:30 a.m. on Christmas Eve? Oh, what a coincidence, he just happened to stumble down to the top secret portion of the lab and try to gain access through a starewell.

He deleted files in an attempt to cover his tracks before he was caught. As soon as he found out the FBI was on him, as soon as he failed a lie detector test, as soon as he figured out that the computer was tracking him, he began immediately to delete files. He tried to cover his tracks, not by an accidental push of the button, of the keyboard, but by an intentional, well-designed method to delete not only his current files, but delete any record of those files ever being made at all.

Wen Ho Lee created his own secret, portable electronic library of this Nation's nuclear weapons secrets. So first he took them out of the top secret computer, moves them to a nonclassified computer, where he can then access them from his own computer. In fact, anyone in the world could access those secrets.

He stood before a Federal court judge, admitted his wrongdoing, and pleaded guilty to a felony. Contrary to

some reports, there is nothing minor or insignificant about that crime. The restricted data that Wen Ho Lee downloaded into 10 portable computer tapes included, and keep this in mind, it included the electronic blueprint of the exact dimensions and geometry of this Nation's nuclear weapons.

These are just some of the steps that are required to access, for him to go in there.

First of all, he has to log into a secure computer system by entering a password, and not only enter a password, you have to put a Z number in behind it. Then you have to access data in red partition, then type save, then you go CL-LU, classified level included unclassified. So look at the steps we already have so far.

Then you have to access C machine and type commands to download partition from secure partition to open Rho machine. Then you have to access that machine. Then you have to log into a colleague's computer outside of the x division. Then you have to access the open directory and copy the files.

My point in all of that is that there were numerous steps that Wen Ho Lee took to obtain from all of us, from all of the citizens of the United States, to obtain our highest secrets, in dereliction, not only dereliction of his duty, that is too light, but in my sense, a betrayal. I do not think I am using too strong a word.

Anybody that would go in with those kinds of secrets, with those kinds of weapons, and would intentionally transfer the information of those weapons so that it can be accessed elsewhere, and we do not know where most of those tapes are, by the way, Mr. Lee has not cooperated, he has not told us where those are the tapes are, tell me that is not a betrayal in the highest form. I think it is. I think it is disgraceful.

Let us go through this. Make no mistake about the scope of this offense and the danger that it presents to our Nation's security. Make no mistake about the scope of this offense and the danger it presents to our society.

As an expert from Los Alamos testified in this case, the material that was downloaded and copied by Wen Ho Lee represented the complete nuclear weapons design capability of Los Alamos at that time, approximately 50 years of nuclear development.

Mr. Speaker, for those who have been kind of coming in and out, following me a little here and there, this will bring Members entirely up to speed, this one paragraph. And make no mistake about it, the scope of this offense and the danger it presents to our Nation's security, as an expert from Los Alamos testified in this case, the material downloaded and copied by Wen Ho Lee represented the complete nuclear weapons design capability of Los Alamos at that time, approximately 50 years of nuclear development.

They had an expert come in and testify, a Dr. Younger, and tell us exactly

what he thought was the extent of the material that Wen Ho Lee transferred. Please, please, Mr. Speaker, I ask my colleagues to listen very carefully to this.

"These codes and their associated databases and the input file, combined with someone that knew how to use them, could, in my opinion, in the wrong hands, change the global strategic balance."

In other words, if these get into the wrong hands, and we know they are out there now, we know that the secrecy has been broken by Wen Ho Lee, that in betrayal to his country he has copied those and moved those out into that world, and that if somebody gets those who knows what they are doing, it could change the global strategic balance.

"They enable the possessor to design the only objects." "They enable the possessor to design the only objects that could result in the military defeat of America's conventional weapons;" the only threat, for example, to our carrier battle groups. "They represent the gravest possible security risk to the United States," what the President and most other presidents have described as the supreme national interest of the United States.

Look at that sentence, Mr. Speaker. Just look at that. "They represent the gravest possible security risk to the United States." They represent the gravest possible security risk to our country, to our constituents. In fact, if it is a security risk to the United States, it is a security risk to our friends throughout the world.

One individual, one individual, has done this much damage. Yet, our national media, some of our media, portrays him as a picked-upon victim. Some of our national media decides to focus on the FBI or on Janet Reno and kind of shove it aside, just brush it aside, as if it is a minor traffic ticket, what Wen Ho Lee has done to this country? Where is the justice here?

Now, some will say, okay, you made some pretty strong statements, Congressman. Really, what do you have to point out? Show us a little more detail. Let me give kind of a chronological chart. I think at the end of this chart Members will be very amazed, very interested in the innocence of Wen Ho Lee.

A chronological events or a calendar of events between December 23, 1998, and February 10, 1999. Let us take a look at these. This is on December 23rd, 1998, on Wednesday.

At 2:18, they completed the polygraph of Wen Ho Lee. At 5 o'clock, approximately 5 o'clock, Wen Ho Lee is advised that his access to the secure areas of the X division, remembering that the X division is the top secret area, and to both his secure and open X division computer accounts has been suspended.

So about 5 o'clock they told Wen Ho Lee, "Your privileges, your permission, your ability to go into any of these secret areas is hereby suspended." So

there should be no question that Wen Ho Lee knew that he was attempting to get into areas he was not supposed to be into, that he was specifically prohibited from entering.

At 9:36 that night, and by the way, way past his shift, Lee makes four attempts to enter the secure area of X division through a stairwell, up through stairwell number 2, and makes four attempts to get into the secure area.

At 9:39, approximately 3 minutes later, he tries another access point through the south elevator and attempts to enter the secure area.

On December 24, at 3:31 in the morning, he is back again, once again through the south stairwell number 2, which by the way, as you know, Christmas Eve, he attempts to enter the secure area of the X division.

On January 4, on Monday at 9:42, Lee succeeds in having his open computer account reactivated, and deletes three computer files.

On January 12, 1999, he deletes one computer file.

On January 17, 1999, between 1 and 5, they interview Lee at his residence. The very next day Lee, in an attempt to cover his tracks, deletes 47 computer files. The following day Lee goes to the computer desk and asks for help, why he is not able to successfully delete these files to hide his tracks.

At 10:46, he attempts to enter the secure area again, this time through stairwell number 3.

On January 30 at 2:54, Los Alamos officials deactivate Lee's open computer account and secure area of X division after discovering that it has been improperly reactivated. So they deactivate it and oh, what a coincidence, here is Wen Ho Lee attempting on several times to go through, to go up through a stairwell or elevators to gain access to an area that he had been specifically and openly and he acknowledged having no right to go into.

The next thing you know, they also say, we are also taking your computer access away. Somehow, just like he was able to move classified documents to nonclassified documents, somehow he is now able to reactivate his computer access to the top secret area, so they deactivate it.

At 4:52, not long after they detected his computer has all of a sudden been reactivated, at 4:52 he attempts to enter the secure area, this time through a south door.

On February 2 at 9:42 in the morning he attempts to enter the secure area of X division through the south door. A little after 1 o'clock he attempts again through the south door. About 2 o'clock he makes four attempts to enter the X division, again through the south door.

On February 8, they contacted him and asked to meet with him to discuss conducting interview and a polygraphs. Shortly thereafter, he once again attempts to enter the secret division, this time through stairwell number 2. Between 4 and 6 they meet with him.

They arrange to have the polygraph. Shortly after he arranges to have another polygraph with the FBI, he once again attempts through the south door to enter into the access of the X division.

On February 9, Lee deletes approximately 93 computer files. The FBI interviews him at 1 o'clock that day and they obtain his permission to undergo a polygraph. At 9:03 that night he is back again at the lab and once again he is trying to access through the south door.

On February 10, he undergoes the polygraph. Immediately after the polygraph, he deletes 310 computer files. Once again later that evening he attempts to enter the secure area of the X division through the south door.

Mr. Speaker, these are hard facts. It is simple to figure out what is going on here. It would be an injustice to our citizens, it would be an injustice to the national security of our country, it would be an injustice to the global strategic balance of this world, to just look the other way and dismiss this as a minor altercation by a scientist who wants to build his resume.

There is a lot to look at here. For gosh sakes, do not take for granted what this individual was attempting to do. Do not ignore the fact, despite the fact that there are many national publications that want to play this off as a race card, want to play it off as an innocent mistake, want to play it off as kind of an accidental scientist who kind of bumbles around, doesn't have a lot of common sense, and wanted to build his own library for his personal enjoyment, the fact is we have suffered a major loss in this country.

We know who is responsible for this major loss. Every newspaper and every critic of the FBI and every critic of Janet Reno has an obligation to stand up.

That is not to say they should not criticize our law enforcement agencies if they misbehave, but it is to say that in that criticism, do not let it overshadow or in such a way divert them away from what has occurred and the victims of what has occurred.

Wen Ho Lee is not the victim in this case, it is us, the citizens of the United States. It is those thermonuclear secrets. Where are they today? Mr. Wen Ho Lee had many opportunities to cooperate with the FBI. He makes it sound like he was really cooperating. He did not cooperate. For months he would not say anything. He lied to the FBI until they showed him the evidence. Then he changed his stories. He and his defense attorneys did not know the kind of evidence that the FBI had. Now all of a sudden these tapes, he just lost them. He is not sure what happened to them.

He is a convicted felon now, and part of the agreement is he has to disclose. But do we think we can trust him?

Let me point out one other thing that I found of some interest. In some of the newspaper articles that I saw, I

noted that they said Wen Ho Lee was taken like a prisoner of war in some Third World country and he was isolated, put in shackles. He was not allowed to see people. He was abused.

Even the President of the United States, in a comment of his policy, questioned whether or not, is this guy a victim? Come on.

□ 2015

Let us take a look at his imprisonment. I got this out. We would like to emphasize, we sought to be responsive to complaints brought to our attention by Wen Ho Lee's attorneys concerning the conditions of his confinement. I want to go ahead and get this out. This is not an issue. Let us just look at it and throw it out.

For example, we arranged a Mandarin language speaking FBI agent to be present so Wen Ho Lee could speak to his family in that language. Similarly, we made special food arrangements for Wen Ho Lee. We arranged for exercise on weekends, and we built a significant government expense a special secure facility in the courthouse where he could consult with his lawyers and where, in fact, he spent up to 6 hours per day on over 90 days of his incarceration. In numerous respects, then, Wen Ho Lee was treated better than others who were held in an administrative segregation at this facility.

This is Director Freeh. Let me be clear about some misconceptions. Wen Ho Lee was held in solitary while in the facility; but as I have noted, in fact, he spent a good part of over 90 days outside the facility with his lawyer. He was not shackled in his cell but only when he was transported or otherwise outside his cell, as were others in similar circumstances.

So this picture they are trying to give us of some individual who was shackled and put in isolation, one, he was in isolation, but he had access to his family, he had access to his attorneys. Sure his outside communication was confined because he will not tell us where the tapes are. He will not tell us who he has communicated to. He will not tell us if he has given those thermonuclear secrets to the Chinese, for God's sakes.

Well, of course we are going to treat him with some concern. But the only time he had shackles on is when, like any other prisoner, he was transferred from location to location. As the Director of the FBI noted, he even got special treatment. He had a special facility built for him. During the first 90 days of his incarceration, he spent 6 hours a day with his lawyers. And it goes on.

To claim that a light was kept on in his cell, that is another claim. They said, well, he had a light over his cell that was never turned off. We would like to point out that this claim first surfaced, so far as we are aware, after the plea. To the best of our knowledge, no complaint was made to us through Wen Ho Lee's lawyers about the lighting condition in his cell.

Significantly, we informed Wen Ho Lee's attorneys that we would respond to any reasonable request regarding the conditions of his confinement. So this light deal, about him being in a cell with just a single light he could not turn off, that did not even arise as a complaint until after he plea bargained, when the public relations effort began by the defense attorneys, when the public relations effort began by this, I guess, this individual's friends.

Some of the coverage I have seen, it made me think, oh, my gosh, maybe we ought to put background music on, tie a yellow ribbon around that tree. You know, one feels sorry. He has done his time. He is coming home.

Let me tell my colleagues something, this could not be the furthest from that. This man has transferred the most sensitive secrets in the history of this country. And for our national media, not all our national media, but for some of our national media to treat this as if he is the victim, as if our authority, as if our government is somehow overstepping its bounds to come down on an individual who has taken these types of secrets with the kind of evidence that we have, and obviously he has now acknowledged it, is in itself an injustice.

So it comes back to the basic question. My colleagues heard the facts tonight, the facts as given by sworn testimony, by the Director of the FBI, by Janet Reno. The evidence is hard evidence. This is not circumstantial evidence. This is not evidence that is imagined. This is evidence that, in fact, Wen Ho Lee himself admitted to some of it when he plead guilty to this felony.

Now, some people said, well, gosh, there were 59 charges. Why did they drop 58 of them? It is pretty simple why they dropped 58, because in order to pursue the 58 charges, they had to make further disclosure of national secrets.

So it was the opinion of the FBI and of the Department of Justice and the other individuals involved that it was better to get him on one charge than have to disclose any more secrets, especially since we do not know to what extent Wen Ho Lee allowed other individuals to put their hands on the material that he had taken from our secret labs.

So the question comes back, who is the victim? I hope that, after my discussion with my colleagues this evening, that on the answer to that question, this is not even considered as one of your multiple choices; that the only multiple choice you have, and you volunteer to take it, is that it was the United States of America who was the victim in this case, that it is the citizens of the United States of America who are the victims in this case, that it is the future generations of this country who have become the victim of one individual who absconded with American secrets, who, held in the highest level of trust by his fellow citizens in this country, betrayed his citi-

zens, who went in and in a methodical process transferred, first of all, changed "top secret" classification to "nonsecret" classification, and then put it out to his own computer.

This is an individual who was evasive, who did not tell the truth on occasion, who, through his attorneys, tried to mislead the FBI, who went out on his own and went into the computer and tried to cover his tracks, who on numerous occasions, as I went over, tried to get back into an area of the lab, the secure part of the lab where he knew he was denied, he was not allowed those privileges anymore. And you tell me who is the victim.

It is clear to me, and it ought to be clear to my colleagues, and I am pretty sure it is going to be clear to their constituents that the victim here is us. So keep that in mind as my colleagues hear further information on Wen Ho Lee.

In conclusion of these remarks, let me say that later this week I hope I have the opportunity to sit down with BOB BARR. I have asked BOB BARR, and BOB and I had a lengthy discussion about this, about the policies and what a U.S. attorney looks at, what kind of evidence the government looks for, and why the government, I am going to be very interested in what Mr. BARR has to say, about why the government at times is not allowed to pursue charges because they would have to reveal secrets, and the pluses and the minuses and what kind of thought process goes into that.

Mr. Speaker, I think it is a responsibility of ours when we go on this recess to go out to our constituents and be fully informed on this case. This case obviously has had devastating impacts so far, and it could be much, much more severe. We need to know what we are talking about. We need to have the facts at hand.

So I think the subsequent discussions that I have with Mr. BARR on this floor will also be of some benefit to my colleagues as they go out and visit with their constituents as to what occurred and what did not occur with Wen Ho Lee at the Los Alamos labs.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. CARSON (at the request of Mr. GEPHARDT) for today on account of official business.

Mr. HASTINGS of Florida (at the request of Mr. GEPHARDT) for today and October 3 on account of personal business.

Mr. HILLEARY (at the request of Mr. ARMEY) for today on account of attending a funeral.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SCOTT) to revise and extend their remarks and include extraneous material:)

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Mr. BACA, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mrs. MALONEY of New York, for 5 minutes, today.

Mr. UNDERWOOD, for 5 minutes, today.

Mr. KIND, for 5 minutes, today.

Mrs. MINK of Hawaii, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. SCOTT, for 5 minutes, today.

(The following Members (at the request of Mr. SOUDER) to revise and extend their remarks and include extraneous material:)

Mr. STEARNS, for 5 minutes, today.

Mr. CAMPBELL, for 5 minutes, October 3.

Mr. SOUDER, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. CANNON, for 5 minutes, today.

#### EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. SCOTT on H.R. 5284.

#### BILLS AND JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Administration, reported that that committee did on the following date present to the President, for his approval, bills and joint resolutions of the House of the following titles:

On September 28, 2000:

H.J. Res. 72. Granting the consent of the Congress to the Red River Boundary Compact.

H.R. 999. To amend the Federal Water Pollution Control Act to improve the quality of coastal recreation waters, and for other purposes.

H.R. 4700. To grant the consent of the Congress to the Kansas and Missouri Metropolitan Culture District Compact.

H.J. Res. 109. Making continuing appropriations for the fiscal year 2001, and for other purposes.

H.R. 2647. To amend the Act entitled "An Act relating to the water rights of the Ak-Chin Indian Community" to clarify certain provisions concerning the leasing of such water rights, and for other purposes.

#### ADJOURNMENT

Mr. MCINNIS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 23 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, October 3, 2000, at 9 a.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS,  
ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

10397. A letter from the Associate Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Raisins Produced from Grapes Grown in California; Decreased Assessment Rate [Docket No. FV00-989-5 IFR] received September 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10398. A letter from the Chief, Programs and Legislation Division, Office of Legislative Liaison, Department of Defense, transmitting a report on initiating a cost comparison of Multiple Support Functions at Randolph Air Force Base, Texas; to the Committee on Armed Services.

10399. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the Board's final rule—Truth in Lending [Regulation Z; Docket No. R-1070] received October 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

10400. A letter from the Deputy Assistant, Department of Defense, transmitting the Department's final rule—Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance—received September 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

10401. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule—Nondiscrimination on the Basis of Sex in Education Programs and Activities Receiving Federal Financial Assistance—received October 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

10402. A letter from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits—received September 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

10403. A letter from the Associate Bureau Chief, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting the Commission's final rule—Replacement of Part 90 by Part 88 to Revise the Private Land Mobile Radio Services and Modify the Policies Governing Them and Examination of Exclusivity and Frequency Assignment Policies of the Private Land Mobile Services [PR Docket No. 92-235] received September 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10404. A letter from the Assistant Bureau Chief, International Bureau Telecommunication Division, Federal Communications Commission, transmitting the Commission's final rule—Rules and Policies on Foreign Participation in the U.S. Telecommunications Market [IB Docket No. 97-142] received September 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10405. A letter from the Director, Defense Security Cooperation Agency, transmitting the Department of the Air Force's proposed lease of defense articles to Italy [Transmittal No. 09-00], pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

10406. A letter from the Assistant Secretary for Legislative Affairs, Department of

State, transmitting certification of a proposed Manufacturing License Agreement with the United Kingdom [Transmittal No. DTC 133-00], pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

10407. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Belgium [Transmittal No. DTC 139-00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

10408. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Japan [Transmittal No. DTC 137-00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

10409. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Greece [Transmittal No. DTC 116-00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

10410. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Israel [Transmittal No. DTC 136-00], pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

10411. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to the United Kingdom [Transmittal No. DTC 122-00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

10412. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Australia [Transmittal No. DTC 123-00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

10413. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Taiwan [Transmittal No. DTC 104-00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

10414. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed Technical Assistance Agreement with Germany and Italy [Transmittal No. DTC 070-00], pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

10415. A letter from the Assistant Secretary for Policy and Planning, Department of Veterans, transmitting a report in accordance with Public Law 105-270, on the inventory of commercial activities which are currently being performed by Federal employees; to the Committee on Government Reform.

10416. A letter from the Chairman, Occupational Safety and Health Review Commission, transmitting a report on the revised Strategic Plan for the Occupational Safety and Health Review Commission; to the Committee on Government Reform.

10417. A letter from the Director, Office of Personnel Management, transmitting a legislative proposal entitled "Federal Employ-

ees' Overtime Pay Limitation Amendments Act of 2000"; to the Committee on Government Reform.

10418. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule—Final Compatibility Regulations Pursuant to the National Wildlife Refuge System Improvement Act of 1997 (RIN: 1018-AE98) received October 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10419. A letter from the Assistant Attorney General, Department of Justice, transmitting a draft of proposed legislation entitled the "Human Rights Abusers Act of 2000"; to the Committee on the Judiciary.

10420. A letter from the Corporate Agent, Legion of Valor of the United States of America, Inc., transmitting a copy of the Legion's annual audit as of April 30, 2000, pursuant to 36 U.S.C. 1101(28) and 1103; to the Committee on the Judiciary.

10421. A letter from the Secretary, Judicial Conference of the United States, transmitting a draft bill entitled, "Federal Judgeship Act of 2000"; jointly to the Committees on the Judiciary and Resources.

REPORTS OF COMMITTEES ON  
PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MCCOLLUM: Committee on the Judiciary. H.R. 3484. A bill to amend title 18, United States Code, to provide that certain sexual crimes against children are predicate crimes for the interception of communications, and for other purposes (Rept. 106-920). Referred to the Committee of the Whole House on the State of the Union.

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 5267. A bill to designate the United States courthouse located at 100 Federal Plaza in Central Islip, New York, as the "Theodore Roosevelt United States Courthouse" (Rept. 106-921). Referred to the House Calendar.

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 5284. A bill to designate the United States courthouse located at 101 East Main Street in Norfolk, Virginia, as the "Owen B. Pickett United States Customhouse" (Rept. 106-922). Referred to the House Calendar.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 4187. A bill to assist in the establishment of an interpretive center and museum in the vicinity of the Diamond Valley Lake in southern California to ensure the protection and interpretation of the paleontology discoveries made at the lake and to develop a trail system for the lake for use by pedestrians and nonmotorized vehicles (Rept. 106-923). Referred to the Committee of the Whole House on the State of the Union.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 603. Resolution waiving points of order against the conference report to accompany the bill (H.R. 4578) making appropriations for the Department of Interior and related agencies for the fiscal year ending September 30, 2001, and for other purposes (Rept. 106-924). Referred to the House Calendar.

Mr. LINDER: Committee on Rules. House Resolution 604. Resolution providing for consideration of the joint resolution (H.J. Res. 110) making further continuing appropriations for the fiscal year 2001, and for other purposes (Rept. 106-925). Referred to the House Calendar.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. SMITH of Texas (for himself and Mr. RYAN of Wisconsin):

H.R. 5350. A bill to exempt agreements relating to voluntary guidelines governing telecast material, movies, video games, Internet content, and music lyrics from the applicability of the antitrust laws; to the Committee on the Judiciary.

By Mr. FILNER:

H.R. 5351. A bill to amend title 10, United States Code, to authorize military recreational facilities to be used by any veteran with a compensable service-connected disability; to the Committee on Armed Services.

By Mr. FILNER:

H.R. 5352. A bill to amend the Internal Revenue Code of 1986 to promote the development of domestic wind energy resources, and for other purposes; to the Committee on Commerce, and in addition to the Committee on Ways and Means, 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. GEPHARDT (for himself, Mr. THOMPSON of Mississippi, and Mr. RILEY):

H.R. 5353. A bill to amend the Tariff Act of 1930 with respect to the marking of door hinges; to the Committee on Ways and Means.

By Mr. KENNEDY of Rhode Island:

H.R. 5354. A bill to designate the facility of the United States Postal Service located at 7 Commercial Street in Newport, Rhode Island, as the "Bruce F. Cotta Post Office Building"; to the Committee on Government Reform.

By Mr. KENNEDY of Rhode Island:

H.R. 5355. A bill to designate the facility of the United States Postal Service located at 127 Social Street in Woonsocket, Rhode Island, as the "Alphonse F. Auclair Post Office Building"; to the Committee on Government Reform.

By Mr. KLINK (for himself, Mr. MCHUGH, Mr. HOLDEN, and Mr. OBERSTAR):

H.R. 5356. A bill to establish the Dairy Farmer Viability Commission; to the Committee on Agriculture.

By Mr. LEWIS of Georgia (for himself, Mr. BARR of Georgia, Mr. BISHOP, Mr. CHAMBLISS, Mr. COLLINS, Mr. DEAL of Georgia, Mr. ISAKSON, Mr. KINGSTON, Mr. LINDER, Ms. MCKINNEY, and Mr. NORWOOD):

H.R. 5357. A bill to designate the Peace Corps World Wise Schools Program, an innovative education program that seeks to engage learners in an inquiry about the world, themselves, and others, as the "Paul D. COVERDELL World Wise Schools Program"; to the Committee on International Relations.

By Mrs. MALONEY of New York (for herself, Mr. RANGEL, Mr. GONZALEZ, and Mr. FALCONE):

H.R. 5358. A bill to amend title 13, United States Code, to provide that the term of office of the Director of the Census shall be 5 years, to require that such Director report directly to the Secretary of Commerce, and for other purposes; to the Committee on Government Reform.

By Mr. SKEEN:

H.R. 5359. A bill to direct the Secretary of the Interior to convey certain properties in

the vicinity of the Elephant Butte Reservoir and the Caballo Reservoir, New Mexico; to the Committee on Resources.

By Mr. YOUNG of Florida:

H.J. Res. 110. A joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes; to the Committee on Appropriations.

By Mr. KNOLLENBERG (for himself and Mr. OSE):

H. Con. Res. 415. Concurrent resolution expressing the sense of the Congress that there should be established a National Children's Memorial Day; to the Committee on Government Reform.

By Mrs. WILSON (for herself, Mr. LAMPSON, Mr. BARTON of Texas, Mr. FROST, Mr. OXLEY, Mr. SAM JOHNSON of Texas, Mr. SHIMKUS, Mr. FOLEY, Mr. GREENWOOD, and Mr. VISLOSKY):

H. Res. 605. A resolution expressing the sense of the House of Representatives that communities should implement the Amber Plan to expedite the recovery of abducted children; to the Committee on the Judiciary.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 284: Mr. MCINTYRE, Mr. KLINK, Mr. MILLER of Florida, Mr. MEEHAN, Mr. SANDLIN, Mr. HASTINGS of Florida, and Mr. STRICKLAND.

H.R. 372: Mr. MANZULLO.

H.R. 488: Mr. GREENWOOD.

H.R. 582: Mr. ALLEN.

H.R. 601: Mr. GORDON.

H.R. 783: Ms. SANCHEZ.

H.R. 908: Mr. SANDERS and Mr. FILNER.

H.R. 1115: Mr. BACA.

H.R. 1122: Mr. GORDON, Mr. ROMERO-BARCELO, and Mr. PETERSON of Pennsylvania.

H.R. 1187: Mr. FLETCHER.

H.R. 1310: Mr. BARRETT of Wisconsin, Mr. SMITH of New Jersey, and Mr. WOLF.

H.R. 1311: Mr. BARRETT of Wisconsin and Mr. DOYLE.

H.R. 1465: Mr. CUNNINGHAM.

H.R. 1503: Mr. GORDON.

H.R. 1515: Mr. HOLT.

H.R. 2138: Mr. KLINK.

H.R. 2241: Ms. MCCARTHY of Missouri.

H.R. 2431: Ms. MCCARTHY of Missouri.

H.R. 2457: Mr. CLAY and Mr. BACA.

H.R. 2620: Mr. SHAW.

H.R. 2774: Mr. TURNER.

H.R. 2814: Ms. HOOLEY of Oregon.

H.R. 2906: Mr. MENENDEZ.

H.R. 3003: Mr. WU.

H.R. 3083: Mr. BACA.

H.R. 3144: Mr. BACA.

H.R. 3161: Ms. JACKSON-LEE of Texas.

H.R. 3275: Ms. KILPATRICK, Mr. FRANKS of New Jersey, Ms. PELOSI, Mrs. LOWEY, and Ms. WOOLSEY.

H.R. 3308: Mr. HOLDEN.

H.R. 3309: Mr. ENGLISH.

H.R. 3463: Mr. KLINK.

H.R. 3473: Mr. WU.

H.R. 3514: Mr. CAMPBELL, Mr. OWENS, and Mr. ETHERIDGE.

H.R. 3633: Mr. BONIOR, Mr. BARRETT of Wisconsin, Mr. BRADY of Pennsylvania, Mr. BROWN of Ohio, Mr. CUMMINGS, Mr. FATTAH, Mr. JEFFERSON, Ms. KILPATRICK, Mr. KLINK, Mr. HOLT, and Mr. ROTHMAN.

H.R. 3667: Mr. BROWN of Ohio.

H.R. 3872: Mr. PETERSON of Minnesota, Ms. DEGETTE, Mr. DOYLE, Mr. BARCIA, and Mr. BACA.

H.R. 4025: Mrs. ROUKEMA.

H.R. 4106: Ms. KAPTUR.

H.R. 4274: Mr. COYNE.

H.R. 4277: Mr. DEFASIO and Mr. OBERSTAR.

H.R. 4338: Mr. KENNEDY of Rhode Island.

H.R. 4627: Mr. KINGSTON.

H.R. 4634: Ms. KILPATRICK, Mrs. THURMAN, Mr. FROST, and Ms. PELOSI.

H.R. 4649: Mr. HOLT, Mr. GOODLING, and Ms. SCHAKOWSKY.

H.R. 4677: Mr. FROST.

H.R. 4701: Mr. BURR of North Carolina and Ms. KAPTUR.

H.R. 4736: Mr. McNULTY.

H.R. 4740: Mr. KLINK.

H.R. 4926: Mr. GOODLING, Mrs. CHRISTENSEN, Ms. KILPATRICK, and Mr. FORD.

H.R. 4964: Ms. KILPATRICK, Mr. ABERCROMBIE, and Mr. EVANS.

H.R. 5040: Mr. GORDON.

H.R. 5054: Mr. DOYLE.

H.R. 5122: Ms. SCHAKOWSKY.

H.R. 5146: Mr. SCHAFFER.

H.R. 5151: Mr. STUMP.

H.R. 5158: Mr. WYNN and Mr. MEEKS of New York.

H.R. 5163: Mr. HAYES, Mr. PAYNE, Mr. KANJORSKI, Mr. THOMPSON of California, Ms. CARSON, and Mr. EVANS.

H.R. 5164: Mrs. THURMAN, Mr. TERRY, Mrs. ROUKEMA, and Mr. MOORE.

H.R. 5178: Mr. HINCHEY, Mr. ETHERIDGE, Mr. HINOJOSA, Mrs. CHRISTENSEN, Mr. FORD, Mrs. JOHNSON of Connecticut, Mr. EHRlich, Mr. DOYLE, Mr. THOMPSON of California, Ms. BERKLEY, Mr. WELDON of Pennsylvania, Ms. PRYCE of Ohio, and Mr. GIBBONS.

H.R. 5180: Mr. GREEN of Texas, Mr. SAXTON, and Mr. ENGLISH.

H.R. 5200: Mr. SHAW, Mr. VITTER, and Mr. SAXTON.

H.R. 5204: Mr. STARK and Mr. KOLBE.

H.R. 5220: Mr. BONILLA, Mr. COMBEST, Mr. ORTIZ, and Mr. TURNER.

H.R. 5229: Ms. MCKINNEY.

H.R. 5241: Mr. GEKAS.

H.R. 5261: Mr. CAPUANO and Mr. HINOJOSA.

H.R. 5271: Mr. STENHOLM, Mr. FILNER, Mr. SANDERS, Ms. MCKINNEY, Mr. RAHALL, and Mr. REYES.

H.R. 5277: Mr. JEFFERSON, Mr. HALL of Ohio, Mrs. LOWEY, Ms. KILPATRICK, Mr. COYNE, Mr. WU, Mr. BACA, Mrs. CAPPS, Mr. MCGOVERN, Ms. HOOLEY of Oregon, Mr. LAFALCE, Mr. OBERSTAR, and Mr. WAXMAN.

H.R. 5288: Mr. KANJORSKI.

H.R. 5308: Mr. KILDEE.

H.R. 5324: Mr. RAHALL, Mr. PASTOR, Mr. BISHOP, Mr. FILNER, Mr. WEXLER, Ms. CARSON, Mr. WISE, and Mr. FROST.

H.R. 5331: Mr. WATT of North Carolina, Ms. SCHAKOWSKY, Mr. GILCHREST, Mr. SANDLIN, and Mr. BORSKI.

H.R. 5345: Mr. PACKARD and Mr. WAXMAN.

H. Con. Res. 64: Ms. PRYCE of Ohio.

H. Con. Res. 308: Mr. ACKERMAN.

H. Con. Res. 341: Mr. SHADEGG and Mr. WELDON of Florida.

H. Con. Res. 357: Mr. GEORGE MILLER of California.

H. Con. Res. 382: Mr. HASTINGS of Florida and Mr. SALMON.

H. Con. Res. 392: Mr. PASCRELL.

H. Con. Res. 398: Ms. SCHAKOWSKY.

H. Con. Res. 406: Mr. BOYD.

H. Con. Res. 408: Mr. SMITH of New Jersey, Mr. FILNER, and Ms. MILLENDER-MCDONALD.

H. Con. Res. 414: Mr. PORTER.

H. Res. 398: Mr. SHAW and Ms. ROSLEHTINEN.