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House of Representatives

The House met at noon.

Father Martin G. Heinz, Director of Vocations, Diocese of Rockford, Rockford, Illinois, offered the following prayer:

Almighty Father, Creator of all things, we admire the work of Your hands and Your power in the world. We beg Your blessings as we raise our minds and hearts to You at the beginning of this congressional day. We ask Your guidance on all that we shall do and say over the resolutions passed and the conversations that bring us to our decisions. In all this, may we give honor and glory to You. You who protect our land, You who protect our people. Through this country's laws may its citizens grow in character and develop with dignity. May we grow in fidelity to Your wisdom so that this country may grow in the knowledge of Your love. Inspire our work in such a way that we never lose sight of our ultimate goal, the people of this country, strengthened through You, because of the laws we pass. We ask this through Christ our Lord. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. LANTOS led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 99. An act to amend title 49, United States Code, to extend Federal Aviation Administration programs through September 30, 1999, and for other purposes.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 257. An act entitled ''The Cochran-Inouye National Missile Defense Act of 1999''.

S. 643. An act to authorize the Airport Improvement Program for 2 months, and for other purposes.

The message also announced that pursuant to Public Law 83–420, as amended by Public Law 99–371, the Chair, on behalf of the Vice President, reappoints the Senator from Arizona (Mr. MCCAIN) to the Board of Trustees of Gallaudet University.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain five 1-minutes on each side.

TRIBUTE TO RICHARD CARDWELL

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

Mr. GANSKE. Mr. Speaker, Richard Cardwell from Des Moines, Iowa, is a hero. Richard, a retired plumber, is a wiry, muscular man from a lifetime of tugging on stubborn pipes. In his work he has been bitten many times by animals but he did not hesitate when he saw a dog mauling a man on the ground.

There was blood everywhere when Richard jumped out of his car. The man on the ground was protecting his neck from the vicious jaws of the dog and was losing a lot of blood from bites on his arms and head. Richard grabbed a stick and started hitting the Rottweiler.

Afterwards, Robert Jones, the victim of the dog's attack, said this about his scary experience: ''That dog was just putting the finishing touches on me when Richard Cardwell came along. If it hadn't been for him, I'd have been a goner.''

Richard is a brave guy. He risked his own life for another's. That huge dog could have gone for his throat. And while saving a life may be the first for Richard, it is not the first time he has come to the rescue. In fact, he once made a house call on a Christmas day to save my frozen house.

Mr. Speaker, we need more good neighbors like Richard Cardwell.

INTRODUCTION OF RESOLUTION TO LOCATE AND SECURE RETURN OF ZACHARY BAUMEL

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

Mr. LANTOS. Mr. Speaker, events are moving so fast that there is always a danger we will forget about our citizens who are missing in action. There is one such American citizen missing in action in the Middle East for the last 17 years.

A large group of my colleagues across the political spectrum join me in introducing this resolution calling on the Department of State to locate and secure the return of this American citizen, Zachary Baumel. We are asking the State Department to contact all governments concerned, and we are asking the Department of State to take into account the actions of all governments with respect to this issue in extending economic and other aids to countries in the region.

I ask all of my colleagues to cosponsor this legislation to bring this lost

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American, missing in action, back to his family.

VOTE ''YES'' ON H.R. 4

(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, three out of four Americans, 75 percent, believe the United States already possesses the ability to defend itself from a missile attack. I think it is only fair to inform them that we cannot. Here in America we may have little or no warning of a ballistic missile attack that is launched just offshore by some terrorist or rogue nation.

Speaking of rogue nations, North Korea, Iraq and Iran have all improved and accelerated their ballistic missile programs to threaten the U.S. and its allies. China already has numerous long-range missiles aimed at U.S. cities, all using stolen U.S. technology.

There is no doubt that the threat is real. What is in doubt is whether Congress has the commitment to deploy a national missile defense system to engage and counter this threat.

Our path is clear, we must be committed and we must do our duty to defend America. I urge my colleagues to support this effort. Vote ''yes'' on H.R. 4, and let us provide the safety for our Nation, for our communities, for our homes, for our families and giving America the capability to defend ourselves from a ballistic missile attack.

MILOSEVIC SHOULD BE ARRESTED, NOT NEGOTIATED WITH

(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 killing in Kosovo goes on. Ethnic Albanians continue to be slaughtered in cold blood. Despite all of this, Congress continues to believe that a deal can be made with this madman Milosevic.

Beam me up, Mr. Speaker. Uncle Sam should not be leading efforts to negotiate with Milosevic. Uncle Sam should be leading efforts to arrest Milosevic for genocide and for war crimes.

Let me tell this to my colleagues. A CIA report said 10 years ago that if Kosovo is not granted independence, there will be death all over, including America someday. Uncle Sam should support independence for Kosovo and NATO should enforce it.

I yield back all the deals Milosevic has broken, and I yield back all those dead bodies that continue to be piled up, executed in cold blood.

U.S. ARMED FORCES CONTINUALLY ASKED TO DO MORE WITH LESS

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

Mr. RYUN of Kansas. Mr. Speaker, I would like to offer an example of the United States Armed Forces continually being asked to do more with less.

Within the district I represent, the Second District of the great State of Kansas, resides the 190th Air Refueling Wing of the Kansas Air National Guard. This wing is responsible for a variety of support operations around the world. In the past year, under the stress of continued deployment, the wing has sent personnel and aircraft to Iceland, to Germany, to France, to Turkey, and to Alaska as well.

However, Mr. Speaker, the newest KC–135 aircraft used by the 190th was built in 1963. 1963. The oldest aircraft was built in 1956. The President's budget forces the wing to use that aircraft until 2040. That would make the existing aircraft nearly 80 years old.

Mr. Speaker, would my colleagues be comfortable flying into a military confrontation in an 80-year-old aircraft? I doubt that we would. So we must not ask our young pilots to go into combat in an aircraft that would be considered antique in any other area.

We must increase defense spending to give our military personnel the equipment they need to remain the world's premier military force.

U.S. VULNERABLE TO BALLISTIC MISSILE ATTACK

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

Mr. SCHAFFER. Mr. Speaker, there is a common saying in conservative circles about how people tend to start out in life as a liberal, and end up conservative having lived for a while. It is called being mugged by reality.

Well, it appears America has finally been mugged by reality on the issue of missile defense. Just last summer the Clinton administration insisted over and over again that a national missile defense system was not needed. We were assured that rogue nations were many years away from developing a ballistic missile threat that could reach our shores. Woops!

In a stunning turnaround, the White House has suddenly adopted the Republican view that the United States is indeed vulnerable to ballistic missile attack. Rogue nations such as Iran, Iraq, North Korea, and Communist China have missile capabilities which far exceed the administration's earlier estimates.

Upon pulling its head up out of the sand, the administration has now been mugged by reality. The only question now remains, did it happen soon enough?

DANGERS OF GHB

(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 rise again this morning to really encourage the House to move quickly to pass legislation to make illegal GHB. I have a bill, the Hillory J. Farias Date Rape Drug Prevention Act, H.R. 75, that I urge my colleagues to support.

But I rise this morning to tell my colleagues the story of a young man by the name of Steve Brown from Illinois who overdosed on this dangerous drug back in September of 1998. He almost lost his life because the police, the paramedics, nor the emergency room doctors were aware of the harmful effects of GHB.

Mr. Brown was a body builder who had used GHB as a recreational drug for years. Unfortunately, on that day in September, he took a dosage of the drug that proved to be almost fatal. He was found by his sister, Diane Brown, unconscious and unresponsive. When she called the paramedics she told them about his history with GHB, because they had no knowledge of what he had ingested.

She also had to inform the emergency room doctors of the drug.

Steve was unconscious for five hours. While in this state, his sister called her parents to tell them that they needed to travel to Illinois. His mother, unsure of what condition her son would be in when she arrived later said, ''I had to pack a dress for my only son's funeral.'' Thank goodness her son survived this ordeal.

This near-tragedy should be a lesson to all of us about the dangers of GHB. Unless it is scheduled under the Controlled Substances Act soon, we may hear about more stories of young people who died unnecessarily because we did not act.

I would like to thank Ms. Diane Brown for calling my office to share her story. I know that this experience has been painful for her family, but I am grateful that she felt compelled to speak out against GHB. I wish her family the best as they try to work through this situation.

I ask my colleagues to support my bill so that we can assure Ms. Brown and her family that we do not want this drug to hurt another person. I want to send a message to those who would argue that this drug is safe, that it is not and that it can be deadly.

Mr. Speaker, this drug is being manufactured by the bathtub loads. It is on the internet. We must hold hearings. And I am delighted with the interest of my colleagues on the Committee on Commerce and the Committee on the Judiciary to work together to stop the killing and the overdose of this dangerous unknown drug that has no taste and no smell that our young people are using. Mr. Speaker, let us get to work.

OPPOSITION TO DEPLOYMENT OF MISSILE DEFENSE SYSTEM HAS BEEN A MISTAKE

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

Mr. HILL of Montana. Mr. Speaker, it is increasingly obvious that those who have obstructed the deployment of a missile defense system have seriously miscalculated the risks to our Nation.

Hostile, often referred to as rogue, nations now possess the technology to threaten our neighborhoods and our cities and our towns with advanced weapons and advanced delivery systems.

Yesterday, we saw a shift. Senate Democrats, who had previously obstructed a missile defense system, have now finally seen the light and have come to their senses recognizing that risk. I welcome their belated support, I only pray that it is not too late.

Our first and foremost duty to our constituents is a strong national defense. Let us hope that those in this House who have obstructed a national defense system will join their Senate colleagues and come to their senses too, recognizing that we must fulfill our constitutional duty to defend the Nation.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Sherman Williams, one of his secretaries.

ANNOUNCEMENT REGARDING AMENDMENT PROCESS FOR BUDGET RESOLUTION FOR FISCAL YEAR 2000

Mr. REYNOLDS. Mr. Speaker, the Committee on Rules is planning to meet the week of March 22 to grant a rule which will limit the amendment process for floor consideration of the budget resolution for fiscal year 2000. The Committee on the Budget ordered the budget resolution reported last night and is expected to file its committee report sometime over the next few days.

Any Member wishing to offer an amendment should submit 55 copies and a brief explanation of the amendment to the Committee on Rules in room H–312 of the Capitol by 4 p.m. on Tuesday, March 23.

As it has done in recent years, the Committee on Rules strongly suggests that Members wishing to offer amendments offer complete substitute amendments.

Members should also use the Office of Legislative Counsel and the Congressional Budget Office to ensure that their amendments are properly drafted and scored, and should check with the Office of the Parliamentarian to be certain their amendments comply with the rules of the House.

□ 1215

DECLARATION OF POLICY OF THE UNITED STATES CONCERNING NATIONAL MISSILE DEFENSE DEPLOYMENT

Mr. REYNOLDS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 120 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 120

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 4) to declare it to be the policy of the United States to deploy a national missile defense. The bill shall be considered as read for amendment. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) two hours of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services; and (2) one motion to recommit.

SEC. 2. Upon receipt of a message from the Senate transmitting H.R. 4 with Senate amendments thereto, it shall be in order to consider in the House a motion offered by the chairman of the Committee on Armed Services or his designee that the House disagree to the Senate amendments and request or agree to a conference with the Senate thereon.

The SPEAKER pro tempore (Mr. HANSEN). The gentleman from New York (Mr. REYNOLDS) is recognized for 1 hour.

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

Yesterday, the Committee on Rules met and granted a closed rule for H.R. 4, the National Missile Defense bill. The rule provides for 2 hours of debate equally divided and controlled by the chairman and the ranking minority member of the Committee on Armed Services.

The rule provides for one motion to recommit with or without instructions.

Finally, the rule provides that it will be in order, upon receipt of a message from the Senate transmitting H.R. 4, with Senate amendments, to consider in the House a motion offered by the chairman of the Committee on Armed Services or his designee that the House disagree to the Senate amendments and request or agree to a conference with the Senate.

Mr. Speaker, H.R. 4 is a simple, one-sentence bill declaring that it is the policy of the United States to deploy a national missile defense. During remarks at the U.S. Military Academy at West Point in my home State of New York, President Ronald Reagan said that ''a truly successful army is one that, because of its strength and ability and dedication, will not be called upon to fight, for no one will dare provoke it.''

Indeed, President Reagan's policy of peace through strength was the beginning of the end of the Cold War and established the United States as the world's only remaining superpower.

But the end of the Cold War did not bring about the end of a lasting threat to our Nation's security and our people's safety, which is why I rise today in support of the rule and the underlying bill, H.R. 4, which will establish a national missile defense system.

Mr. Speaker, my colleagues, ''eternal vigilance,'' wrote Jefferson, ''is the price of liberty.'' Yet our current national missile defense has neither the ability nor the technology to ensure that either our safety or our liberty is held in the United States.

Even as we sit at the dawn of the next century, the United States could not defend itself against even a single incoming ballistic missile.

Mr. Speaker, that fact bears repeating. Our current national defense could not shoot down even one incoming ballistic missile let alone the thousands that stand ready to point toward our Nation's borders.

According to the Rumsfeld Commission, the threat to America and her people from a ballistic missile attack is not only very real but even greater than once expected. Besides thousands of nuclear warheads on ballistic missiles maintained by Russia, China has more than a dozen long-range ballistic missiles targeted at the United States, and countries like North Korea and Iran are developing ballistic missile technology and capability much more rapidly than once believed.

Another astonishing fact is that the overwhelming majority of the American people, some 73 percent, is unaware of the threat to their country, their homes, and their families. They believe we already have the technology to knock down and defeat a ballistic missile attack. We do not.

The American people are entitled to know the truth, just as they are entitled to us doing something about it to ensure their safety and their lives. They are also entitled to know the facts about the cost of a national missile defense. And the facts are that the current national missile defense plans account for one-half of 1 percent of anticipated defense spending from fiscal year 2000 through 2005 and less than 2 percent of the Department of Defense's entire modernization budget during these years.

The threat of a ballistic missile attack is real, as real as our resolve must be to protect all Americans by deploying a national missile defense.

Mr. Speaker, my colleagues, President Reagan taught us that we could be victorious against the Cold War threat of nuclear annihilation by adopting a policy of peace through strength. Now we must be victorious against the threat of a ballistic missile attack by adopting a policy of peace through security, the security that a national missile defense will provide our country and our citizens.

I would like to commend the Committee on Armed Services chairman, the gentleman from South Carolina (Mr. SPENCE) and the gentleman from Pennsylvania (Mr. WELDON), chairman of the Subcommittee on Military Research and Development, for their hard work on this very important measure.

I urge my colleagues to support this rule and to support the underlying legislation.

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

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

Mr. Speaker, I thank my colleague the gentleman from New York (Mr. REYNOLDS) for yielding me the customary half-hour.

Mr. Speaker, I rise in opposition to this closed rule. The Committee on Rules has reported a series of bills to the floor under open rules in the last couple of months. But if the truth be told, Mr. Speaker, those bills could have been considered under the suspension of the rules and did not really have to come to the floor at all.

Now, when the House is about to consider legislation that is of paramount importance to every man, woman, and child in the country, the Republican party has reported out a closed rule.

What we heard earlier today during our closed session reinforces the significance of this issue. Yet we are being asked to consider it under a closed rule. For this reason, Mr. Speaker, I cannot support this rule.

Mr. Speaker, the Republican majority refuses to allow even one amendment on this bill. We asked for an additional hour of debate on the bill but that was not allowed. What is at stake here, Mr. Speaker, is the future and well-being of this Nation. Yet my Republican colleagues do not want to take the time to fully debate and air this issue.

I cannot support this closed process, and I strongly urge every Member of this body who supports the democratic ideals of free and open debate to oppose this closed and unfair rule.

The ranking minority member of the Committee on Armed Services yesterday indicated that, while he is opposed to the amendment that was proposed by the gentleman from Maine (Mr. ALLEN), he felt that the amendment should be considered by the House. The Allen amendment seeks to clarify that any national missile defense system must be proven to work before it is deployed and that any deployment decision must be weighed against other military as well as civilian priorities.

Allowing the House to consider an amendment like the Allen proposal is really not too much to ask, Mr. Speaker. Yet my Republican colleagues seem to think that allowing an alternative to their proposal to be heard on the floor is indeed too much to ask.

Mr. Speaker, if the Republican Party is really interested in changing the atmosphere in this House, we do not have to go up to a mountainside and smoke a peace pipe. All we have to do is be fair about the rules and allow the Democrats to participate on the floor.

Mr. Speaker, I see little evidence of that on this rule, and I urge my members to defeat this unfair, closed rule so that we can have an open debate on the entire issue.

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

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

Mr. Speaker, I would remind the ranking member that yesterday the gentleman from California (Mr. DREIER) outlined that there would be more than ample debate in the hour that we have on the rule now, in the two hours of debate, and the hour on consideration of the conference resolution.

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

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

Mr. GOSS. Mr. Speaker, I thank my friend from New York, a new member of our committee and a valued member of our committee, for yielding me this time.

Today we embark on a crucial debate directly relevant to the lives of all American men, women, and especially our children. I would argue that the Congress of the United States has no more significant duty than to ensure the greatest level of protection for our national security.

With the dawn of the next century just a few short months away, we face a future that is bright with opportunity and promise, some of which we are realizing today, but a future that is also vulnerable to attack, including specifically missile attack, by those who would do us harm.

And let us be clear. Those who would do us harm inhabit many quarters of this ever-shrinking world. Many are actively seeking to develop and deploy the technology to provide themselves a ballistic missile capability to use against the United States of America.

We do not pursue this debate today to scare people, but rather to engage them in an open-eyed assessment of the world as it is. We all might wish to believe President Clinton's pronouncement that no American child is currently being targeted by a missile, but that is unfortunately not exactly a true statement.

Sadly, the 1964 election year Johnson campaign ad of a little girl playing in a field of flowers backdropped by an atomic cloud is still vivid and still a sickening possibility in today's world. Beyond the state of affairs today, there is also the reality that the world's bad guys are moving quickly and with the sense of purpose toward a tomorrow when they can wreak havoc and cause damage with weapons of mass destruction or mass casualty targeted against Americans and our interests.

I have always advocated investment in the eyes and ears capabilities of U.S. intelligence so we can have as full a picture as possible about the threats we face as we develop policies to protect ourselves. We need not only to know about the missiles but also about the plans and the intentions of the Saddam Husseins and Khadafis, Khomenis and Kim Jong Ils of the world today.

Some might say that since the Cuban missile crisis we have not focused enough on these threats in recent years, perhaps because the policymakers did not want to see the dangers. But, Mr. Speaker, our intelligence says unequivocally that the threat is real, growing, and much more immediate than some had thought. So I strongly believe we must commit ourselves to putting in place a missile defense program as soon as practical.

Mr. Speaker, H.R. 4 is a deceptively simple bill. Its entirety is only one sentence. But the 15 words that comprise the operative text of H.R. 4 speak volumes to the entire planet that we will not shy away from the tough challenge of making America and her people safe from a missile attack.

Support this rule and vote for H.R. 4 and do America a favor.

Mr. MOAKLEY. Mr. Speaker, I yield 1½ minutes to the gentleman from Ohio (Mr. KUCINICH).

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

Mr. KUCINICH. Mr. Speaker, the American people may be surprised to know that although we have not declared it our policy to do so, we have already spent $120 billion of taxpayers' money for a nuclear umbrella which does not exist for a threat which has never materialized.

I propose that we can save the taxpayers at least another $120 billion by announcing to the world that we already have a nuclear umbrella. Who is going to know the difference? Latter-day Dr. Strangeloves are running around the Capitol today saying the sky is falling and we ought to buy a net to catch it. Save the taxpayers money.

Here is a prototype nuclear umbrella. This has about as much of a chance of repelling raindrops as the real thing would have in stopping nuclear missiles if scientific evidence is to be believed. Now, if we buy into the fear mongering, what is next? Duck-and-cover drills? Loyalty pledges? Red scare number 2? The second Cold War?

We have already proven that we can leave the post-Cold War world in peace not through preparing for war but through dedicated nuclear nonproliferation.

□ 1230

Let us work for peace and let us be brave and strong and true in defense of democratic values here at home and around the world.

Vote against the rule and vote against H.R. 4.

Mr. REYNOLDS. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. WELDON).

Mr. WELDON of Pennsylvania. Mr. Speaker, I thank the gentleman for yielding me this time.

This debate today is going to be a serious debate. I think we ought to set the tone early. I reject as a Member of this Congress trivializing this issue with an umbrella, because 28 young Americans 8 years ago came home in body bags because we had no system to defend against. And to say that somehow an umbrella with nothing there is the way we are going to discuss this issue is absolutely disgusting to me because half of those young men and women came from my State. It is not a joke to hold an umbrella up with nothing there and say this is what we are doing.

We have no defense today against any missile system. It is a national priority that this Congress needs to address. And to trivialize this debate as has been done in this body for 30 years has got to come to an end. I think we should treat this debate with more sincerity and dignity than that.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. TRAFICANT).

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

Mr. TRAFICANT. Mr. Speaker, even though I have opposed it in the past, I will vote for a missile defense system today. The first reason is the Russian spy who defected to America warned us that China is determined to destroy America. Since then, China has stolen our military secrets and China has missiles aimed at America. Russia has missiles that could reach America. North Korea has missiles that can reach America. India, Pakistan, Iran, all have nuclear capability.

But the main reason for my vote here today is very simple: Our misdirected foreign policy. It is so misdirected that if you threw it at the ground, it would miss.

Check this out. Most-favored-nation trade status for China is debated on economic merits. Beam me up. With a $70 billion trade surplus, China is buying nuclear attack submarines and missiles with our money and has them aimed at American cities. How stupid can you be, Congress? How stupid can we be?

I have no choice today. I do not believe Congress has a choice. These policies have placed America in great danger and these policies have placed my constituents, my neighbors, my family, my friends at great risk.

Let me say one last thing. National defense and security is our number-one priority, and you cannot protect America with the neighborhood crime watch. I am changing my vote. I am voting for the missile defense system for the United States of America.

Mr. MOAKLEY. Mr. Speaker, I yield 6 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, I agree with the gentleman from Pennsylvania who spoke that this debate should not be trivialized. That is why I deplore seriously the refusal of the Republican leadership to make this open to amendment.

Yes, this is a serious subject and it ought to be given full discussion and not trivialized. But what trivializes this more than the arrogant refusal to allow any amendment? The question is not simply a missile defense or not but what sort? Under what circumstances? With what tradeoffs? With what information?

The Republican leadership ran for office to take over the House a few years ago with a long list of ways in which they were going to be better, more democratic. What we have seen since is a systematic striptease in which the Republicans have systematically discarded every pretense to ethical superiority in running the House. Term limits was, of course, one of the first to go as a serious effort. But now we have a pattern. We saw it last year when we debated impeachment. We see it now that we are debating a missile defense. The more important the subject, the less there will be democratic debate on the issue.

As the ranking member of the Committee on Rules pointed out, on noncontroversial measures of little significance, the Republicans are willing to give us open rules. They would undoubtedly be willing to give away ice in February—in Alaska—but when it comes to fundamental issues of great importance, political advantage and partisan maneuvering displaces commitment to democratic ideals.

The gentleman from Maine has a thoughtful alternative to the Republican proposal. It will be able to be brought up in the recommittal, because they have not yet figured out a way to snuff that one out, but there might have been other amendments. The recommittal, you only get one. There might have been other variations.

There are a number of important issues here. One is, what are the costs of this? Yes, there are people who are worried about a threat from missiles from overseas. There are 75-year-olds worried because they cannot afford to pay for the medicine that would keep them alive. There are people who live in neighborhoods who are afraid they do not have enough police protection; people who are afraid of unsafe transportation; people who are threatened by environmental hazards. We are operating in an era of limited resources. Billions and billions of dollars that go for this system are billions that will not be spent for other matters.

There are Members in this House who have told people they want to increase housing, they want to improve environmental conditions, they want to work harder to provide prescription drugs for people on Medicare. Yet they are going to vote today for a measure that might preempt all of those and not give us a chance to debate them. Where are the chances to have amendments?

The gentleman from New York who is presiding for the majority pointed out to the gentleman from Massachusetts, he quoted the gentleman from California, there are going to be 4 whole hours of debate. The gentleman's generosity is unbounded. We can debate it. But no amendments are in order. So I guess I congratulate the majority for not having abrogated the first amendment to the Constitution. They will let us talk. But where are the amendments? Where is the legislative process? No, it should not be trivialized.

By the way, this whole bill, so-called, as the gentleman from Florida said, it is a one-sentence bill. This one-sentence bill in and of itself it seems to me is of some dubious value, but even if it is simply a statement of policy, if that is considered important, why can we not debate what the impact would be on other forms of arms reduction treaties? Why can we not debate what the opportunity costs are in other funding? Why can we not debate whether or not we should do more of a study about technical feasibility?

Are we talking about protecting every inch of the United States? Well, how much is that going to cost? How feasible is it? What are the chances that money spent there will be successful as opposed to money spent in fighting disease, in fighting crime, in fighting in other theaters with conventional research?

North Korea is a threat. We have ground troops in North Korea who are at risk. Would this money be better spent in beefing up a conventional capability? Those are all significant subjects, none of which can be part of this debate. I take it back. They can be part of the debate. I do not mean to be ungracious. The gentleman from New York has kindly allowed us to talk about them. But an amendment to affect the bill, an effort to write them into policy, no, the Republicans will not have that, because it would spoil the partisan nature of this event.

The question is not simply yes or no on missile defense. That is wholly unintelligent. The question is what kind of missile defense? Under what circumstances? Is it feasible? At what cost? The Republicans quite carefully made sure that none of those could be the subject of an amendment. Because what they want out of this, apparently, is a political statement, not a genuine democratic debate.

By the way, I hope the argument is not that, ''Gee, we don't have time.'' This House has been languorous. We have not done very much. We could debate more of these things. But it is a refusal on the part of the majority to allow serious issues to be debated.

What we have, yes, is a trivialized debate. It has been trivialized by the calculated decision of the majority to make this a political exercise and to refuse to allow any amendments which will raise any of the serious issues that ought to be debated. And so in advance

they have devalued the statement they hoped to get because they have deprived us of the chance to do it.

Unfortunately, it is not an isolated incident. We could not debate censure versus impeachment. We cannot debate the specifics of the decision factors that go into this whole question. This is a group apparently that is determined to leave as its legacy in running the House of Representatives a refusal to allow the most important questions to come before the public to be debated in a serious and thoughtful fashion. So they will get their political victory today, but it will come at the price of an informed effort to try and come forward with a policy that truly deals with the complexities and the specific questions involved.

Mr. REYNOLDS. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. HUNTER), one of the leading experts on our Nation's defense.

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

My colleagues, we have a time in the oversight committee when the Secretary of Defense and the Chairman of the Joint Chiefs appear before the House Committee on Armed Services as they appear before a number of committees.

Sitting there with the gentleman from South Carolina (Mr. SPENCE) and the gentleman from Pennsylvania (Mr. WELDON) and the other members of the committee, I usually ask as a first question, this question of our Secretary of Defense. I ask, ''Could you stop, could the United States of America stop a single incoming ballistic missile today should it be coming in at an American city?'' The answer is always ''no.'' And yet most Americans think that we do have some kind of a defense.

Interestingly, if the Russian defense minister was sitting there at the witness table, he would be able to say ''yes,'' because the Russians do have missile defenses. They have the defenses that are allowed by the ABM treaty. They have interceptors which are tipped with nuclear devices that can go off when incoming missiles come in proximity of their cities that they have decided to protect under the ABM system. They also have what are known as SA–10 and SA–12 missile defense systems which they advertise in open literature as having capability against not only airplanes but ballistic missiles.

They, like a lot of other people in the world, understand something that the Weldon bill tries to make us understand, and that is this: We live in an age of missiles. Back in the 1920s, Billy Mitchell tried to prove to us that we lived in an age of air power. To do that, he sank a number of ships, American ships, and I believe one large German ship that had been captured. It infuriated the U.S. Navy because the U.S. Navy wanted to live in the past and they did not want anything that threatened the funding for their battleships and they thought that air power would do that. And so Billy Mitchell was a great advocate for air power. He argued for the development of air power by the United States, we refused to develop it in a timely way, and we paid to some degree the price for that in World War II. But his argument to some degree did get a few wheels spinning and we had more in World War II than we would have had if Billy Mitchell had not gone out there, ultimately getting court-martialed for the crime of saying that the United States was not ready for a conflict.

Well, today we live in an age of missiles. And for my friends that act like it is an impossible thing to shoot down a missile with a missile, that is not true. The missiles that came in on the American troops in Desert Storm and killed a number of them were ballistic missiles. They were slow ballistic missiles. But we did shoot down some of those ballistic missiles with our Patriot missile batteries. We have now upgraded those. So we have shot down the slower ballistic missiles. Our adversaries are making faster and faster missiles. My point is that we have shot down already the slower ballistic missiles and, yes, we do have the capability, if we decide to deploy.

Now, the other side throws this back at us. They say we have spent $120 billion and we have not deployed anything. Well, that is because we have always spent that money under the condition that nothing could be deployed and now it is thrown back in our face that we have not deployed. The Weldon bill mandates deployment. It puts us all on the same page, it gives us a national purpose, and hopefully we will move forward and defend America.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. MCGOVERN).

□ 1245

Mr. MCGOVERN. Mr. Speaker, I rise today in opposition to this rule and to the bill, H.R. 4. I would have preferred the opportunity to debate an amendment that outlined what criteria and conditions need to be met before we pursue a policy to deploy a national missile defense system, an amendment like the one my colleague from Maine (Mr. ALLEN) wanted to offer. That opportunity has been denied by this closed rule.

Mr. Speaker, today we are rushing to embrace a bad idea. Today we are debating the deployment of a national missile defense system that does not work, costs too much, undermines and violates our arms control treaties, is aimed towards the wrong threat, will make us more vulnerable, not more secure, and will likely lead to a new arms race. A lot of figures regarding the cost of a national missile defense system will be thrown around in today's debate, but what is not in dispute is that over 40 years we have already spent over $120 billion in trying to develop a missile defense, 70 billion of that since President Reagan announced his Star Wars program in 1983, and we still have absolutely nothing but a failure to show for those tax dollars. This technology has failed 14 out of 18 tests for problems far less sophisticated than what is required by national missile defense. In short, we have a $120 billion failure on our hands. General Shelton of the Joint Chiefs of Staff said just last year spending more money on national missile defense will only amount to a rush to failure, and yet the supporters of H.R. 4 want us to throw good money after bad and spend, at minimum, another 10.5 billion on this failed project.

At a time when we are struggling to find money for Pell grants and Federal aid to send our kids to college, when we are struggling to find money to fully fund the Federal share of the Individuals With Disabilities Education Act, when we are struggling to find funds to protect our environment, to repair our infrastructure and to revitalize our neighborhoods, cities and towns, we seem to have no problem finding enough money for this fabulously expensive project.

Mr. Speaker, those of us who are expressing our reservations about this system are not trivializing this issue. We are raising legitimate concerns about the technical feasibility of this project, the costs and the implications of a national missile defense system. Mr. Speaker, I do not believe it is fiscally responsible to support H.R. 4. I think this is a bad idea. I think this could have a destabilizing effect on our national security. I urge my colleagues to oppose this closed rule and to oppose H.R. 4.

Mr. REYNOLDS. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. GREEN).

Mr. GREEN of Wisconsin. Mr. Speaker, I do not believe that the American people want to hear procedural arguments or partisan jockeying. What they care about is our national security, and that is why I rise today in strong support of this rule and strong support of H.R. 4. I do so for one reason. I believe it must be our policy to deploy a national missile defense.

As my colleagues know, Mr. Speaker, the real surprise today is not the bipartisan support that I believe will emerge in this House later on but that took us so long to get here. Mr. Speaker, I was shocked and saddened when I saw the results of a recent poll conducted by the Center for Security Policy. Their survey of 800 registered voters revealed a number of very troubling public misconceptions. When asked hypothetically about a ballistic missile system and if it were fired at the U.S., 54 percent of those polled believe we could destroy that missile before it caused any damage. Over half of those polled believe we were capable of protecting ourselves from a ballistic missile attack, and of course the sad reality is that we cannot. And when respondents

learned this fact that we could not, 19 percent were shocked or angry, 28 percent said they were very surprised, 17 percent said they were somewhat surprised.

Mr. Speaker, I do not know what I find more troubling, the fact that so many people incorrectly believe that we can protect ourselves from missile attack or the lack of outrage on the part of so many leaders of the fact that we cannot.

Mr. Speaker, the evidence is overwhelming, the threat of attack is increasing. Concerns over Russia's control over its nuclear arsenal continue to grow. China continues to develop weapons of mass destruction. North Korea recently demonstrated that its missiles are capable of striking Alaska and Hawaii. And as we know, Iran and Iraq are working to develop missile technology that will threaten the Middle East and southern Europe.

We are no longer in the era of two superpowers kept in check by mutually assured destruction. The threats of today and tomorrow come from rogue states, in some cases nations with arsenals controlled by persons who we have to admit are blind with their hatred of the U.S. The harsh reality is that we are vulnerable. It is time that this Congress and this President got serious and made it the stated policy of our government to deploy a missile defense system. It would be reckless for us to stick our heads in the sand, it would be reckless for us to ignore the threats we face today, and worse yet, the threats we will face tomorrow if we fail to act. Let us make it this country's stated goal that we will deploy a national missile defense system that will protect us from those who seek to do us harm.

Mr. Speaker, I urge my colleagues to support this rule, to support H.R. 4.

Mr. MOAKLEY. Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts (Mr. MARKEY).

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

Mr. Speaker, I rise in opposition to this legislation. Sixteen years ago Ronald Reagan stood in this Hall and articulated a vision. We, the United States, or Luke Skywalker? And the Soviet Union was the Evil Empire, and we were going to build a Star Wars system, an umbrella over this country that would render the intercontinental ballistic missiles of the Soviet Union useless, impotent and obsolete, in his words. And of course the whole scheme was concocted by ET, not the cuddly little alien from the Spielberg movies, but the original ET, Edward Teller, his vision. In the years since then Star Wars went from the star dust and moon beams of Reagan's rhetoric to become a giant pork barrel in the sky. In fact, we have spent approximately $50 billion on missile defense over the last 15 years with virtually nothing to show for it.

But I have some good news for my colleagues on the other side of the aisle. The Cold War is over. We won. The Soviets never used their weapons.

Now it was not because of Star Wars, because of course there was no Star Wars in the 1980's, and there was no Star Wars in the 1990's. The reason that we won was that we had a superior political and economic and military strategy apart from Star Wars because it never existed, and now, since their internal contradictions have led to the collapse of the Soviet system, for some reason or another the majority believes that we should take up the Star Wars prequel 3 months before the new George Lucas film hits the theaters. This resolution gives us a preview of things to come, and we need to give it two thumbs down. According to the GOP script, despite the end of the Cold War we are still going to deploy missile defenses. Why? Because, we are told, there are new ballistic missile threats from North Korea, and Iraq or China because, we are told, we need to defend against accidental nuclear war at a cost of tens of billions of dollars.

This is a bad idea. The North Koreans are starving to death, and we routinely bomb the heck out of Saddam Hussein with impunity. Saddam Hussein had weapons of mass destruction, chemical weapons. Did he use them against us when our troops were heading towards Baghdad? No, he did not. Do my colleagues want to know why? Because we would wipe him off the face of the earth, that is why. We have overwhelming massive retaliatory capacity. If either side, any country, ever used weapons of mass destruction against us, we would destroy them. The greater threat from Korea, the greater threat from Iran is that they will put a nuclear weapon onto a freighter, put it right into the Seattle or the Boston or the San Diego port and just detonate it. We will not know where it is coming from, and we will not be able to identify the source. That is our greater threat by far, and if at any time they want to use any other means, then we will be able to give massive retaliatory response capacity to that problem.

The problem with the Republicans is, yes, the Cold War is over, but they still want Star Wars. They have arms race amnesia. They have forgotten everything but their favorite weapon system. But the real danger from the Republican plan is not the tens of billions of dollars which we are going to waste, but rather that it could touch off a new arms race between us and the Russians or the Chinese.

As the Duma meets to determine whether or not they are going to ratify the START II treaty which would result in the elimination of 3200 strategic weapons, do we really want to be talking about the deployment of a ballistic missile system that would make them even more vulnerable to a first strike from the United States? Do we want the Chinese to think that we are going to build a defensive system that allows us to attack them and they cannot attack us back? Do we not think that they are going to go to a new round of offensive weapons by an emboldened right wing military in both countries and other countries around the world that will result in us having to spend tens of billions of other dollars? When we make a step like the Republicans ask us to do today, we not only waste tens of billions of dollars, but we wind up ultimately undermining our security because of the investment made by our potential enemies in weapons which could actually hurt the United States of America.

Mr. REYNOLDS. Mr. Speaker, I yield 2 minutes to my Democratic colleague, the gentleman from New Jersey (Mr. ANDREWS) in the House Republican majority's continued spirit of bipartisanship.

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

Mr. ANDREWS. Mr. Speaker, there is no Member of this House who has done more to promote the rights of fairness to the minority than the gentleman from Massachusetts (Mr. MOAKLEY) and I commend him and thank him for that, but on this issue on this day I respectfully part company with him. I think this rule strikes the appropriate balance in the tension between the powers of the President as Commander in Chief and our powers and duties to set broad policy for this country. I think it would be a terrible mistake for us to micromanage a serious military strategy issue like this, and I believe that an open rule in this sort of circumstance would invite that kind of micromanagement.

I also believe that it would be an equally serious mistake for us to abrogate our responsibility and not take a position as to where our country should go in this issue. The process that begins with this legislation on this day gives us that opportunity beginning with our opportunity to offer a motion to recommit today, but, more importantly, after today, after today when decisions about how to deploy, what to deploy, when to deploy, under what circumstances to deploy will be debated and worked out in the actions of the House Committee on Armed Services, in its bills that come to this floor over the next several years and probably decades.

I certainly understand and revere the rights of the minority, but in this case I believe that the essential constitutional balance prevails, and that balance calls for us to set broad policy, which we will do in this bill by casting our vote and for the President, as our Commander in Chief, to execute that policy as he or some day she sees fit.

I support the rule as I will support the bill in the debate hereafter.

Mr. MOAKLEY. Mr. Speaker, I yield 2½ minutes to the gentlewoman from Connecticut (Ms. DELAURO), the assistant to the Democratic leader.

Ms. DELAURO. Mr. Speaker, I rise in opposition to the rule essentially because the rule prohibits amendments

which, if adopted, will strengthen the bill and our Nation's long term security.

Yesterday in the other body, in the Senate, it unanimously passed its national defense bill with two important amendments. It conditioned a national missile defense deployment on annual authorizations and appropriations, it affirmed the United States policy to seek further cuts in Russia's nuclear arsenal. This was the right thing to do. It was a responsible thing to do.

The gentleman from Maine has authored a thoughtful amendment which should be debated in this body. That is what our responsibility is as a legislative body.

I support the Pentagon's plans to consider a national missile defense system at the turn of this century. We need to plan to guard against future long-range strategic missiles and a possible laser attack, but any system must be both affordable and capable of protecting all of our national security interests.

□ 1300

Pentagon leaders have emphasized over and over again that a rushed job would be, and I quote, a rush to failure that would cost taxpayers millions of dollars, jeopardize U.S. national security.

General Shelton, Chairman of the Joint Chiefs of Staff, said just last month, and I quote, that the simple fact is that we do not yet have the technology to field a national missile defense. He went on to say, and I quote, the Chiefs question putting additional billions of taxpayers dollars into fielding a system now that does not work or has not proven itself, end quote.

Our first priority must always be the long-term safety and security of American families. Without a guarantee of success, our national missile defense system may not be able to protect Americans from the threat of ballistic missiles that rogue nations like Iran and North Korea are expected to have developed by 2002.

I urge my colleagues to oppose the rule or to allow for this body to take up thoughtful amendments on this very critical and important issue. Oppose rash legislation that threatens to jeopardize our future national security.

Mr. REYNOLDS. Mr. Speaker, I yield 2½ minutes to the gentleman from California (Mr. ROYCE).

Mr. ROYCE. Mr. Speaker, I rise in strong support of this bill and the rule. As this resolution states, the U.S. must deploy now and not just develop a national missile defense system but deploy it. This resolution and debate hopefully will spur the deployment because, as has been noted so forcefully here today, we are now defenseless against a single ballistic missile launched against American soil.

Defending our Nation against attack is so fundamental a responsibility of ours and the stakes that we are talking about are so high, that I think it is important that we better understand how our country, with its great military, has gotten into our predicament of being defenseless.

The American people need to know. The answer is that since Ronald Reagan introduced the idea of missile defense over 15 years ago, every reason in the world has been found to delay. For one, we have heard the threat discounted. In 1995, the administration predicted that no ballistic missile threat would emerge for 15 years. This past August, the administration again assured Congress that the intelligence community would provide the necessary warning of a rogue state's development and deployment of a ballistic missile threat to the United States. Then that same month, that same month, North Korea test-fired its Taepo-Dong missile. The sophistication of this missile unfortunately caught our intelligence community by surprise.

North Korea, impoverished, unstable North Korea, a regime about which the Director of Central Intelligence recently said that he could hardly overstate his concern over and which in nearly all respects, according to him, has become more volatile and unpredictable, may soon be able to strike Alaska and Hawaii, not to mention our allies and U.S. troops in Asia.

Ominously, North Korea is continuing its work on missile development. This is the very threat that was supposed to be 15 years away. Even before this rosy assessment last July, Iran tested a medium range ballistic missile. Iran is receiving aid from Russia. Not surprisingly, the bipartisan Rumsfeld Commission recently concluded that the threat posed by nations seeking to acquire ballistic missiles and weapons of mass destruction, quote, is broader, more mature and evolving more rapidly than has been reported in estimates and reports by the intelligence community.

The fact is that we live in a world where even the most impoverished nations can develop ballistic missiles and warheads, especially with Russia's aid, and thus I ask the Members to support the rule and this resolution.

This by no way is said to disparage our intelligence efforts. Instead, we just need to appreciate that these threats are difficult to detect, and that we need to react in defense. Pearl Harbor caught us by complete surprise. We have no excuse with today's missile threat.

The second excuse to delay is the ABM Treaty.

Faced with the very real threats we've heard about, I'm at a complete loss as to why our country would let an outdated treaty keep us from developing a national missile defense system. Essentially, this Administration has allowed Russia to veto our missile defense efforts. This is the same country, Russia, that is contributing to missile proliferation by working with Iran.

Fortunately, Secretary of Defense Cohen has suggested that we would not be wedded to the ABM Treaty (Jan. 20)—that this treaty would not preclude our deployment of a defensive system. But this is only a step toward the deployment we need, and others in the Administration persists in calling the ABM Treaty ''the cornerstone of strategic stability'' (Berger, Feb. 8 letter).

I believe we need to get beyond a treaty that keeps us from defending our territory in the face of a very real threat—a treaty, I might add, that the Soviets secretly violated. And renegotiating this treaty in a way that still precludes us from deploying the best missile defense system we can—allowing for a dumbed-down system—which is what the Administration is suggesting, is simply not acceptable.

The fact is that the Russians have nothing to fear from us. The United States doesn't start wars. To forgo defending our territory because we're afraid of what the Russians or others may say about our defensive actions is indefensible.

Third, we hear that a national missile defense system is too costly. Yes, we have made an investment in missile defense since Ronald Reagan launched his initiative, though this has been a small fraction of what American industry invests in research each year. But let's be honest here, defense is not free. And there have been some failures. But since when does success come without failure? Entering the twentieth century, the United States is the wealthiest, most technologically advanced country in the history of the world. There is no reason beyond the ideology of arms control, complacency or worse not to deploy a national missile defense now.

Before World War II, many people were stuck in a similar mindset. Leaders in England and elsewhere didn't want to develop advanced defensive weaponry. One leader stood alone though, pushing for England to develop its technology, including radar, in the cause of its national defense. His efforts encountered much resistance. Many said that there could be no defense against air power. There was some outright opposition from those who favored disarmament, including Prime Minister Stanley Baldwin, seeing disarmament as a way of better dealing with Germany. Well, history has told us that the dark days England soon after suffered through would have been much darker if England had not had Winston Churchill. Radar, by the way, which Churchill tirelessly pushed, was critical to winning the Battle of Britain.

Sometimes it's not easy exercising foresight and taking preemptive action. But I cannot think of a more pressing issue for this Congress to address than defending our nation against the emerging threat of ballistic missiles. I commend the authors of this important resolution and hope it receives overwhelming support from this body.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. DICKS).

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

Mr. DICKS. Mr. Speaker, I appreciate the gentleman from Massachusetts (Mr. MOAKLEY) yielding time to me.

Mr. Speaker, I rise in support of the resolution but I am going to oppose the rule because I think the Allen amendment should have been put in order. I wish we would have had an opportunity, like the Senate did, to take

amendments on this important national security issue.

Having said that, I do want to compliment my colleagues, the gentleman from Pennsylvania (Mr. WELDON) and the gentleman from Missouri (Mr. SKELTON) and those people who have tried to work to make this into a bipartisan issue. I want to remind my colleagues, I have been on the Subcommittee on Defense for 21 years. I was there in 1983 when Ronald Reagan announced his effort to build a national missile defense system.

I happen to believe that we always have to have defense priorities. My number one defense priority today is theater missile defense. When we deploy our troops in all these countries, whether they are in the Middle East or whether they are in Saudia Arabia, wherever they are, Bosnia, we want to be able to have a credible theater missile defense system in place.

It was not until just this week that Patriot 3 had its first success. So as we come to this decision on national missile defense, I must point out to my colleagues that we still do not have the technology in place to deploy such a system, and that is why we are going to have to continue the research, continue to look at this on the year-by-year basis and, again, my hope is that the first thing we get done is theater missile defense to defend our troops.

I do believe there is a threat out there and I do believe that warning times are less than they used to be and many countries are proliferating and building ballistic missiles.

We are also going to have to work out a relationship with the Russians. This is not going to be accepted by them. We are going to have to negotiate with them. So hopefully, if we can deal with these issues, then we can go forward and have a system like this. I think we have to go into this with our eyes open.

Mr. REYNOLDS. Mr. Speaker, I inquire of the Chair how much time is remaining on both sides.

The SPEAKER pro tempore (Mr. HANSEN). The gentleman from New York (Mr. REYNOLDS) has 9½ minutes remaining. The gentleman from Massachusetts (Mr. MOAKLEY) has 5½ minutes remaining.

Mr. REYNOLDS. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Speaker, I thank the gentleman from New York (Mr. REYNOLDS) for yielding me this time.

Mr. Speaker, I rise in support of this rule and in strong support of the underlying piece of legislation. I represent the area of Florida that includes Cape Canaveral and the issues of ballistic missiles and space technology and aerospace technology is of tremendous interest. I ran in 1994 originally for Congress in support of deploying a missile defense system.

To those people who would say right now that we do not have something that is technically capable, I would say to them it depends on how one wants to define that. The Russians have had a missile defense system for 30 years. We currently have the Patriot system online. The technology is there. The debate is over how good it will work.

In my opinion, we should deploy the best system that we are capable of deploying now. After seeing the Rumsfeld report and personally reading the Cox report, I would say we need to make a commitment to not only deploy the best system we are capable of deploying now but to plan on upgrading that system within the next 10 years to a better, more sophisticated system, because the threat is real and the threat is great.

As parents, we are responsible for taking care of our kids and making sure they have good manners and making sure they get fed, but it would be very irresponsible if we left the front door unlocked and the window open every night allowing somebody to come in to rob, steal and commit mayhem.

What good is it for us in this country if we are going to do all of these wonderful things for Social Security and for education in America and all of the other proposed good things that we are going to do while we leave New York, Los Angeles, Boston, Miami, Philadelphia and all the great cities of this country vulnerable?

The Chinese have already said that we would not be willing to risk those cities in defense of Taiwan, and we already know, from reading the New York Times, that the Chinese have acquired the most sophisticated weapons systems.

Support the bill. Support the rule.

Mr. REYNOLDS. Mr. Speaker, I yield 3½ minutes to the gentleman from Pennsylvania (Mr. WELDON), who I have had the occasion to recognize as one of the leading experts on missiles.

Mr. WELDON of Pennsylvania. Mr. Speaker, let me thank my distinguished colleague for his leadership on the rule. I also want to pay my respects to my good friend, the ranking Member on the Committee on Rules, who is a real gentleman.

Mr. Speaker, I want this debate to be focused on factual information and not rhetoric and so I am going to go through the comments made by my colleagues in opposition to this rule one at a time.

We heard from the gentleman from Massachusetts. He said this was a Republican partisan effort. When I introduced this bill last August, I reached out to the Democrat side. The bill had 24 Democrats and 24 Republicans when I dropped the bill in, because I did not want it to be a partisan battle. There were some in my party who criticized me for that.

When I introduced the bill in this session of Congress, Mr. Speaker, it had 28 Democrats and 30 Republicans. In fact, when it passed the Committee on Armed Services, the vote was 50 to 3, with Democrats joining Republicans in support. This has been a totally bipartisan process.

Mr. Speaker, amendments could have been offered. The gentleman from Maine (Mr. ALLEN) could have offered an amendment. He chose not to. Now, are we being unfair, Mr. Speaker?

At the Committee on Rules yesterday there were two people who wanted amendments, one Republican and one Democrat. I opposed both because each would have taken the bill to an extreme position that perhaps would not have been the clear-cut debate that we need on this issue, which is whether or not to move forward.

Some say there has been no debate. Mr. Speaker, in the 5 years I have controlled the Subcommittee on Military Research and Development, there have been over 60 hearings, briefings, classified sessions. For someone to say there has been no debate is just a case where they do not understand what in fact has transpired.

One of my colleagues on the other side said the cost. Let us look at the cost, Mr. Speaker. We have spent $9 billion in Bosnia already. The administration's estimate for the cost of NMD is $6 billion. So we are going to spend more to protect peace in Bosnia than we are to protect our own people.

In fact, we are spending $10 billion this year on environmental cleanup, $10 billion on environmental cleanup versus the administration's estimate of $6 billion for an NMD system.

The gentleman from Massachusetts (Mr. MARKEY) said this is going to jeopardize our relationship with Russia. I say hogwash. If one wants to know what is going to jeopardize our relationship with Russia, Mr. Speaker, ask the administration why they cancelled the funding for the only joint Russian-American missile defense initiative that we have last October, the Ramos project.

When we were in Russia this past weekend, that is what the Russians were concerned about, that this administration cancelled all the funding for the only joint program to build confidence that we have.

Ask the administration why they cancelled the Ross-Mamaedov talks back when they took office in 1993. It was President Bush who started those talks because Yeltsin said, let us work together. What did this president do? When he came into office in 1993, he cancelled the talks and said, no, we are not going to work together in missile defense.

If one wants to talk about instability, ask the arms control crowd. The arms control crowd who was arguing against our bill today, and I am glad they are because this is what they are, this was a chart that they had inserted in a national magazine on the debate about missile defense. One of my Russian friends read this to me and he said, ''Curt, I understand what you are trying to do but this is what is going to be all over Russia.''

The arms control crowd, the Natural Resources Defense Council, has a chart

saying destroy Russia, killing 20 million people. This is the kind of rhetoric that inflames the Russian side, not what we are doing. I ask my colleagues to support the rule and to support the bill in a true bipartisan fashion.

Mr. MOAKLEY. Mr. Speaker, I yield the balance of my time to the gentleman from Maine (Mr. ALLEN), the producer of the amendment.

Mr. ALLEN. Mr. Speaker, I thank the gentleman from Massachusetts (Mr. MOAKLEY) for yielding me this time.

Mr. Speaker, this House should defeat this rule. It is a closed rule that silences an important voice in the national missile defense debate, and that voice is the voice of the Joint Chiefs of Staff. General Hugh Shelton, the Chairman of the Joint Chiefs, said in testimony before the Committee on Armed Services of the House last month that, and I quote, the decision to deploy a national missile defense system will be based on several factors, the most important of which will be assessments of the threat and the current state of the technology.

□ 1315

H.R. 4 does not address threat or technology, or cost, or arms control. I asked the Committee on Rules to make in order an amendment I drafted, but that request was denied. The amendment provided that it would be the policy of this country to deploy a national missile defense that is proven to be effective. In other words, the system needs to work.

Second, that it would not diminish our overall national security. We have the task of making sure that we develop and we proceed with strategic nuclear arms reduction talks with Russia. Third, that it would not compromise other critical defense priorities. We have to pay attention to our troops, and as the gentleman from Washington (Mr. DICKS) said a few moments ago, a theater missile defense to protect our forward-deployed troops is vitally important.

This is the position, the amendment I proposed, I believe is the position of the Joint Chiefs of Staff and I am dismayed that their views were shut out.

Now, H.R. 4 came up in the Committee on Armed Services, but it is interesting. The gentleman from Pennsylvania (Mr. WELDON), the distinguished chairman of the Subcommittee on Research and Development, said I did not offer this amendment in committee. Well, the truth is, I did not offer the amendment in committee because we had not even held a hearing with General Lyles. This bill was marked up in committee before we heard from General Lyles on that day.

Mr. WELDON of Pennsylvania. Mr. Speaker, will the gentleman yield?

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

Mr. WELDON of Pennsylvania. Did the gentleman have an opportunity to offer an amendment in committee?

Mr. ALLEN. I certainly did.

Mr. WELDON of Pennsylvania. I thank the gentleman.

Mr. ALLEN. But I chose not to exercise that right, because I wanted to hear from the military as to their opinions.

Does it make sense for us to commit to a program before we hear from the office that executes that program?

H.R. 4 would deploy a national missile defense system before we have tested the system, before we know whether or not it works. My amendment, however, was not designed to kill this system. On the contrary, it was designed to make sure that a national missile defense system would work.

First, national missile defense must be demonstrated to be operationally effective against the threat as defined as of the time of the deployment and as we can project for a reasonable time into the future. Does anyone disagree that we should test national missile defense before we buy it?

Second, national missile defense should not diminish the overall national security of the United States by jeopardizing other efforts to reduce threats to this country, including negotiated reductions in Russian nuclear forces. Does anyone disagree on seeking further Russian disarmament?

Third, national missile defense must be affordable and not compromise readiness, quality of life of our troops, weapons modernization, and theater missile defense deployment. Does anyone disagree with these critical defense priorities?

H.R. 4, however, is silent on each one of these priorities. We should defeat this closed rule and allow Members the opportunity to vote to recognize that there are real world considerations for national missile defense deployment. That is the opportunity the Senate had; that is the opportunity that we should have in this House and well. I urge a ''no'' vote.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. ALLEN. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, I want to thank the gentleman, because I just want to comment on the strangeness of my colleague from Pennsylvania's understanding of parliamentary procedure.

My objection was, and my assertion that this has been made partisan, was due to the refusal to allow the gentleman's amendment to come up on the floor of the House, the House of Representatives, the whole body, the body that represents the people.

The gentleman from Pennsylvania's answer, was well, he could have offered it in committee. That is another one of those gracious concessions that is offered only because it could not have been withheld. There are under our rules no way to stop an amendment from coming up in committee.

But the notion that because the rules allow amendments to be offered in committee, and the gentleman said he withheld because there had not yet been a hearing held that he wanted have to take place, that that is some justification for shutting off discussion of this amendment and a vote on this amendment as an amendment, not as a recommittal, on the floor of the House, makes no sense.

This is the place where the ultimate Democratic decisions are made, and the notion that oh, okay, one could have offered an amendment in committee, committees are not wholly representative of the House. They are not supposed to be. This is the body in which public policy is supposed to be discussed, and the majority's refusal to allow a fair debate and vote as an amendment on the gentleman's proposal is what makes this unduly partisan, in my judgment.

Mr. ALLEN. Mr. Speaker, I thank the gentleman from Massachusetts. I urge my colleagues to vote ''no'' on this rule.

Mr. REYNOLDS. Mr. Speaker, I yield the balance of my time to the gentleman from California (Mr. DREIER).

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

Mr. DREIER. Mr. Speaker I rise in strong support of this rule, and I would like to begin by complimenting the newest member of the Committee on Rules, the gentleman from New York (Mr. REYNOLDS), who I think in a tough situation has done an extraordinarily good job in dealing with this in, as he pointed out when he recognized the gentleman from New Jersey, in a very bipartisan way. I am very encouraged by that.

I also want to say that as we look at this issue, it is obvious to me that we have a number of experts; Mr. WELDON has done a wonderful job on this, I think about the U.S. Constitution. There are no more important words in the U.S. Constitution than the five words in the middle of the preamble: ''Provide for the common defense.''

In light of that, it seems to me that a 15-word bill, which is exactly what this is, is the right thing for us to do. One is either for it, or one is against it. That is really what it comes down to.

So I think that we have had full consideration in committee. Both the chairman of the Committee on Armed Services and the ranking minority member talked about the debate that took place in the Committee on Armed Services, and my friend from Massachusetts is right. There should be the opportunity on this floor for the gentleman from Maine (Mr. ALLEN) to offer his amendment. And guess what?

Back in 1994 when we won this majority, we very proudly made an important change in the Rules of the House. Now, he and I came together in 1980, and on numerous occasions, at least a couple of times a year, the opportunity to offer a motion to recommit was in fact denied to us when we were in the minority. When we made this rules

change in 1994, we decided that it would be, in fact, a rule of the House that the minority would have an opportunity to offer a motion to recommit. And guess what? The Allen amendment can be made in order under the motion to recommit that we have.

Now, we have this hour of debate on the rule; we are going to have, in fact, 3 hours of debate.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. DREIER. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, is the chairman of the Committee on Rules telling us that in his judgment now, the motion to recommit, which has 10 minutes of debate and which is often cast in a very partisan way, and it is better than nothing.

Mr. DREIER. Mr. Speaker, if I could reclaim my time, I was just going to say that we are going to have 3 hours of debate. Now, if the decision is made at this moment that the motion of the gentleman from Maine (Mr. ALLEN) is the one that the ranking member of the committee wants to offer as a recommittal motion, for that entire 3 hours of debate, the opportunity is there, the opportunity is there for a full and open discussion on this issue.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. DREIER. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, under the Rules of the House as I understood them, if the amendment of the gentleman from Maine (Mr. ALLEN) had been made in order, we could have had debate on that amendment, and then we would have also had a motion to recommit.

Mr. DREIER. Mr. Speaker, if I could reclaim my time.

Mr. FRANK of Massachusetts. Mr. Speaker, I apparently misunderstood the gentleman saying that he would yield. I thought the gentleman said he would yield.

Mr. DREIER. May I reclaim my time.

Mr. FRANK of Massachusetts. I apologize for misunderstanding when I thought the gentleman said he was going to yield.

Mr. DREIER. Mr. Speaker, I did yield. The gentleman said that he wants to have a debate, and we are going to have debate. In fact, 3 hours of debate can take place on the Allen amendment if you all so choose. So the idea that the opportunity to offer it has been denied is crazy, because we changed the rules in 1994 to make that order.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. DREIER. Mr. Speaker, may I make a couple of points as we conclude this debate on the rule?

Mr. FRANK of Massachusetts. Mr. Speaker, of course the gentleman may conclude. He controls the time.

Mr. DREIER. Mr. Speaker, I thank the gentleman very much.

What I want to say is if we look at the report that has come forward from the Rumsfeld Commission which was presented to us on the House floor today in a closed meeting, the declassified segment of that makes it obvious. It says, the Rumsfeld Commission, the ballistic missile threat to the United States is broader, more mature, and evolving more rapidly than reported in estimates and reports in the intelligence community.

Now, what does that say? It says that as we look at this threat that is there from Pakistan, Iran, Iraq, North Korea, Russia, China, it is obvious that this is the most responsible thing for us to do. So that is why I will say again, one is either for it or one is against it. This reminds me of the debate that we had in the 1980s.

Again, I congratulate my friend, the gentleman from New York (Mr. REYNOLDS) for the great job that he has done on this.

Mr. FORD. Mr. Speaker, I rise today out of concern that the majority is not allowing amendments on this important legislation. Yesterday the Administration and the Senate were able to compromise on a similar measure, simply because the Senate Majority Leader provided the room to compromise. Unfortunately, such leadership is absent today in the House.

I don't have to remind my colleagues of the importance of this decision today. As most of you know, I am the youngest member of the House. Many people have tried to find a name for my generation, because in earlier times there was the World War I generation, the World War II generation, and the Vietnam Generation. There are no wars to name us by.

Why is that? Because we have learned how to work with other nations to reduce the threat of armed conflict between the great powers. We have learned that effective diplomacy, backed by the threat of the use of force, can help defuse this threat among members of the international community.

Of course, the threats posed by rogue states such as Iraq and North Korea—who have been ostracized by the international community—have dramatically changed the rules. I believe that we need to prepare for the asymmetric threats posed by nuclear, chemical, and biological weapons. However, we should not act impetuously.

The Administration has requested that we amend H.R. 4 in order to make clear that the decision to deploy a missile defense system is contingent on a variety of factors, including an assessment of the costs and feasibility of the project. The rule, however, prevents us from taking this sensible step. Instead, it asks that the House make the decision for the President after 2 hours of debate, without any consideration of what such a project entails.

The rule also prevents us from reaffirming our commitment to the 1972 Anti-Ballistic Missile Treaty. It jeopardizes the adoption of the START II treaty by the Duma in Moscow. Indeed, the Russian parliament is also addressing concerns over weapons of mass destruction. To show our support for strategic arms reduction, we ought to demonstrate our commitment, yet we are unable to do so because of this rule.

As the legislative branch, we have a right to be involved in foreign policy decisions. Yet we need to use this right responsibly.

We learned in the 1980s that relentlessly pursuing the goal of a national missile defense system without any realistic assessment of the costs involved is a bad way to make foreign policy.

By not allowing amendments, the majority is again acting in their own political interests, not the interests of sensible, prudent policy. Mr. Speaker, I oppose this rule.

Mr. REYNOLDS. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. HANSEN). The question is on the resolution.

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 239, nays 185, not voting 9, as follows:

[Roll No. 57]

YEAS—239

Aderholt	Dickey	Hyde
Andrews	Doolittle	Isakson
Armey	Doyle	Istook
Bachus	Dreier	Jenkins
Baker	Duncan	Johnson (CT)
Ballenger	Dunn	Johnson, Sam
Barcia	Ehlers	Jones (NC)
Barr	Ehrlich	Kasich
Barrett (NE)	Emerson	Kelly
Bartlett	English	King (NY)
Barton	Everett	Kingston
Bass	Ewing	Knollenberg
Bateman	Fletcher	Kolbe
Bereuter	Foley	Kuykendall
Berry	Forbes	LaHood
Biggert	Fossella	Largent
Bilbray	Fowler	Latham
Bilirakis	Franks (NJ)	LaTourette
Bliley	Frelinghuysen	Lazio
Blunt	Gallegly	Leach
Boehlert	Ganske	Lewis (CA)
Bonilla	Gekas	Lewis (KY)
Bono	Gibbons	Linder
Boyd	Gilchrest	Lipinski
Brady (TX)	Gillmor	LoBiondo
Bryant	Gilman	Lucas (OK)
Burr	Goode	Manzullo
Callahan	Goodlatte	McCollum
Calvert	Goodling	McCrery
Camp	Goss	McHugh
Campbell	Graham	McInnis
Canady	Granger	McIntosh
Cannon	Green (WI)	McIntyre
Castle	Greenwood	McKeon
Chabot	Gutknecht	Metcalf
Chambliss	Hall (TX)	Mica
Chenoweth	Hansen	Miller (FL)
Coble	Hastings (WA)	Miller, Gary
Collins	Hayes	Moran (KS)
Combest	Hayworth	Morella
Cook	Hefley	Murtha
Cooksey	Herger	Nethercutt
Cox	Hill (MT)	Ney
Cramer	Hilleary	Northup
Crane	Hobson	Norwood
Cubin	Hoekstra	Nussle
Cunningham	Horn	Ortiz
Davis (VA)	Hostettler	Ose
Deal	Houghton	Oxley
DeLay	Hulshof	Packard
DeMint	Hunter	Paul
Diaz-Balart	Hutchinson	Pease

Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reyes
Reynolds
Riley
Rodriguez
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Spratt
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Turner
Upton
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—185

Abercrombie
Ackerman
Allen
Baird
Baldacci
Baldwin
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Condit
Conyers
Costello
Coyne
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Rivers
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Serrano
Sherman
Slaughter
Smith (WA)
Snyder
Stabenow
Stark
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Traficant
Udall (CO)
Udall (NM)
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Weygand
Wise
Woolsey
Wu
Wynn

NOT VOTING—9

Archer
Boehner
Burton
Buyer
Clyburn
Coburn
Frost
Myrick
Payne

□ 1343

Messrs. BOSWELL, KLECZKA, MATSUI, BISHOP, HINCHEY and MORAN of Virginia changed their vote from ''yea'' to ''nay.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. BURTON of Indiana. Mr. Speaker, during rollcall vote No. 57 on H. Res. 120, I was unavoidably detained. Had I been present, I would have voted ''yea.''

Mr. SPENCE. Mr. Speaker, pursuant to House Resolution 120, I call up the bill (H.R. 4) to declare it to be the policy of the United States to deploy a national missile defense, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The text of H.R. 4 is as follows:

H.R. 4

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the policy of the United States to deploy a national missile defense.

The SPEAKER pro tempore (Mr. SUNUNU). Pursuant to House Resolution 120, the gentleman from South Carolina (Mr. SPENCE) and the gentleman from Missouri (Mr. SKELTON) each will control 1 hour.

The Chair recognizes the gentleman from South Carolina (Mr. SPENCE).

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

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

Mr. SPENCE. Mr. Speaker, before beginning, I would like to remind all Members who attended this morning's briefing with the Rumsfeld Commission that the briefing was classified. Accordingly, during the next several hours of debate, Members should take extreme care not to discuss any of the details or specifics of what they heard.

Mr. Speaker, H.R. 4 is a 15-word bill stating, and I quote, ''That it is the policy of the United States to deploy a national missile defense.'' The bill is clear in its intent, elegant in its simplicity and reflects a bipartisan belief that all Americans should be protected against the threat of ballistic missile attack.

Mr. Speaker, the biggest frustration of my life, as chairman of the Committee on Armed Services, has been to persuade our own government to protect our own citizens from nuclear attack. This is a threat that is not sometime in the future, it is a threat that is here this minute. As a matter of fact, the threat has already passed.

There is a scenario about President Yeltsin of Russia getting on the hot line to our President and saying the following: ''Mr. President, some dumb fool has pushed the wrong button over here and we've got an intercontinental ballistic missile with 10 multiple reentry vehicles on it heading your way. We can't call it back, we can't shoot it down, and thought you ought to know about it.''

The President calls over to the people in the Pentagon and tells them what he has heard and tells them to take care of it. They have to tell him, ''Mr. President, we can't defend against that one intercontinental ballistic missile launched by accident.''

That is not way out. That could happen. It could have already happened. As a matter of fact, a few years ago, the Norwegians launched a weather rocket in Norway. The sensors in Russia mistook that launch for a launch of an intercontinental ballistic missile from us on them, and they were literally minutes away from launching an attack against our country in retaliation; minutes away before they had it sorted out and called it off. That is what we are facing today. That is the threat. It is right here.

We have been trying to warn this administration and the American people of the dangers we face. I think back in history of all the many warnings that we had before Pearl Harbor. Those warnings were not heeded, and we see what happened. We have had many warnings to date on all sides of the many threats we face from throughout this world, of all kinds. The warnings are not being heeded.

We tried to pass a national missile defense back in 1995, the 1996 Defense Authorization bill. The President vetoed it. We have tried to do some other things since that time. We have had to try to take one step at a time to bring the administration to the realization of what is happening and what we need to do to properly defend this country.

After the President vetoed that bill, he said that there was no threat facing this country; we did not need a national missile defense. As a matter of fact, he even had the CIA issue a National Intelligence Estimate which politicized the issue and was phrased this way: ''Aside from the declared nuclear powers, it will be 10 or 15 years before rogue nations, other nations, will develop a capability.'' I said to myself, ''That is misleading. These other countries can buy the capability from the countries which have it right now. They do not have to do it as an indigenous thing on their part.''

I remember calling up the Director of the CIA at that time and trying to get him to change that National Intelligence Estimate to more clearly reflect the true state of affairs. He would not do it. So we had to appoint this Rumsfeld Commission, a bipartisan commission, to study the question and come back and give us an independent assessment of the threats we face.

After studying the seriousness of the question over a period of about a year, they came back, in a bipartisan way, unanimously, and said that instead of us having to be concerned about 10 or 15 years away from the threat, we would have little or no warning of a system deployed somewhere else that could impact on us in that way.

Even after the report came out, the administration still maintained that they would go on with the 3-by-3 policy they had, which meant they would study the question for 3 more years and, at the end of that time, if the threat was real, then we would decide whether or not to deploy the system.

So here we are today, after all this time, one step at a time, now trying to get them to utter that one word: Deploy.

North Korea's launch of a 3-stage ballistic missile last August was one of a number of disturbing events that confirmed the Rumsfeld Commission's findings and compelled the Administration to concede that the threat was not a decade away. Earlier this year, Secretary of Defense Cohen publicly confirmed the Administration's updated perspective on the threat in stating [quote] ''that there is a threat and the threat is growing.'' [unquote]

Technology has matured to the point where it is feasible to move forward with plans to deploy a national missile defense system. There will always be test failures and there will always be technological challenges. But Americans have never shied away from a challenge, and this is certainly no reason not to proceed in the face of a threat that gets worse by the day. And as this week's successful PATRIOT missile test demonstrated, missiles can intercept other missiles.

Even with Congress adding funding to missile defense programs during the past four years, the Administration has just recently recognized that its own budgets were inadequate. To its credit, the Administration has budgeted, for the first time, a level of funding intended to support an initial deployment of a national missile defense system. And just to put cost in perspective, the cost of a national missile defense system, by the Administration's own estimates, will comprise less than one percent of the overall defense budget, and less than two percent of our military modernization budget over the next five years.

Mr. Speaker, national missile defense is necessary, feasible, and affordable. But in spite of the growing consensus that the threat is real, progress on technology development, and increased funding, the Administration has steadfastly refused to commit to actually *deploy* a national missile defense. H.R. 4 fills this void and will put this House on record making an important commitment to each and every American that they will be defended.

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

Mr. SKELTON. Mr. Speaker, I ask unanimous consent that the gentleman from South Carolina (Mr. SPRATT) be recognized to manage, at the end of my statement, the balance of the time on our side.

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

There was no objection.

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

Mr. Speaker, I rise in strong support of H.R. 4, a bill to declare it the policy of the United States to deploy a national missile defense.

Many of my colleagues know me as a strong advocate for a strong national defense, maybe even doctrinaire when it comes to taking care of our troops. Fair enough. As my colleagues should also know, my support does not extend to all things defense, nor is it without qualification. Today's topic, national missile defense, is a case in point.

For some 15 years, I have been concerned that various proposals for deploying a national missile defense system were unjustified and too expensive. Further, I believe that any effort to do so would siphon needed resources from what I considered to be higher priority defense needs. Thus, I have not been among the voices advocating deployment of a national missile defense system. Instead, while others have been speaking passionately on the subject over the years, I have been listening.

I am persuaded by the facts from current intelligence estimates and the events of the past year, Mr. Speaker, that the technology needed to develop an ICBM capable of delivering a warhead of mass destruction against large portions of the United States is today in the hands of at least one so-called ''rogue'' actor. Worse, much of the needed technology has been demonstrated. And, as my good friend and former colleague, Ron Dellums, would say, ''I can see lightning and I can hear thunder.'' Accordingly, I now believe it is not only possible, but probable, that significant portions of the United States will be threatened by ICBM delivered warheads of mass destruction sometime before the year 2005; time the administration now says it needs to deploy a suitable, limited national missile defense system.

I also believe that $6.6 billion included in the administration's fiscal year 2000 future years defense plan for national missile defense deployment related activities recognizes this threat development and tacitly acknowledges that the administration also views the ultimate deployment of a limited national defense missile system as inevitable.

Mr. Speaker, the issue is not just about a national missile defense system, nor can it be. To successfully defend America from an ICBM delivered threat, we need to act on a potential threat of a missile over its entire life; not just the last 15 minutes to do so.

Priority must be given to our first line of defense: Aid and diplomacy, counterproliferation programs, and arms control agreements. Although not perfect, these programs work and are relatively cheap. More importantly, by reducing or preventing the number and sophistication of ICBMs that might threaten us, they make national missile defense system technically feasible. Deterrence also works, and since these forces already exist, it is the logical second line of defense.

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Finally, I now think deployment of a limited national defense system, as a third and final line of defense, is as advisable as it is inevitable. At the same time, however, I believe we must guard against the national missile defense program that undercuts the first and second lines of defense.

This brings us to H.R. 4, a simple declaration that we are committed to ultimately deploying a national missile defense, period. It is an opportunity to move past the philosophical debate that has divided us, to move past who is and who is not willing to defend America. Therefore, I must admit to my disappointment with the administration for considering this legislation to be unnecessary and withholding their support on that basis. Nevertheless, it is significant that its concerns do not rise to the level of a veto threat. Thus, I would ask my colleagues to keep this fact in mind during deliberations here today.

In my opinion, H.R. 4 does not go beyond the administration's program for a limited national missile defense in any way. According to the Congressional Budget Office, H.R. 4 will not increase missile defense costs one cent. More importantly, it does not compel a national missile defense system architecture that is incompatible with the ABM Treaty. Equally important, Mr. Speaker, it does not mandate a deployment date or condition. Thus, it does not generate a rush to failure by calling for deployment of an inadequately tested or ineffectual system.

The new realty is that a lot has changed since the strategic defense initiative debate was joined some 16 years ago. A lot has changed since last year, and yesterday's truths are no more. So I ask my colleagues to approach H.R. 4 with an open mind, try to consider it as a good-faith effort to establish a bipartisan consensus, and I will repeat this, a bipartisan consensus on defending America. That is what I believe it is.

Mr. Speaker, our most distinguished colleagues on the subject of missile defense, the gentleman from Pennsylvania (Mr. WELDON) and the gentleman from South Carolina (Mr. SPRATT), two respected Members who have in the past been disagreeing on this issue, have joined together in a significant collaboration to provide us with a rare and distinct opportunity to rise above our differences and move the national missile defense debate forward on a less philosophical and less partisan basis. For the good of the country and for the good of this institution, I believe in the strongest possible terms that we should seize this opportunity, Mr. Speaker, and pass H.R. 4.

I want to thank the gentleman from Pennsylvania (Mr. WELDON) and I want to thank the gentleman from South Carolina (Mr. SPRATT) for coming together to write and draft H.R. 4 and provide us with this historic opportunity.

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

Mr. SPENCE. Mr. Speaker, I yield such time as he may consume to the gentleman from Alaska (Mr. YOUNG).

(Mr. YOUNG of Alaska asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Alaska. Mr. Speaker, I rise in strong support of H.R. 4.

Today I rise in support of H.R. 4, ''A bill to declare it to be the policy of the United States to deploy a national missile defense.'' Let's face the fact that the ballistic missile threat is not, I repeat, is not decreasing, it's here now and growing. The deployment of a national missile defense system is necessary for protection from rogue nations such as North Korea and Iran.

Alaska is still on the front line, as it was during the cold war, but today's threat is from the increase of important military technology, including nuclear, chemical, and biological weapons and ballistic missiles. In recent years, ballistic missiles and weapons of mass destruction technologies have increased at an alarming rate. In fact, rogue states such as North Korea and Iran have arsenals which are growing by the day. Alaska is within the sites of these rogue nations.

Residents of Alaska are concerned about the fact that there is no protection from the threat of a ballistic missile attack. The Alaska state legislature recently passed a resolution calling on the President and Congress to provide for the common defense of our nation and the deployment of a national missile defense system. We not only owe it to Alaskans to protect them from the threat of a ballistic missile attack, but to the entire United States.

Today, we can deliver on a policy that will move the defense of our nation forward. I urge your support of H.R. 4.

Mr. Speaker I include for the RECORD a copy of the Alaska House Joint Resolution.

HOUSE JOINT RESOLUTION NO. 8 IN THE LEGISLATURE OF THE STATE OF ALASKA

A resolution relating to a national ballistic missile defense system.

Be it resolved by the legislature of the State of Alaska:

Whereas the collapse of the Soviet Union has rendered obsolete the treaty constraints and diplomatic understandings that limited the development and deployment of weapons of mass destruction and their delivery systems during the Cold War; and

Whereas the world has consequently witnessed during this decade an unprecedented proliferation of sophisticated military technology, including nuclear, chemical, and biological weapons and ballistic missiles; and

Whereas the United States has recognized that it currently has no means of protecting all of its citizens from attack by these new threats and has initiated a program to develop and deploy a national ballistic missile defense system; and

Whereas four locations in the state are currently being considered as sites for deployment of the intercept vehicles for this system; and

Whereas each of these locations provides the unmatched military value of a strategic location from which Americans living in all 50 states can be defended as required by the United States Constitution; and

Whereas, throughout Alaska's history as a territory and a state, Alaska's citizens have been unwavering in their support of a strong national defense while warmly welcoming the men and women of our armed forces stationed here;

Be it resolved, That the Twenty-First Alaska State Legislature calls upon the President, as Commander In Chief of the Armed Forces of the United States, to provide for the common defense of our nation by selecting an Alaska site for the deployment of the national ballistic missile defense system.

Copies of this resolution shall be sent to the Honorable Bill Clinton, President of the United States; the Honorable Floyd D. Spence, Chair, Committee on Armed Services, U.S. House of Representatives; the Honorable John Warner, Chair, Committee on Armed Services, U.S. Senate; and to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress.

Mr. SPENCE. Mr. Speaker, I yield 4 minutes to the gentleman from Pennsylvania (Mr. WELDON), the chairman of our Subcommittee on Research and Development.

(Mr. WELDON of Pennsylvania asked and was given permission to revise and extend his remarks.)

Mr. WELDON of Pennsylvania. Mr. Speaker, I thank the distinguished chairman for yielding, and I want to thank both him and our distinguished ranking member the gentleman from Missouri (Mr. SKELTON) and the gentleman from South Carolina (Mr. SPRATT) for their leadership in working to bring a solid bipartisan resolution to the House floor.

I want to set the tone, Mr. Speaker, for the debate and why we are here, so I want to outline for my friends why we are offering this bill at this time.

It was back in 1995, Mr. Speaker, that the President of the United States vetoed our Defense Authorization bill; and in his veto message, one of the key elements that he referred to was that our intelligence community does not foresee a missile threat in the coming decade. This is President Clinton. And he went on to say that we should not force an unwarranted deployment decision then, which we had in our bill, again with a bipartisan vote, and so he vetoed the legislation.

Since that point in time, Mr. Speaker, the intelligence community, in support of the Rumsfeld Commission's findings, which were briefed to Members of Congress on the House floor today in an unprecedented 90-minute closed session, has stated the threat is here now.

In fact, the intelligence community publicly has said that North Korea, with their test of a three-stage Taepo Dong rockets on August 31 of last year demonstrated that it can put a small payload with a chemical or biological or small nuclear warhead into the heartland of the U.S., not to just Alaska or Hawaii, but to the heartland of the U.S. That is the first time we ever faced such a threat.

With the Rumsfeld Commission and intelligence community now in total agreement on the threat then, the question is, let us make a deployment decision so that we can move forward. Unfortunately, the administration has chosen not to do that. This is the statement of Defense Secretary Bill Cohen on February 1 of this year. This statement says, and I would ask my colleagues to look at this, ''If the President decides that the deployment should go forward,'' if he decides, ''next June the President would make that decision.''

This bill, make no mistake about it, is a clear and definitive difference between the administration's policy of waiting a year until June and us making that decision right now. We need to make that decision now. It does not mean we know the architecture, how long it will take. It does not mean that we should immediately abandon the ABM Treaty or have the Russians in fact think we are trying to back them into a corner. Because some who will support this bill want to keep the ABM Treaty until we can negotiate with the Russians. So the bill was written in such a way as to allow a number of Members in each party to support it.

Let me talk for a moment since we have now identified the fact that the threat has been verified by the intelligence community. Some would say, what about the cost? As I mentioned during the debate on the rule, we have today spent $9 billion on Bosnia protecting the Bosnians and the people in the Balkans.

This system the President is proposing would be less than or, at most, equal to what we will spend in the Balkans, less than what we spend each year on environmental cleanup, less than one half of one percent of our total defense acquisition budget.

The third issue that is raised is this will destabilize our relationship with the Russians. We heard that repeatedly. This past weekend, eight of us, two Democrats and six Republicans, along with Don Rumsfeld, former Defense Secretary, the former CIA Director Jim Woolsey for President Clinton, and Bill Schneider, former Deputy Secretary of State, traveled to Moscow and we briefed the Duma on why we are doing this. This is not about destabilizing our relationship.

I encourage my colleagues to support this bipartisan resolution and vote ''yes.''

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

Ms. LEE. Mr. Speaker, I thank my colleague for yielding me the time.

Mr. Speaker, I rise today in strong opposition to H.R. 4. Simply stated, this bill is wrong. It does nothing to advance our technological capability to protect America. And even worse, it could reverse ongoing efforts to dismantle Russia's nuclear arsenal.

Today's vote would wager America's national security. Our Nation would be dependent on a nonexistent system that has failed 14 out of 18 recent tests. If this bill actually becomes law, it will lock us into automatic deployment of a national missile defense system without regard to cost to our taxpayers or the system's effectiveness or its impact on relations with our allies.

This bill is a blank check to defense contractors and a hollow promise to

Americans who are rightly concerned about our national security. However, instead of spending billions of dollars committing to deploy a system that is unlikely to work undermining our national security, we should focus on defense initiatives we know will make American families safer, conducting tougher arms control and verification measures, continuing the dismantling of Russia's nuclear weapons, engaging in a coordinated effort against terrorism, and making sure our troops have the training, equipment, and quality-of-life programs that they need and deserve.

Finally, this vote really sends the wrong message at the wrong time. Why, Mr. Speaker, are we pushing this vote just days before the Russian Prime Minister is set to arrive in Washington in the midst of U.S. efforts to negotiate modifications to the ABM Treaty and just as the Russian Duma has asked President Yeltsin to start the ratification process for START II?

We must be vigilant in our attempt to keep efforts on track to reduce nuclear weaponry. We must not allow this bill to turn back the clock on these efforts. For these reasons, I urge the House to reject H.R. 4, reject the automatic deployment of weapons derived of latter-day Star Wars mentality, and, if necessary, call on the President to veto this bill.

Mr. SPENCE. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. LEWIS), the chairman of the Subcommittee on Defense Appropriations.

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

Mr. LEWIS of California. Mr. Speaker, I would like to very much express my appreciation to our chairman, the gentleman from South Carolina (Mr. SPENCE), and the gentleman from Missouri (Mr. SKELTON) for the wonderful work they have done. And congratulations to both the gentleman from Pennsylvania (Mr. WELDON) and the gentleman from South Carolina (Mr. SPRATT) for their bipartisan effort.

Mr. Speaker, I rise in support of H.R. 4. This morning prior to the start of this debate, every Member had the opportunity to be briefed on the growing threat to Americans from ballistic missiles. What is extremely alarming is the emerging threat posed by North Korea and Iran. As we know, both countries are of particular concern because they are actively seeking to develop medium- to long-range ballistic missiles. In fact, with regard to North Korea, the Rumsfeld Commission issued a clear warning. Their report said:

> There is evidence that North Korea is working hard on the Taepo Dong 2 (TD–2) ballistic missile . . . the TD–2 could be deployed rapidly . . . This missile could reach major cities and military bases in Alaska and the smaller, westernmost islands in the Hawaiian chain. Light-weight variations of the TD–2 could fly as far as 10,000 km, placing at risk western U.S. territory . . . from Phoenix, Arizona, to Madison, Wisconsin.

The actual launch of a three-stage Taepo Dong 1 in August 1998, just a month after that report was issued, served as unambiguous demonstration of North Korea's capability. The threat emanating from unfriendly rogue nations like North Korea is why I strongly support this legislation.

Unfortunately, opponents of this bill argue that the U.S. is not ready to deploy missile defense and that the system is not technically mature. Others will say, the system is too costly and that the bill mandates deployment and ignores important issues such as the threat environment, ABM treaty implications and START agreements. To those who oppose this legislation on these grounds, I say the language of the bill is simple. It states: "That it is the policy of the United States to deploy a national missile defense."

What is important is that it does not say that missile defense should be deployed before it is ready or technically mature. It does not say that the U.S. should deploy a missile defense system regardless of cost or that policy makers should ignore the threat environment. Perhaps most important, the bill does not say that the U.S. should abrogate the Anti-Ballistic Missile (ABM) Treaty nor does it say the U.S. should abide by the treaty.

H.R. 4 simply says the Congress and the Administration are committed to protecting American citizens against ballistic missile attack.

The White House says that it wants to protect the American people against the emerging long-range threat and asserts that the decision to deploy National Missile Defense will be based on four factors: (1) the threat environment; (2) the cost of the system; (3) treaty implications, and; (4) the technology and operational effectiveness of the system.

If handled in an expeditious manner, it is my view that this is not an unreasonable list of considerations. In fact, as Chairman of the Appropriations Subcommittee on Defense I will be very interested in the cost of the system.

Therefore, I believe this bill is an opportunity to get bipartisan agreement on a critical policy and yet it is flexible enough to allow for continued discussion on matters concerning cost, technology and treaty implications.

The time is right to secure an agreement on the policy of protecting our citizens against a potential limited ballistic missile attack. I commend Mr. WELDON for introducing this legislation and I strongly urge Members to vote for the bill.

Mr. SPENCE. Mr. Speaker, I yield 2 minutes to the gentleman from Utah (Mr. HANSEN).

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

Mr. HANSEN. Mr. Speaker, I appreciate the gentleman yielding me this time.

Mr. Speaker, there is a scripture that I believe in that goes this way: It says, "If you are prepared, you shall not fear."

As a member of the Committee on Armed Services, the Cox Commission, and a former member of the Committee on Intelligence, I find this a very interesting debate that we find ourselves in.

I remember the early 1980s we were standing here debating something called the MX missile. I noticed how many people stood up and said, this will enhance the risk and buildup and we should not do it. That did not happen. Then later on we got into something we called "nuclear freeze," and some people stood on floor and said, if we do that, the other nations will have to go along with this, as the Soviet Union. Fortunately, we did not do that one either.

Then we got into something called Krasnoyarsk, and that is where many people were saying they do not have that radar in violation of the treaty. It turned out they did. And when they came down, they even acknowledged that they did.

Now we find ourselves in a position where people are standing up and saying, Mr. Speaker, the Cold War is over. There is nothing more to worry about. Where have they been? What about Iraq, Iran, China, Korea, all of these particular areas that are still doing these things?

I think it interesting as we hear the President and other dignitaries stand up and they say there are no missiles pointed at the United States. Past Director of the CIA, Jim Woolsey, stood up at one time and made this statement. "How long would it take to reprogram those missiles?" He used this example. He said, "As long as it takes my arm to go from here to there." So big deal that they are not programmed at us. Basically, they think that we think that they are.

Does anyone in their right mind actually think Saddam Hussein if he had these weapons of mass destruction would not use them against the United States of America? What is it they need? The weapon of choice in a rogue nation happens to be a missile. They do not need big armies. They do not need big navies. They do not need a big air force. So what do they need? They need a missile. And we know they have a missile. They need a warhead. And we know that they have a warhead. And we know that they have a guidance system.

I would urge my colleagues to support the resolution and this bill.

Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. SHERMAN).

Mr. SHERMAN. Mr. Speaker, most Americans have lived their entire lives under the threat of nuclear Armageddon. At the conclusion of the Cold War, many hoped that threat would subside. But today rogue states are developing ballistic missiles and weapons of mass destruction.

China has at least 18 ICBMs capable of hitting the United States and is stealing our nuclear secrets. Russia has thousands of tactical and strategic nuclear weapons, and that society is fraying at the edges in its ability to control each military unit that possesses nuclear weapons and to control each of its scientific institutes is not assured.

Further, in addition to the risk of ICBMs, smuggling things into the United States is demonstrably easy. A nuclear weapon is smaller in many cases than a child. And one could only

imagine a Saddam Hussein holding a press conference in Los Angeles where one of his agents unveils that they have snuck into my city a dummy nuclear weapon while, God forbid, holding a press conference in Baghdad displaying a real nuclear weapon.

Missile defense can be one element of our security, and this bill is broad enough to encompass a cost-effective approach toward missile security. But it is also broad enough so that it could be interpreted as spending all of our available security resources on missile defense. We instead must devote some of those to diplomatic efforts to ensure international support of nonproliferation.

□ 1415

We must spend resources on counterintelligence. We must spend resources on domestic security so we are confident that biological poisons cannot be surrepetitiously entered into our water supply. We must spend funds on border security so that the chance that a nuclear weapon that is sought to be smuggled into America is caught in that process is at least as good as the possibility that an ICBM aimed at America would be destroyed. We must cooperate with Russia as well.

Mr. Speaker, I look forward to the adoption of this resolution and its reasonable interpretation.

Mr. SPENCE. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado (Mr. HEFLEY), chairman of the Subcommittee on Military Installations and Facilities.

Mr. HEFLEY. Mr. Speaker, I rise in strong support of this bill and commend the leadership for bringing this issue to the floor today. I thank my colleagues on the other side of the aisle who will have the courage to vote to declare it the policy of the United States to deploy a national missile defense.

Mr. Speaker, in my district, Colorado Springs is ground zero for the missile launch warning and tracking system for the United States military. I have visited the incredible facilities at NORAD, Cheyenne Mountain, the U.S. Space Command, and Schriever Air Force Base on many occasions.

In fact, on one occasion when I visited NORAD, they put me in front of a monitor and they simulated an attack on the United States. A missile came over the polar region from the Soviet Union and they told me what that missile was, what its explosive power was, where it was going to hit, and I said, ''This is magnificent. This is state of the art. What do we do now?'' And they said, ''Nothing.'' They said we might be able to warn, give a short warning to some of the people that are going to be killed by it, but not enough warning for them to escape. We can do nothing. I do not think most of the American people realize that.

I wonder how it sits with the American people. I wonder how my colleagues who are opposed to this policy can look their constituents in the eye and say, ''We shouldn't try to build a system to protect you and your families.''

I have listened to the arguments coming from the President over the years who has opposed this and others and they make some points. We need to consider all of these points. But, Mr. Speaker, to not even try sickens me. I hope all Members will, when considering their vote on H.R. 4, think about the people that sent them here to represent them but also sent them here to protect them from things like this.

That building across the river over there that we call the Defense Department, I have always thought it curious that we called it the Defense Department but it cannot defend us against the number-one threat to America today.

Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

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

Mr. ANDREWS. Mr. Speaker, I thank the gentleman for yielding me this time. I want to congratulate the gentleman from South Carolina (Mr. SPRATT) and the gentleman from Pennsylvania (Mr. WELDON) for their bipartisan and tireless effort to bring this legislation to the floor and thank our committee leadership, the gentleman from South Carolina (Mr. SPENCE) and the gentleman from Missouri (Mr. SKELTON), for giving us this opportunity.

The Constitution says that one of our foremost responsibilities is to provide for the common defense. I do not think there is a Member here who does not hold in his or her heart that responsibility very highly. But there will be those who argue that this is not the right way to provide for the common defense. I respectfully submit that they are wrong. This is the right way to provide for the common defense. Some say that the risk is not there or we are exaggerating it. I believe that our best judgment from our best intelligence compels us to conclude otherwise. Some say the technology will not work yet. They are right. But the technology for virtually every major weapons system did not work in the early stages. The technology for our space program did not work in the early stages. The technology of corporate America rarely works in the early stages. Technology never works if you do not try. This is about trying to make this technology work.

Others will say that other priorities should take precedence over this provision for the common defense. There are other important priorities. There is no priority more important than defending this country from attack. Because nothing else we do is possible if we fail to defend the country from attack. And how much are we asking to invest in this? Over the next 5 years, we will spend about $10 trillion of the taxpayers' money to develop this country on education, health care, transportation, all the other things that we do. This program will spend about one-tenth of 1 percent of that amount of money. The other 99.9 percent will be otherwise spent.

This is a wise choice. I urge my colleagues to support this bill.

Mr. SPENCE. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. GILMAN), chairman of the Committee on International Relations.

Mr. GILMAN. Mr. Speaker, I thank the distinguished chairman of the Committee on National Security for yielding me this time and for bringing this measure to the floor at this time.

I am pleased to express my strong support for this important legislation, H.R. 4, a bill which declares our Nation's policy to be able to deploy a missile defense.

Each of us, after hearing this morning the findings of the Rumsfeld Commission, more fully understands the extensiveness and the seriousness of our national security concerns. Each of us understands that the ballistic missile threat is growing and presents not only a danger to our men and women deployed overseas but also now to our citizens here at home. Each of us understands that today our Nation does not have the capability to defend ourselves against a ballistic missile attack.

Today, we take important action to address this threat. Coupled with the vote in the Senate yesterday, we can now assure the American people that we are moving ahead with the deployment of an appropriate national missile defense shield.

Today's vote is timely for another reason. Just yesterday, a senior White House official concluded that Chinese espionage at our U.S. nuclear labs facilitated their efforts to modernize China's nuclear capability, thereby improving the ability of Chinese missiles to strike American cities.

Even more alarming is the possibility that China will pass on nuclear secrets to other nations, such as Pakistan and North Korea, as it has repeatedly done before.

Many deserve credit for this vote today, but I want to single out the gentleman from Pennsylvania (Mr. WELDON) who has tirelessly and steadfastly worked to educate all of us and the American people on the necessity to deploy a ballistic missile defense system.

Mr. Speaker, H.R. 4 is a simple, straightforward, 15-word bill. But its simplicity belies the profound implications it has for our Nation. Accordingly, I urge all Members to fully support this legislation.

Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Speaker, as a new Member of Congress and as a mother and as a grandmother, I take deadly seriously the decision to commit the United States to the deployment of a missile defense system. I see

this proposal as nothing more than the beginning of Cold War II. And for me it is not just about the money, and it is not just about whether an antimissile defense system works, although we have already spent $55 billion and we still have not developed a technology that will work, and it is not just about whether it is truly defense. The fact is that America's borders and ports are open to penetration at much less cost and much less risk. So even if we could develop a bullet that could hit a bullet, it still remains not the best and most direct route from here to security.

We should begin that journey by canceling plans to proceed with the deployment of a national missile defense system, because it is in our security interest to do so. Then we could put more emphasis on measures to reduce strategic arsenals around the world. For example, we could apply some of those billions of dollars to programs like the Nunn-Lugar program to assist the Russians in dismantling nuclear weapons. Make no mistake about it, a military buildup, which is what this is, brings us closer to war.

My granddaughter, Isabelle, celebrated her first birthday this week. For her sake, we must put our energy, our resources, our intelligence and our dollars into actively, proactively pursuing peace.

Mr. SPENCE. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. HUNTER), chairman of the Subcommittee on Military Procurement.

Mr. HUNTER. Mr. Speaker, I think there is one thing that housewives and our other citizens across the Nation need to know, because I have sat in focus groups and listened to them say over and over again that they thought that there was a defense. And interestingly, the mothers of this Nation seem to be the most outraged when the moderator tells them, no, there is no defense. They say, ''Well, that's outrageous. Of course our country has a defense against incoming ballistic missiles.''

Now, it has been argued over and over that we have spent $120 billion and we have not produced or built any system. Well, that is because every bill that we have put forward that has authorized expenditure of money has specifically kept that money from going toward production. We have said in every authorization bill and every appropriation bill, you can research, you can do all kinds of analysis, you can't build anything. So now the opponents of national missile defense say, well, we haven't built anything. Well, that is right, and that is why the bill of the gentleman from Pennsylvania (Mr. WELDON) is on the floor today, to move the country forward in a unified manner and build something. And for those folks like the gentlewoman who just spoke who say that they will rely on mutually assured destruction, the problem that we have now is that it appears that there are certain people on this globe like Mr. Khadafi who will take that bet. They will go along with mutually assured destruction. Mr. Khadafi has said that if he had the missiles when we backed him down in the Gulf of Sidra, he would have fired on New York City. Unfortunately, because of arms sales and the proliferation of missile technology, Mr. Khadafi may well soon have the ability to carry out what he has stated that he will do.

Now, can we hit a bullet with a bullet? Well, yes we have done that. In fact, when Adolf Hitler fired the first missiles, those slow cruise missiles that he called buzz bombs at London in World War II, within a few weeks we designed a system to hit those slow-moving bullets with other bullets, with real bullets, and shoot them down. When we had American troops shot at by those Scuds, which are ballistic missiles, we hit those bullets with bullets, albeit slow bullets, we shot them down. Can we shoot down faster bullets? Absolutely. With a computing power that is millions of times above what it was just 10 or 12 or 15 years ago, of course we have that capability. But as long as we have conditions in our authorization bills that say you can research and develop forever but don't ever build anything, of course we never will build anything.

Finally, every time a threatening system has come before this country, has faced this country, whether it was the advent of the machine gun, or the tank, or radar, or enemy aircraft, we have built defend against those systems to protect our people. If we do not build a system to defend against incoming ballistic missiles, we will have turned down that most important duty for the first time in our history.

Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentlewoman from Georgia (Ms. MCKINNEY).

Ms. MCKINNEY. Mr. Speaker, I rise in opposition to H.R. 4. I think we all know and I think the American people know that the issue before us is as much about politics as it is about a meaningful debate over national security policy. It appears to me that the Republican Party views missile defense as a good issue for the year 2000 elections. How else could we find ourselves in the sorry position of being asked to write a blank check to build a system that is unproven, that threatens to undermine the arms control efforts of the last six administrations, that could easily be thwarted, that could lead to a second nuclear arms race, and would divert billions of dollars from other neglected defense and nondefense programs?

This is certainly a prime example in my opinion of dumb public policy. Apart from squandering billions of dollars on a system that has not been successfully tested, this proposal poses a threat to our national security in three other ways: First, it provides a false sense of security while doing nothing to combat perhaps our most pressing security threat, which is terrorism. A rogue state or a terrorist group is far more likely to deliver a bomb or a chemical or biological attack in a suitcase, a subway train, as was done in Japan, or in a Ryder truck.

Second, it will divert resources from other neglected defense programs. Over the past several months, we have heard compelling and professional testimony from the heads of all uniformed services on many other emerging threats to our armed forces, from laser technology that can blind our pilots to sophisticated computer attacks. And every one of the service chiefs has spoken of the immediate need to provide adequate pay and benefits for our most important military asset, our people in the military service, thousands of whom still depend on food stamps to provide for their families.

□ 1430

Instead of addressing these issues today, here we are debating spending billions and billions and billions of taxpayers' dollars for the return of Star Wars.

Third, deploying a national missile defense system jeopardizes the START process.

To quote one commentator: ''The only thing this national missile defense system is ever likely to intercept is billions of taxpayer dollars.''

Mr. SPENCE. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. MCKEON).

Mr. MCKEON. Mr. Speaker, I rise in support of H.R. 4, and I want to thank the gentleman from South Carolina (Mr. SPENCE) and the gentleman from Missouri (Mr. SKELTON) for their leadership in getting this bill to the floor.

As my colleagues know, I grew up at a time when we had a worldwide threat. I can remember when I was going to school and our teachers would call drop drills, and we had to dive under our desk and turn away from the windows. We lived in constant threat of nuclear attack. Lately that threat has seemed to have disappeared, and the President said in the State of the Union that we were safe, that we were not under any threat of nuclear attack, and polls say that 70 percent of the people of our country feel that we are safe from nuclear attack.

But I want to thank the gentleman from Pennsylvania (Mr. WELDON) for making the truth known and the gentleman from South Carolina (Mr. SPRATT) for joining him in a bipartisan way.

Mr. Speaker, we do not live in a safe world. The defense of our Nation, which is one of our fundamental responsibilities in the Constitution, is an issue that should unite all Americans regardless of ideology. Less than 1 percent of our defense budget is spent on research to develop a national missile defense capability, yet the threat we are facing is growing. Russia and China are selling missile technologies to nations such as Iran and North Korea bringing these last two countries closer to producing their own missiles.

The threat to our national security and the security of our citizens is real. We do not have drop drills now, but perhaps we should until we get this missile defense system deployed.

H.R. 4, which was passed overwhelmingly by the House Committee on Armed Services, is an appropriate response to this threat. I urge a yes vote on H.R. 4.

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

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

Ms. WOOLSEY. Mr. Speaker, maybe I am just too simple, but today's debate, today's argument for an extended missile defense system, takes me back to the 1950s when I was in school. At least weekly while I was in grade school every student and our teachers went under our desks to practice protection against the atom bomb. Mr. Speaker, I can assure my colleagues we have a false sense of security, and it all came from these exercises. Now I question just how safe we could be with this missile defense technology against rogue States.

Mr. Speaker, what are we really investing in? I fear what we will be investing in is a false sense of security. I would suggest that instead we invest in true security. We can spend our scarce Federal dollars on technologies to protect us from the unknown, or we can use these scarce resources to keep our country secure by investing in humanitarian relations with other nations around the world.

For example, if we want to get serious about our nation's defense, we should be investing in programs that will prepare us to confront the international challenges we actually face and keep nuclear materials out of the hands of terrorists and rogue nations. This is a more effective tool for nonproliferation than Star Wars will ever be. This is where we should be investing our scarce dollars.

There is an even greater way that we can invest and that we can ensure national security. We can invest in our children. Education is truly the cheap defense of our Nation and all nations. By investing in education of our children, we will ensure that they are prepared for a high-tech global economy, they will be prepared to work for peace, and they will know that weapons of mass destruction and ballistic missiles can destroy every human being on this Earth.

Mr. SPENCE. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. THORNBERRY).

Mr. THORNBERRY. Mr. Speaker, thanks to the work of the gentleman from Pennsylvania (Mr. WELDON), the chairman of the committee, the gentleman from California (Mr. HUNTER), others and the Rumsfeld Commission, no one seriously questions whether we are threatened today by the spread of missiles, nor does anyone question whether that threat is going to grow in the future. No one seriously questions whether the American people want and in fact demand a defense against those missiles, which even the administration now seems to acknowledge.

Mr. Speaker, if the national security is the first responsibility of the Federal Government and if protecting the homeland of the United States and the people of the United States is the first job of national security, then I do not know of any program that ought to be higher on the priority list than this one. The question is do we in Congress and does the administration really mean what we say in this resolution? Are these words merely a way to try to deal with a political problem and the polls, or do they mean something, and are they going to be backed up with action?

Since 1983, we have heard a million excuses about how we could not do this or we should not do this. Even today we hear excuses. But we cannot give Russia or anyone else a veto over our right to defend ourselves, we cannot be afraid of test failures, and we certainly cannot be fooled by those few people who say that by weakening ourselves we are really making ourselves stronger.

Mr. Speaker, the time for excuses has ended. The time for action is now. The time to back up these words with real actions that protect the American people is today.

Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentleman from Vermont (Mr. SANDERS).

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

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

Mr. Speaker, this debate is about whether, after spending $140 billion on missile defense programs over the last 40 years, we continue to spend billions more. But this debate is about much more than that. Given the fact that there is a limited amount of funds available for our needs, let me tell my colleagues what this debate is also about. This debate is whether millions of senior citizens today who cannot afford the prescription drugs they need to ease their pain or stay alive are going to get those prescription drugs or whether we continue to spend even more on the military. That is what this debate is about.

This morning, Mr. Speaker, I attended a committee meeting with representatives of all of the veterans organizations, and they said what is absolutely true, that this Congress has been disgraceful in ignoring the needs of our veterans and our Veterans Administration hospitals, and they are begging us for a few billion dollars more to protect our veterans so that we do not turn them away from our VA hospitals. But over and over again we hear there is no money available for our veterans; but, yes, there is $150 billion more available over the next 5 years for military spending.

And we have young families all over America who look forward to sending their kids to college; no money available for Pell grants, yet more money available for Star Wars, for B–2 bombers, for every defense system that the military industrial complex wants.

Now I have heard that we are spending very little so far on defense, on understanding, on research for the missile defense program. If we have $300 billion in the defense budget now and we do not even have a Soviet Union out there to oppose us, why do we not take some of that money rather than asking us for more? The United States today spends $300 billion, NATO spends $200 billion, North Korea spends less than $3 billion.

Take what we have and spend it wisely.

Mr. SPENCE. Mr. Speaker, I yield 2 minutes to the gentleman from Kansas (Mr. RYUN).

Mr. RYUN of Kansas. Mr. Speaker, most Americans believe the United States military has the ability to defend our country against a ballistic missile attack. However today the United States does not have the capability to shoot down one single ballistic missile.

Mr. Speaker, I ask why have we failed to develop this capability? Is it because the threat of a ballistic missile attack disappeared with the fall of the Soviet Union? Absolutely not. Since the end of the Cold War, the threat of a ballistic missile attack against the United States has become more serious and more difficult to anticipate. Through the continued proliferation of key missile technologies by China and Russia, rogue nations around the globe have acquired long-range ballistic missile technology that now puts the United States in jeopardy.

Mr. Speaker, in 1995 the current administration did not foresee a long range ballistic missile threat for at least a decade. The administration's opinion has now changed. General Lester Lyles, the Pentagon's Director of the Ballistic Missile Defense Organization, confirmed the threat to the American people by saying this, and I quote:

> We are affirming the threat, it is real today and it is growing.

Mr. Speaker, these are not reassuring words, and they are disturbing words that relay a disheartening message to the American people. Detractors of a missile defense system spread the rumors and the myths that a national missile defense system would cost too much to deploy. It has cost this administration an estimated $19 billion over 6 years to support its peacekeeping missions. Compare that to the estimated $10 billion that it will cost the United States over the next 6 years to protect American lives from a long-range ballistic missile attack.

Mr. Speaker, China, North Korea, Iran, Iraq, Libya have all acquired the

technology to deploy ballistic missiles against the United States. H.R. 4 is the first step that must be taken if the United States wishes to protect its population against an existing ballistic missile threat.

I commend the diligent work done by my colleagues, the gentleman from Pennsylvania (Mr. WELDON) and the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. Mr. Speaker, I yield 1 minute to the gentleman from Alabama (Mr. CRAMER).

Mr. CRAMER. Mr. Speaker, I rise today in strong support of H.R. 4 and urge its support by my colleagues. This is a simple resolution that above all else is a statement about the reality of the world in which we live. I was pleased to join the gentleman from Pennsylvania (Mr. WELDON), my colleague on the other side, in a very important trip to Russia this past weekend with the gentleman from Texas (Mr. TURNER), who will speak on this issue as well. We delivered a message to the Russian Duma about ballistic missile defense and the fact that we will protect the shores of this country. This is not a violation of our treaty with Russia.

The Cold War is over, but the threat is there. Listen to the words of the Rumsfeld Commission. We have invested billions of dollars in technology to try to protect the shores of this country. The only responsible thing to do is to now deploy. To vote for deployment is to begin to protect the shores of this country from missile threats from rogue nations. It is our responsibility to do so.

I thank the gentleman from Pennsylvania (Mr. WELDON), I thank the gentleman from South Carolina (Mr. SPRATT) for their leadership, and I urge Members to support H.R. 4.

Mr. SPENCE. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. JONES).

Mr. JONES of North Carolina. Mr. Speaker, the Cold War is over, and yet America is less safe. Here are the facts. Iran conducted its first flight test of a medium range ballistic missile last year, an entire year earlier than the intelligence community had predicted. North Korea continues to develop and test a ballistic missile with long-range capabilities that would pose a direct threat to much of the continental United States. In 1996, a Chinese general threatened the destruction of Los Angeles, and today China has 13 of its 18 missiles pointed at United States cities.

Mr. Speaker, our national security is threatened, and to the surprise of most Americans our United States military cannot destroy one, not one incoming missile.

Americans are just now learning the frightening truth. The Clinton administration has lulled the United States citizens into a false sense of security. How can we afford to send U.S. troops to Bosnia and now Kosovo, but we cannot find the money to protect America against a missile attack? The fact is the costs to deploy a national missile defense capability will amount to less than the amount this administration has spent on peacekeeping deployments over the past 6 years.

Mr. Speaker, a vote for H.R. 4 is a vote to protect and defend the citizens of this great Nation.

□ 1445

Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. LEWIS).

Mr. LEWIS of Georgia. Mr. Speaker, one out of every five children lives in poverty. Over 40 million Americans have no health insurance. One out of every three public schools is falling apart. Spending billions of dollars on missile defense does nothing to solve these problems.

In the words of Dwight D. Eisenhower, every gun that is made, every warship launched, every rocket fired signifies a theft from those who hunger and are not fed, those who are cold and are not clothed.

President Eisenhower, a Republican, had the experience and the wisdom to appreciate the cost of the military to our society. It is the price we paid during the Cold War because we had to.

Mr. Speaker, that threat is no more. There is no need for a missile defense, for spending billions of dollars on some pie in the sky boondoggle.

This May, the sequel to the film Star Wars will be released. It is called The Phantom Menace.

Mr. Speaker, today we are debating whether to build a sequel to Ronald Reagan's Star Wars system. It too should be called The Phantom Menace.

This Phantom Menace defense system will cost at least $20 billion and protect us against a threat that simply does not exist.

It is time to recognize the peace dividend, to redirect our priorities and invest in our people, not in weapons.

Make no mistake, a dollar more for missile defense is a dollar less for health care, for education and for food. This Phantom Menace missile defense system will not educate the unlearned. It will not provide hope for the hopeless, food for the hungry or medicine for the sick.

I urge my colleagues, do not choose bullets over babies, bombs over books, missiles over medicine.

Let it be the policy of our great Nation to beat our swords into plowshares, to invest not in the instruments of war but in the dividends of peace, in education and health care, in hope and opportunity, in our children, our families and our future.

Vote no on the remains of a bygone age. Vote no on this resolution.

Mr. SPENCE. Mr. Speaker I yield 1 minute to the gentleman from Michigan (Mr. KNOLLENBERG).

Mr. KNOLLENBERG. Mr. Speaker, I rise in very strong support of H.R. 4. Recent showdowns with Iraq and North Korea are a stark reminder that the fall of the Soviet Union has not led to an absence of threats to our national security. Indeed we still live, and as people have said, in a very dangerous world. We must continue to make this Nation's defense our number one priority.

While the United States has conducted research on missile defense for years and possesses the technology to protect the American people from a ballistic missile attack, most Americans are outraged to discover that political foot-dragging has prevented such a defense system from being put in place.

Clearly, it is time for Congress and the President to make a commitment to deploy a national missile defense. Additional excuses and further delay will only weaken our national security and endanger American lives.

With rogue nations like Iran, Iraq and North Korea working feverishly to develop weapons of mass destruction and the missile technology to deliver them inside the United States, there is simply no justification for leaving the American people vulnerable any longer. Cast votes in favor of a strong, secure America. Vote for H.R. 4.

Mr. SPRATT. Mr. Speaker, I yield myself 11 minutes.

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

Mr. SPRATT. Mr. Speaker, I have followed this issue for a long time, since chairing a panel of the Committee on Armed Services in the mid-1980s on SDI for 4 years, and I want to put this whole matter in some context, explain to my friends who do not understand why I am supporting this simple bill.

In March of 1983, Ronald Reagan launched the strategic defense initiative, and with it a charged debate. The arguments over the old perennials of the Cold War, the ASATs and the B–2 and the MX, ended long ago but this one smolders on. Unlike any other weapons system I have seen in the time that I have served here, this one has become a political totem. Its advocates not only disagree with its opponents but they accuse them of leaving the country vulnerable to missile attack. They diminish the fact that deterrence worked for all of the Cold War and they act as if missile defenses were almost off the shelf, available to shield the country, the whole country, from attack, when this capability is far from proven and may never be attained.

On the other hand, opponents accuse the advocates of firing up the arms race again. They give too little credit to the advantages of defending ourselves against nuclear attack and moving away from massive retaliation, mutual destruction, complementing deterrence with defense.

Today, the House takes up that missile defense debate again, this time with a resolution that is notable for its brevity, if nothing else, that it is the

policy of the United States to deploy a national missile defense system. Of course the United States has deployed a national missile defense system.

We spent $15 billion in today's money building Sprint and Spartan and setting up Safeguard at Grand Forks, North Dakota, only to shut the system down in 1976. Even then the Pentagon did not quit spending in missile defense.

In the year Reagan made his speech and launched SDI, the Pentagon put $991 million in its budget for missile defense and that sum was budgeted to rise annually to $2.7 billion by 1988, most of it to go for protecting MX missiles in their silos.

After the eighties, the mid-eighties, the defense budget, as all of us know, barely kept up with inflation. With Ronald Reagan pushing it, SDI kept on increasing, rising so fast that within 4 or 5 years of his speech SDI was the largest item in the defense budget, a big defense budget.

At nearly $4 billion, SDI was getting almost as much as the entire research and development account of the United States Army.

Sixteen years have passed and the Defense Department has spent some $50 billion on ballistic missile defense and has yet to field a strategic defense system. Now by anybody's reckoning, that is real money.

It is hard to claim, with this much spent, that the absence of a deployed system is due to the lack of commitment. The problem is more lack of focus than a lack of commitment or lack of funding. Plus the fact, the plain hard fact, that this task is harder than Ronald Reagan ever realized.

Early on, the architects of strategic defense decided that it had to be layered; one layer would not do. The system had to thin out some missiles in the boost phase as they rose from their silos. It had to take out some reentry vehicles in the mid-course as they traveled through space, and the remainder had to be taken out as they descended in the atmosphere to their targets.

So the Pentagon developed a whole family of systems. There was the Endo-atmospheric interceptor, and Exo-atmospheric interceptor, a terminal interceptor. There was Space-Based Kinetic-Kill Vehicles which later became Brilliant Pebbles. All of those were kinetic killers, which meant they were designed to collide head on with their targets.

Since hitting a target that is moving 7 kilometers a second is a daunting task, to say the least, SDI put some money into an alternative technology: Directed energy.

At one time, the SDI program supported five different laser systems, space-spaced and ground-based. Since missile defense requires better acquisition of targets, better tracking, and a means of discriminating real targets from decoys, SDI had to put money into those systems, too. We developed a pop-up system, known as the GSTS. We developed space-based infrared sensors first known as Space and Missile Tracking System, now known as SBIRS Low and SBIRS High.

We even went into interactive discrimination with an esoteric technology called the neutral particle beam, which would have been based in space.

Now let me emphasize, not all of these pursuits took us down blind alleys. Not all of this money was wasted, not by any means. The ERIS, for example, was bypassed for a better interceptor but the projectile that the Army developed for the ERIS, the Exo-atmospheric interceptor called the LEAP, is now on the top of the Navy's upper tier system. It has been used there.

The Army has a system called the THAAD, which intercepts in the atmosphere. In the atmosphere, there is a lot of friction. That system, the THAAD, has a sapphire window aperture on it developed for the HEDI.

So we have used the technology for other systems and it has evolved forward. We have made progress with this $50 billion.

After the Gulf War, SDIO eventually evolved into BMDO, and BMDO had theater missile defense and strategic defense, a bigger plate and less money. It decided it had to put its money where it would pay off so it started taking assessment of what worked and what did not work. The first thing they did was discard lasers because lasers were too futuristic. Ground-based lasers are hard to propagate in the atmosphere without distortion. Spaced-based lasers in fixed orbits are easy to counter attack, hard to power. They were discarded.

Boost-phased interceptors are also vulnerable to attack if they are in fixed orbit in space, and given the fact that there have to be so many on target on station all the time, we need thousands of them, literally thousands launched to do the job.

Even if all of these problems could be overcome, for boost-phased interceptors they could still be outrun by missiles like the SS–24 which had a boost-phase burnout time of 180 seconds.

Why go through all of this? Because it shows the frustration of these efforts. We are not here today because we have not had the will to do it. We have spent the money. We have pursued these things. We simply have not yet been able to prove that the system can work.

Where we have ended up is with ground-based interceptors, mid-course interceptors. These have the merit of being treaty compliant. They are technically mature. They are clearly the best candidate to go first, but nobody should think that they answer Ronald Reagan's dream. The first problem they face today and 15 years ago is countermeasures in the form of decoys and chaff and RVs that are attached to and enveloped in balloons which lure the interceptors off course.

The next is a limiting condition that the SDIO acknowledged in the 1992 report. Because of the radiation and the heat and the electromagnetic effects that are generated when an RV is destroyed with a nuclear warhead inside it, SDIO decided that it could not postulate the destruction of more than 200 oncoming RVs at any given time.

If we were attacked by an adversary as sophisticated as Russia, with an arsenal as large and diverse as theirs, the first wave attack could easily exceed 200 RVs. So nobody should assume that we are anywhere close to protecting the whole American continent from ballistic missiles. We are not even close to that.

Now, H.R. 4 says it is our policy to develop a national missile defense. The mid-course interceptor is clearly the candidate for this mission. This is not a system, however, that will render nuclear weapons impotent and obsolete. If we have learned anything over the past 16 years, we have learned that a leak-proof defense is so difficult it may never be attained.

H.R. 4 calls for a national missile defense, but the committee report acknowledges that this is a system that will protect us against limited strikes. By limited strikes what we mean is up to 20 oncoming RVs.

There is a legitimate concern, I think, that Russia may react adversely to this but, in truth, Russia has nothing to be concerned about here because this system would not begin to defend us against the threat that the Russians still pose to us. That is why we should not push too hard. That is why we should not be talking about breaching the ABM Treaty, because START II and START III are still more important to us, to our security, than launching this NMD system with its limited effectiveness.

The merit of this bill to me is, as I have said, not what it says but what it does not say. It is simple. It does not say that the technology is in hand. It does not try to prescribe what we should do. It leaves that to be worked out in time. It just commits us, focuses us on a deployable system.

It does not mandate a date for deployment. It does not call for the revision of the ABM Treaty. It simply says, let us focus on getting something done. Let us see if we cannot bring to fruition a system that will at least give us limited protection against a ballistic missile attack.

Then we can, first of all, reap some return on the $50 billion we have spent. Secondly, with a treaty complaint system we can tell what its potential is, test its practical potential. That is the only way we can find out if we can overcome the countermeasures of decoys and balloons and all the other things that can lure these interceptors off track.

□ 1500

Thirdly, this technology that we are talking about is not on a continuum

with theater missile defense, and we all agree in this House that that is something we should do, having seen the consequences of it in the Gulf War.

Finally, if we do this, we will have a system, if it has proven its mettle, that may give us some protection against an accidental strike, which could happen; against a rogue attack, which could be threatened. It may give us some protection, and it will certainly give us something that we can learn from and build upon and, as I said, reap some investment.

I support this bill finally in the hope that we can put BMD on a bipartisan footing. Theater missile defense enjoys bipartisan support, we all support it. National missile defense has been a bone of contention. What we sought in this bill was something that we could all come to common ground on. I am not just advocating that we build anything. National missile defense needs to stand the test of any weapons system. It ought to be put to rigorous testing, made to prove that it can hold this country harmless against a limited missile attack. If a strategic defense can rise to this mettle, I think we should buy it and deploy it. If it cannot, there is nothing in this bill that says we should buy a dud.

Mr. SPENCE. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. HOSTETTLER), a very valuable member of our committee.

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

Mr. Speaker, I just returned from Russia where I joined a bipartisan delegation of my colleagues in communicating the intent of H.R. 4 to members of the Russian Duma.

Although Russia is skeptical of America's intent to deploy a national missile defense, I can tell my colleagues that a limited national missile defense would not undermine Russia's nuclear deterrent. In fact, Russia still has a strategic nuclear arsenal of over 7,000 warheads. Even if Russia ratifies and complies with START II, they will still be able to sustain a strategic force of 3,500 warheads. If the U.S. had a national missile defense system similar to what Russia already has deployed outside of Moscow, Russia's strategic missile force could still overwhelm such a defensive U.S. system.

The fact is, we have no missile defense system to defend against any incoming ballistic missile, whether that missile is part of a limited or accidentally launched attack from a rogue nation such as North Korea or Iran, or an accidental launch from Russia or China. Russia, not the U.S., is the only country that currently maintains the world's only operational ballistic missile defense system for their country.

Even if the 1972 ABM Treaty were still legally valid, it at least allows for deployment of a limited national missile defense system at a single site in the U.S., a deployment that this administration has consistently opposed, up until recently, through and through. I find it shocking, though not really surprising, that Russia has the only real missile defense system, and that they do not really want to change the ABM Treaty, and yet the U.S. gets criticized for not cooperating with Russia.

The fact is, our bipartisan delegation to speak to the Russian Duma this past weekend was all about the U.S. Congress taking the initiative to cooperate with and give advanced notice to Russia regarding our intent to enact a national missile defense policy for the United States, a national missile defense system to protect our cities, our businesses, our families, our children, from a missile carrying a nuclear, chemical, or biological warhead that could flatten an entire metropolitan area with one strike.

Mr. Speaker, I support H.R. 4, and I thank the gentleman from Pennsylvania (Mr. WELDON), the chairman of the Subcommittee on Military Research and Development, and the gentleman from South Carolina (Mr. SPENCE), the chairman of the full Committee on Armed Services, for advancing the goals of the Constitution: to provide for the defense of our Nation.

Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. DOGGETT).

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

The consideration of this bill is the story of an overwhelming, but rather hollow, victory, and a total policy failure. This Star Wars scheme is, first, a technological failure, failing one test after another, again and again. This system assumes the capability, as U.S. Air Force General Lester Lyles said, of ''hitting a bullet with a bullet'' in outer space. And indeed, it would be not one bullet, but many bullets, coming down over this entire 50 United States. That would be a challenge even for Superman.

Well, the system has failed to do that. It represents more political mythology than technological reality.

Star Wars is, secondly a failure for the taxpayer a failure of over $100 billion wasted on this program. And now our Republican friends tell us that for a mere $184 billion more, we can deploy this defective system. They are wrong. It is wrong to assume that if we waste enough taxpayer money, we can purchase absolute security.

For indeed, this Star Wars scheme represents a failure also for true national security. It diverts very precious resources away from other military needs and other nonmilitary needs that are at the heart of maintaining ours as the most powerful country in the world. More importantly, this scheme jeopardizes our efforts to reduce nuclear armaments and endangers those agreements we have already negotiated, such as the Anti-Ballistic Missile Treaty.

Our paramount security goal should be to reduce the nuclear threat, not to raise false promise that we will live happily ever after in the event of a nuclear attack. Forsaking that paramount goal constitutes a tragic failure by this Congress.

Mr. SPENCE. Mr. Speaker, I yield 2½ minutes to the gentlewoman from Jacksonville, Florida (Mrs. FOWLER).

(Mrs. FOWLER asked and was given permission to revise and extend her remarks.)

Mrs. FOWLER. Mr. Speaker, I rise in strong support of H.R. 4.

This morning, this House received a top secret briefing from the independent commission to assess the ballistic missile threat to the United States. Now, maybe my colleague who just spoke from Texas was not at that briefing and if he was not, then I recommend he go read that report, because they discussed the findings that led them to conclude unanimously that ballistic missile threats from North Korea, Iran, Iraq, China, have developed far more rapidly than predicted in recent years by our intelligence community, and pose a serious threat to the United States.

Now, while many of us in this House have long championed deployment of a national missile defense capable of defeating at least a limited or accidental attack on our Nation, this legislation represents this Congress' first concrete expression of support for such a deployment.

Mr. Speaker, there is no question the threat is real. Last August, North Korea flight-tested a 3-stage Taepo Dong I missile. Though the missile's third stage failed, the launch raised serious concerns. Our intelligence community revised its previous estimates of North Korea's capabilities, concluding that with the resolution of some tech issues, the next generation of the North Korean missile, the Taepo Dong II now under development could soon target not just Alaska and Hawaii, but could reach the rest of the United States, depending on the size of its payload. Meanwhile, North Korea has gone ahead actively pursuing nuclear weapons.

It is no small matter that the same regime that launched this missile has simultaneously allowed hundreds of thousands of its own citizens to perish from famine. That shows the regime's desperation to develop this capability and should raise concerns here about their willingness to use it. Unfortunately, today we have no capability to defeat the threat from missile threat.

Secretary Cohen has called the launch in North Korea another strong indicator that the United States in fact will face a rogue nation missile threat to our homeland against which we will have to defend the American people.

I congratulate my colleagues, the gentleman from Pennsylvania (Mr. WELDON) and the gentleman from South Carolina (Mr. SPRATT) for their efforts, and I urge my colleagues' support of this bill.

Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. TURNER).

Mr. TURNER. Mr. Speaker, I rise as a cosponsor of this legislation, and I want to say at the outset that I commend my chairman the gentleman from Pennsylvania (Mr. WELDON) of the Committee on Military Research and Development for his leadership in this area. I was very pleased that this legislation passed the Committee on National Security by a vote of 50-to-3.

This legislation is one that received a boost and a wakeup call this last August when North Korea launched a missile containing a third stage. We know from the reports of the intelligence community that North Korea is working on a missile that has the capability and will have the capability of reaching the continental United States. In July, the Commission to assess the ballistic missile threat to the United States, the Rumsfeld Commission, concluded that rogue nations like Iran, Iraq and North Korea are moving much faster than we had previously known in the development of intercontinental ballistic missile capability.

The risk of inaction is unacceptable. One thing that we have always done as Americans is stood strong in terms of making America the strongest nation in the world. It is unacceptable to know that within a short period of years, the Second Congressional District of Texas could be 32 minutes away from the delivery of an intercontinental ballistic missile from North Korea. The time for action is now.

The development of a missile system, a defensive missile system will take many years. The gentleman from Pennsylvania (Mr. WELDON) has wisely in this bill simply stated, ''It shall be the policy of the United States to deploy a missile defense system.'' The timing, the technology, the cost is left yet to be determined. Now is the time for action. The price of peace and security is high, but the cost of inaction and the cost of vulnerability is much higher.

Mr. Speaker, I commend the gentleman from South Carolina (Mr. SPENCE), the gentleman from South Carolina (Mr. SPRATT), and the gentleman from Missouri (Mr. SKELTON) for their leadership in this legislation.

Mr. SPENCE. Mr. Speaker, I yield 2 minutes and 15 seconds to the gentlewoman from California (Mrs. BONO), a member of our committee.

Mrs. BONO. Mr. Speaker, today I rise in support of H.R. 4. As a cosponsor of H.R. 4, I want to give my colleagues the reasons why I support this important legislation.

First, the threat to the United States of a ballistic missile strike is real, according to the findings of the bipartisan Rumsfeld Commission, and the President's own Secretary of Defense said that the ballistic missile threat is real and growing.

Second, we are on the way to developing a technology for national ballistic missile defense. This legislation does not say what technology is to be used or implemented. Current technology relies on mature ground-based methods. All we need to do is to have the political will and courage to perfect this technology so that it be counter a limited ballistic missile strike.

Third, we can afford to do this. The current budget picture shows that for $10 billion we can implement a national ballistic missile defense which would counter a limited strike. I think this is a small price to pay to help ensure that Americans sleep better at night.

Fourth, we are no longer bound by the 1972 ABM Treaty. When this treaty was signed, it was signed with the former Soviet Union. That union no longer exists, making the agreement moot. However, let us assume for the moment that the ABM Treaty was still in effect. The treaty was signed to deter both countries from implementing a ballistic missile defense on the premise that if both countries were defenseless to a major ballistic missile attack, neither country would strike. All we are asking for in this bill is to make it the policy of the United States to counter a limited missile attack from a rogue state. We still will not have the defenses to protect us from Russia's 7,000 strong nuclear arsenal, even though I would argue that ought to be our policy. These are just some of my reasons for supporting this bill.

However, the most important reason why I am supporting this bill is because today's world is more hostile than it was 20 years ago. Twenty years ago, we knew who our enemies were and containment was possible. Today, with the end of the Cold War, former Soviet nuclear scientists market their skills to rogue nations so that they can survive. North Korea has demonstrated that they have long-range missile capability which threatens the U.S. territory, and of course Iran.

These are not safe times, and for those who would argue that a nation would be stupid or insane to launch a missile at the last remaining superpower, I say to them, do you want to make that bet on behalf of the American people?

No, Mr. Speaker, the vote we cast today sends a clear message to those rogue nations who would do our people harm. I cast this vote for the people of the 44th Congressional District, for my family, and my country.

Mr. SPRATT. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. BONIOR).

Mr. BONIOR. Mr. Speaker, I thank my colleague for yielding me this time. At the outset let me say how much respect I have for the gentleman from South Carolina (Mr. SPRATT), the gentleman from Missouri (Mr. SKELTON), and my friend the gentleman from South Carolina (Mr. SPENCE).

I have, in light of their support of this proposal, examined my position, which has been in opposition over this during the years that I have been in the Congress, and I have not been able to bring myself to support this, having reviewed the literature on this leading up to our debate today.

A national missile defense system, an impenetrable shield, a marginal line in the sky. Well, the simple fact is, any anti-missile shield can be overwhelmed even if it works perfectly, which we do not know that it does work perfectly. In fact, all the evidence speaks to the contrary. The latest testing that we have on this indicates the success ratio is very, very marginal. But even if it works perfectly, we design it to shoot down 10 missiles simultaneously and an enemy can render it useless by launching 20. If we design it to shoot down 100 missiles, then they will launch 200.

□ 1515

In the end, spending tens of billions of dollars to build a missile defense shield makes about as much sense to me as erecting a chain link fence to keep mosquitos out of one's backyard.

But today we are being asked to sign a blank check for a Star Wars system that could cost tens of billions of dollars according to the Congressional Budget Office. My colleagues on this side of the aisle primarily have said and argued that we need this, but, yet, we cannot afford in the budget debate that we will have in just a few days on this floor $5 billion to fix our national schools. They say we cannot afford to help seniors pay for costly prescription drugs.

They even go so far as to say that we cannot afford to buy weapons, weapon-grade plutonium from the Soviet Union to keep it from falling in the hands of terrorist or rogue states. I want to repeat that again because I think that is terribly important. In next week's supplemental appropriation that we will bring to the floor, the Republicans plan to cut funding to buy up to 50 tons of plutonium from the Russian's nuclear stockpile.

So I ask my colleagues, does it make more sense to prevent the spread of this material now while it is still on the ground rather than to wait for it to be turned into missiles and then to spend billions of dollars trying to catch it while it is hurdling through the sky? I think not.

We ought to redesign, make sure our computers work well, take care of the Y2K computer bug problem first and then deal with this in the future. I hope my colleagues will vote against this.

Mr. SPENCE. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Texas (Mr. ARMEY), the majority leader.

Mr. ARMEY. Mr. Speaker, let me just say I am proud of what the Congress is doing this week. Like the balanced budget agreement, like the first tax cuts in 16 years, like the real welfare reform, like all the other elements in the contract with America, we are here once again taking the lead

on an important issue. Only this one may be the most important issue of them all.

Some happy day in the future, when we are all elderly and retired, we will find ourselves tucking a grandchild in for the night. Unlike our own generation, when we were young, that child will be going to sleep in his bed safe from any foreign attack because this Congress made the decision to deploy a national missile defense.

We are going to be able to smile and say to that child, ''we gave you a defense that defends.'' The best anyone could give us was the advice to duck and cover.

But missile defense is about more than making American children safe in their beds. I believe it will advance the cause of freedom around the world. It will do so by taking away one of the most horrible props that modern dictatorships use to intimidate their own people, the terror weapon.

Missiles today are prestige items. Any dictator that owns them can appear more powerful and enduring. If he cannot win the affection of his own people, his missiles can at least instill in them a measure of respect.

A dictator knows that, by making the world quake before his ability to attack foreign cities, his own people will look on him with fear and awe. He also knows that he and his regime can thrive in the atmosphere of international tension that he himself creates.

In this way, having a crude but invincible missile can help a dictator maintain control over his own people, even if he threatens far away American civilians.

If our goal is to transform dictatorships into democracies, we must deny them the ability to build effective terror weapons. Once they realize they cannot get respect by threatening acts of war, they may choose to win respect in the old fashioned way, through the simple dignity that any government earns when it is freely elected by its own people.

Mr. Speaker, radical rogue regimes are the greatest threat to our security today. Whether they are driven by insane ideologies or ethnic rage, they share intense anti-Americanism. Mr. Speaker, they hate us. They hate us not only for our success and our power, but even more so for our democracy. They know that our ideals of freedom and individual rights are poison to their petty little tyrannies.

These regimes are nasty enough when armed with car bombs. Imagine them armed with nuclear-tipped ICBMs.

As I said during last week's Kosovo debate, we need an entirely new policy for dealing with these pariahs. The administration's approach of containment, engagement, arms control and negotiation is not working. Like the Reagan doctrine of the 1980s, we need a policy dedicated to replacing these regimes with democratic alternatives.

Missile defense, because it takes away a prop dictators can use to survive, is part of that policy. That is one reason I support it today.

Mr. Speaker, just as that grandchild in our future should sleep soundly in the knowledge that American technology has made him safe from these evil threats, the otherwise intimidated citizens of tyrannical regimes should take heart as well. They should know that, thanks to America, the military delusions of their misguided leader are as obsolete as their political theories. From this, these oppressed people can take courage to resist and to seek their own freedom.

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

Mr. SPRATT. Mr. Speaker, I yield myself 30 seconds to ask the gentleman from Texas (Mr. ARMEY), the distinguished majority leader, a question.

Mr. Speaker, this is the budget resolution that the Budget Committee passed out yesterday. It provides $205 billion less than the President requested. It is essentially flat from 2004 to 2009, the very period and years when this system will be purchased and deployed. How can we pay for it with a cut like that?

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

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

Mr. ARMEY. Mr. Speaker, I will just say that I appreciate these numbers. I studied them. While on the surface our numbers may seem smaller than the President's, I take greater confidence in our budget committee's numbers because they are real.

Mr. SPRATT. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Mrs. TAUSCHER).

(Mrs. TAUSCHER asked and was given permission to revise and extend her remarks.)

Mrs. TAUSCHER. Mr. Speaker, I rise in support of this bill.

While developing a national defense system should be a priority, we need to ensure that any potential system is dependable, reliable, and fiscally responsible. More importantly, we need to also step up our investment in nuclear nonproliferation programs.

Mr. Speaker, the best way to stop a ballistic missile attack is to stop the missiles from being developed and deployed in the first place. We need a balanced approach to protect American families. We need increased investment in nonproliferation programs like nuclear cities and IPP to prevent attack and investment in systems like national missile defense to ensure our survival if prevention programs fail.

I will vote for this legislation. But before we spend billions of dollars of American taxpayer money to deploy it, we must have proof that it is going to work.

Mr. SPENCE. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. WELDON).

Mr. WELDON of Pennsylvania. Mr. Speaker, just on the budget issue, we really ought to deal with it. My colleague made a good point here. Let me also add, and my colleague is well aware that over the past 4 years, it was this Congress, this Republican Congress, who gave the Defense Department over $20 billion more than the President asked for because of the gross underfunding of the budget.

It is easy for a President to project a massive increase when he is no longer in office. After he has decimated defense spending for a continuing period of 6 years, it is easy for him to say, well, when I am out of office, we are going to increase the top number by a significant margin. He is not going to be here to be held accountable.

The fact is that this Congress, and I might add, in a strong bipartisan vote, Democrats were adamant in supporting our position, increase the defense budget over the past 4 years by almost $25 billion more than this administration requested.

Now that is not pie in the sky pipe dreams after the President is out of office. That is, in fact, what we did.

Mr. Speaker, I thank the gentleman from South Carolina for yielding me this time.

Mr. SPRATT. Mr. Speaker, I yield 1½ minutes to the gentleman from Oregon (Mr. DEFAZIO).

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

Mr. Speaker, I brought with me a potential terrorist weapon of mass destruction delivery device. It might be classified. Close your eyes. Here it is. A briefcase like this was brought into a hearing by a biological weapons expert in the Rayburn Building, full of aerosol canisters, capable of deploying anthrax, killing everybody on Capitol Hill, many people in Washington, through security 2 weeks ago.

There are other probable terrorist or rogue state delivery devices. If it is a nuclear threat, it will probably be a truck coming across the Mexican border, maybe like the two tons of cocaine that come across every day in trucks. Or it might be a ratty old freighter that is registered anonymously in a Third World country like Panama under a flag of convenience that steams into New York Harbor with a stolen hydrogen bomb.

The question is: Will the future leader of the rogue state assure the annihilation of his or her people for all time by launching a single or even a dozen or two dozen missiles at the United States of America? Within 30 seconds, we know where the missile came from, and they are targeted within 3 minutes by the most massive nuclear force on earth. They will be destroyed.

That is the power of our proven defense, the ability to withstand the attack of any aggressor and respond with awesome force. It worked against the Soviet Union for 30 years with thousands of hydrogen bombs. It certainly will deter the pathetic tiny unproven arsenals of North Korea and other

rogue states. Do not waste billions on fantasy protection. Vote no.

Mr. SPENCE. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from North Carolina (Mr. HAYES).

Mr. HAYES. Mr. Speaker, I rise in strong support of H.R. 4, a bill that declares as our policy the deployment of a national missile defense. Without national security, there can be no Social Security or education opportunity.

I want to commend my colleagues, Democrats and Republicans alike, many of whom I serve with on the Committee on National Security, for their commitment to the strong national missile defense and for bringing it to the attention of the American people. They have pressed forward over the last 7 years and remain scorned by an administration message that preys on our Nation's false sense of security. Today my colleagues' efforts are about to pay off as we establish a policy to defend our Nation and her people from a missile attack.

I would be remiss if I did not mention the very telling vote taken on missile defense in the Senate yesterday. Ninety-seven Senators supported this legislation.

Mr. Speaker, what strikes me as odd is that this same body, no different in political composition, failed to reach cloture on missile defense legislation a mere 6 months ago. Mr. Speaker, why the sudden change? What are we to believe?

Has the threat to our national security grown so ominous in 6 months that the left and the administration believe the moment is right to embrace a policy of national missile defense? Or has the President been playing politics with the security of the American people?

Mr. Speaker, from one end of my district to the other, my constituents are concerned with our national defense, and they know there is no function in the Federal Government more important than ensuring our Nation's security.

I am pleased that the President and his allies have joined us in a policy that assures all Americans and American generations to come that they can sleep safer under a blanket of missile defense. Mr. Speaker, the administration's actions speak louder than words. Delays in the past have been irresponsible. Delays in the future are simply dishonest and unacceptable.

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

Mr. SPRATT. Mr. Speaker, I yield 1 minute to the gentleman from Oregon (Mr. BLUMENAUER).

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

Mr. Speaker, I am concerned today that Congress is being asked to make a significant policy change, committing billions of dollars to unproven technology at a time when there are a legion of serious questions that have been raised about many aspects of our defense preparedness and national security.

We live in a dangerous world beset with economic, social, political, and religious unrest. We are the most powerful Nation in the world and the most technologically advanced. Yet we simply cannot do everything.

Security for Americans at home and abroad and keeping peace around the world involves making difficult choices. Rushing through this proposal, one whose costs and consequences are understood by no one, and is not integrated with all our other military and foreign policy needs, is not a policy I can support.

□ 1530

This bill hardly seems the right thing to do in terms of using our defense dollars in the most effective way possible, and I urge a ''no'' vote.

Mr. SPENCE. Mr. Speaker, I yield 1 minute to the gentleman from Nebraska (Mr. BEREUTER).

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

Mr. BEREUTER. Mr. Speaker, as a cosponsor, this Member rises in support of the resolution. If this Member can bring any special relevance to the debate it is probably through my focus on missile development and threats from and for Asia through my chairmanship of the Subcommittee on Asia and the Pacific of the Committee on International Relations, and through the background gained as a member of the Select Committee on U.S. National Security and Military/Commercial Concerns with the People's Republic of China, chaired by the gentleman from California (Mr. COX).

The latter puts limits on what I can say here today, but it surely reinforces my support for the resolution. However, I support this measure because the threats from a limited missile attack are here, now, very real, and potentially very disastrous for our citizens, who are right now undefended against this threat.

Contrary to what over 70 percent of the American people believe, we and our forces abroad do not have defense capabilities against even a single ballistic missile. Let me say it again, this U.S. does not have defense capabilities against a single ballistic missile.

Is an NMD technologically possible? Yes, it clearly will be technologically feasible. Just 3 days ago, in the skies over New Mexico, the U.S. Army successfully, in effect, hit a bullet with a bullet.

This NMD proposal is not about a rehash of former President Ronald Reagan's Strategic Defense proposal, a nation-wide ballistic missile defense system proposal that some insisted on negatively labeling as ''Star Wars.'' This defense system would offer protection against an accidental or unauthorized ICBM launch or against a limited ICBM attack by a rogue nation.

The Center for Strategic and International Studies reported that the third stage of the North Korean Taepo Dong missile launched on August 31, 1998, travelled over 3,000 miles. Prudhoe Bay, Alaska, a major source of U.S. oil, is within that range. The Washington Times reported that a newer missile under development, the Taepo Dong–2, will have a range greater than 6,000 miles and could be deployed soon after the turn of the century. Several hundred thousand of the nine million people living in Los Angeles, California SMA, for example, are within that range and would die.

Mr. Speaker, we are all well aware of the bottom line in the Rumsfeld Commission Report and recent North Korean missile tests. The possibility of the Democratic People's Republic of Korea (DPRK), North Korea, using an ICBM to threaten U.S. interests is real. Parts of Alaska, Hawaii, and U.S. allies in the Pacific are vulnerable, now. Today, we need to be concerned about what a North Korean ICBM, armed with just a conventional warhead, would do to Prudhoe Bay, Alaska, a major source of U.S. oil. The 48 contiguous states of the U.S. will also become vulnerable to this threat by 2002. By 2002, our concern will be about what a North Korean ICBM, armed with a weapon of mass destruction—nuclear, biological, or chemical weapon—would do to hundreds of thousands of people among, for example, the nine million people living in Los Angeles SMA. It is only a matter of time until that vulnerability exists unless we act and even if we act now and technological hurdles are handled, there will be years of unprotected vulnerability.

For those of you who still question the threat, this Member would remind you that Secretary of Defense William S. Cohen has confirmed that North Korea had demonstrated that it has achieved long-range missile delivery system capability and that it appears that North Korea is not complying with the freeze imposed on its nuclear weapons development program. He also acknowledged that Russia's aging and sporadically maintained missile systems create the nightmarish possibility of an accidental launch. Former Commander in Chief of all U.S. forces in the Pacific, Admiral Joseph Prueher, has confirmed that North Korea is developing a capability that could potentially reach the western-most reaches of the U.S. with an ICBM. Former Secretary of Defense William Perry, the President's special advisor on North Korea, states that North Korea is moving forward with its nuclear weapons program. Japan's Defense Agency believes North Korea has already deployed some of at least 30 medium-range ballistic missiles. It is only a matter of time.

Some of you will argue that a National Missile Defense (NMD) system will do nothing to deter less traceable means of delivering a weapon of mass destruction, such as a suitcase or truck bomb. While that may be true, our law enforcement agencies serve admirably as our defense against and deterrent of close-in terrorist attacks. Contrary to what over 70% of Americans believe, we do NOT have defense capabilities against even a single ballistic missile. Let me say that, again. The U.S. does NOT have defense capabilities against even a single ballistic missile. There is no secret, silver bullet in our arsenal that will stop an ICBM, and there is no alternative to NMD to effectively deal with a limited ICBM threat.

NMD, like its anthithesis—ICBMs, is less about launching than it is about basic deterrence. It removes from the negotiating table what might otherwise be a trump card that could lead to extortion, if not outright blackmail, by a rouge nation. NMD counters this eventuality. As a world leader, we owe this to our allies. To the rogues we owe nothing.

Hoping, or expecting, that a ''disarmament solution'' or ''containment'' will eliminate or protect us against the emergingly diverse missile threat just isn't realistic; it holds out a very dangerous false hope. The world and technology are not standing still, and no amount of ''hoping'' on our part will make it so. There are no indigenous ballistic missile development programs. In fact, there is substantial cooperation among developing countries, themselves. Even if all the help from the U.S., Russia, China, Europe, and Asia were ended, developing countries would still move forward toward ballistic missile capability. The West, alone, is educating nearly 100,000 foreign graduate students, most of them in technical fields. In the process, we are educating cadres of essentially all the countries of the world; some of them surely do have the increased capacity to develop ballistic missiles and weapons of mass destruction. Intelligence collecting is getting more difficult and intelligence compromises continue to occur. We must recognize that we will not be successful in plugging every hole and we cannot ignore the reality that increasingly sophisticated threat will confront us in the 21st century.

We are in an environment, potentially, of little or no warning. Meanwhile, the Administration has reluctantly begun to acknowledge the threat while simultaneously throwing down obstacles, such as the Anti-Ballistic Missile (ABM) Treaty, and changing their 3 plus 3 policy to a 3 plus 5 policy. NMD deployment might occur in 2005, even in the face of claims that the threat will extend beyond Alaska and Hawaii to the 48 contiguous United States as early as 2002 (three years before the possibility of NMD deployment).

To those that say that NMD is destabilizing, unannounced missile launches, especially those with aggressive trajectories, are even more destabilizing. Further launches will be further destabilizing, long before the Administration's current 2005 projected NMD deployment date.

This Member is not advocating blindly stepping up the time line, would that be possible. In fact, there are significant hurdles to overcome, just from a technological perspective. Hitting a missile traveling at about 15,000 miles per hour, or somewhere between three to five miles per second, is certainly am impressive challenge. However, this Member certainly believes that the technical difficulties can be overcome. Many of the impossibilities of the past have yielded to imagination and innovation. The academic critics are not entertaining practical solutions to their willing despair, not because they are unable to but, because they do not want to and because it is not being demanded of them. To those that question the technological feasibility of this effort, this Member would remind them of the following from the late President John F. Kennedy:

> We choose to go to the moon in this decade and do the other things, not only because they are easy, but because they are hard, because that goal will serve to organize and measure the best of our energies and skills, because that challenge is one that we are willing to accept, one we are unwilling to postpone, and one which we intend to win. . . .

Iran, with more than 66 million people and the proud heritage of the Persian Empire that once ruled everything from Libya to India, today is using its oil wealth to build a new center of power in the Middle East. Teheran has been boasting for two years that it already has the most powerful missile force in the Middle East.

Last July, the Rumsfeld Commission concluded that the extraordinary level of resources Iran is using to develop its own ballistic missiles poses a substantial and immediate danger to the U.S., its vital interests and its allies. The Rumsfeld Commission reported that Iran is making ''very rapid progress'' on the Shahab–3 medium-range ballistic missile. That was July 15, 1998. One week later, on July 22, 1998, Iran conducted a flight test of the Shabab–3, continuing an ambitious missile development program that was initiated and pursued during Iran's war with Iraq during the years 1980 to 1988. Not waiting for more tests, President Mohammed Khatami ordered 15 Shabab–3s to be produced by the end of March 1999. The mobile launchers are ready and Iranian soldiers have been training for months to deploy the missile, which is expected to become operational this year. Iran's next missile, the Shabab–4, which is modeled on the Russian SS–4 intermediate-range ballistic missile, is projected to have a range of 1,300 miles, reaching southern and central Europe. U.S. and Israeli officials estimate that, with continuing help from entities in Russia and China, the Shabab–4 could be in service by 2001. Work also is under way on a long-range missile that with a nuclear warhead could be a serious threat to Western Europe and the United States. The Rumsfeld Commission noted that advance warning of such a missile may be zero.

Iran has chemical weapons, is conducting research in biologicals, and is pursuing a very aggressive nuclear weapons program that is close to success. The Rumsfeld Commission reported that, because of significant gaps in our human intelligence efforts, the U.S. is unlikely to know whether Iran possesses nuclear weapons until after the fact. This is reminiscent of the surprise nuclear detonations that occurred in India and Pakistan. Iran is expected to be the next declared nuclear state.

Director of Central Intelligence, George Tenet, has warned that Russia is backsliding on commitments to the U.S. to curb the transfer of advanced missile technology to Iran. Especially over the past six months, Russia has continued to assist the Iranian missile effort in areas ranging from training to testing to components. Iran's ability to take advantage of its existing ballistic missile infrastructure to develop more sophisticated and longer-range missiles is being aided by the crucial roles being played by Russia, China, and North Korea.

Would Iran resort to extortion? This Member need only remind you of the Iranian hostage crisis of 1979–80.

While Chinese Premier Zhu Rongji scoffed at some Western reports claiming a major economic crisis is brewing in China, he acknowledged that the East Asian recession had affected China more seriously than expected. Former Commander in Chief of all U.S. forces in the Pacific, Admiral Joseph Prueher acknowledges that China, with its shaky economy, growing unemployment and burgeoning military might, has problems. Prueher views China's latest crackdowns on dissidents as symptoms of weakness rather than strength.

During the March 1996 Taiwan straits crisis, China fired short range missiles north and south of Taiwan. In late 1998, China's army conducted military exercises with simulated missile firings against Taiwan and also, for the first time, conducted mock attacks on U.S. troops in the region. With respect to the most recent overt threat to Taiwan, the Chinese protest is disingenuous on its face. The Chinese Government knows that we should no more apologize for the theoretical consideration of including Taiwan in plans for missile defense than we did for including South Korea in similar plans. Our having agreed in principle that Tawiwan might someday rejoin China does not mean that we would ever allow such a unification to be coerced.

Taiwan claims that China has deployed more than 100 additional ballistic missiles in PRC provinces close to the Straits of Taiwan. This would more than triple the number of missiles previously positioned in that area. China must understand that the use of ''coercion,'' missile rattling, to bring Taiwan and PRC together will not work. Likewise, the U.S. is sensitive to concerns that a ''shield'' might embolden Taiwan to avoid serious negotiations with the PRC. At this time, there are no firm U.S. plans to provide Taiwan with a full-scale missile defense system of its own, but we must not be intimidated from actively considering a Taiwanese inquiry or request under the threatening circumstances developing across the Taiwan Straits.

Mr. Speaker, the North Korean missile launch adds credence to allegations that China has not done everything in its power to discourage North Korean effort to develop weapons of mass destruction and ballistic missile capability. When we complain, China criticizes our concern. Nevertheless, China, more than any other country, can exert more influence over North Korea to dissuade it from further development of these weapons. China's own recent aggressiveness toward Taiwan and its apparent ineffectiveness in discouraging North Korean nuclear and missile development programs have not only raised our legitimate concerns but also sent alarms around the world. Our friends and allies recognize the reality of the threat from and for the Asia Pacific region.

Controversially, President Clinton's comments that the Administration views China as a strategic partner in the Asia Pacific region is particularly unsettling. If Chinese moves are left unchecked, the possibilities of misperceptions regarding American intentions—even by China itself—will multiply. These kinds of misperceptions can cause wars, as when, many suggest, during a January 1950 speech to the National Press Club, Secretary of State Dean Acheson unwittingly encouraged the attack that began the Korean War by failing to specify that South Korea was inside the American zone of interest. Contrary to internal issues like human rights and gray areas like assisting Pakistan, Chinese bases in the Paracels and the Spratlys are clearly matters with international implications. The United States should lose no time in examining China's expansion of its installations on

these islands and, if appropriate, questioning Chinese intentions. The Administration should keep in mind that the consequence of not confronting China expansionism today is very likely to lead to a far more dangerous world in the years to come.

China's own recent aggressiveness and its apparent ineffective efforts to discourage North Korean nuclear and missile development programs have sent alarms around the world. This Member can personally attest that, everyday, in the Taiwanese media, there is discussion of the need for ballistic missile protection. These concerns are a ground swell from the Taiwanese citizens in the streets and from the media, not generated entirely, by any means, by the Taiwanese Government. Taiwanese demands for U.S. ballistic missile defense assistance are directly attributable to China's reluctance to influence North Korea. They also trace to recent allegations about Chinese espionage successes, to Chinese military construction activity in the South China Sea, and, as reported in the New York Times, China's actions to dramatically increase the number of short-range ballistic missiles along the country's coastline near Taiwan. With respect to increased interest in ballistic missile defense systems in Japan, Taiwan, and the Republic of Korea, which the Chinese threaten, China has no one to blame but itself.

The greatest threat to peace and security in Asia is Kim Jong-Il's DPRK, North Korea. North Korea remains the country most likely to engage in bloody extortion or to involve the U.S. in a large-scale regional war over the near term. Kim Jong-il's regime's foremost concern is self preservation. He appears to have increased his reliance on the military and draconian security measures to maintain his position and control of the populace. If he is willing to do this to his own people, how can you doubt that he would not hesitate to resort to extreme measures, even against South Korean, Japanese, or U.S. citizens?

Gen. John Tilelli, Commander in Chief of the United Nations Command and of the U.S. Forces in Korea, concurs with the CIA Director's recent remarks to the Senate Armed Services Committee that ''. . . concern for North Korea can hardly be overstated and that . . . in nearly all respects, the situation there has become more volatile and unpredictable.'' In his view, the Kim regime will sacrifice everything to keep itself in power. We remain in a situation wherein Kim Jong-il could decide at any moment his prospects are so bleak that his best chance for survival is to use his military rather than risk losing that capability, forever.

The North Korean military—the fifth largest in the world—is the embodiment of North Korea's national identity. Without the military, the regime is simply not viable. Over the last four decades the leadership has specifically designed and tailored the size, organization, equipment, and combat capabilities of the military to support attainment of their reunification goal. With military expenditures at 25% of GDP, the North Korean People's Army includes an air force of over 860 combat jet aircraft, a navy of more than 800 ships, over 1 million active duty soldiers, over five million reserve troops, a huge artillery force, tremendous special operations capabilities, hundreds of theater ballistic missiles, (primarily Scuds), and weapons of mass destruction.

How does the DPRK reconcile widespread famine with ''gross'' levels of spending to support the lavish lifestyle of the DPRK leadership and defense? Its citizens don't matter, except as pawns of the leadership and the military.

The greatest threat is the possibility that the Kim regime will couple its ballistic missile program with an unchecked nuclear program. The possibility of a successful North Korea nuclear break-out strategy is too dangerous to risk. Unchecked, the Kim regime's missile program will ultimately threaten U.S. vital interests in other parts of the world as North Korea sells its only viable export to hostile nations. It is believed that Pakistan has already been a customer, purchasing missile know-how from North Korea for its medium-range Ghauri missile, which was test fired for the first time last year. The Ghauri has been described as closely resembling the North Korean Nodong missile.

We will not pay tribute to the modern-day Barbary pirates in North Korea. The Clinton Administration has fallen into the dangerous pattern of accepting the extortion demands made during the negotiations with the North Koreans. Despite the gravity of the situation, this Member is forced to conclude that the Administration's response to the military threats of the North Koreans to extort money, humanitarian aid or other concessions is a shameful, un-American violation of this country's principles. Unfortunately, North Korea has learned that irresponsible behavior and confrontation results in U.S. humanitarian aid and other benefits. That rogue country is now the largest recipient of U.S. aid in Asia.

Fueled by its own paranoia and fear, the DPRK claims that a ''passive'' NMD is a sign of U.S. movement toward a goal of ''global domination.'' This Member would say to the DPRK that, simply by virtue of being the only superpower, much of what the U.S. does ends up being perceived as dominating, even though the U.S. has no such intentions. If there are concerns about global intentions, this Member believes they should be focused on the DPRK. The DPRK Korean's People's Army gathered in late February to renew their loyalty to Kim Jong-il by declaring an oath that ''under the leadership of the supreme Commander Kim Jong-il they would . . . make the glorious Kim Jong-il era shine all over the world with arms.'' This followed an event earlier in the month where DPRK citizens were told they should defend Kim with their lives and ''prepare themselves to be heroes through human bomb attacks and soldiers ready for suicidal explosion.'' The Clinton Administration is perpetuating, if not aiding and abetting, a regime that is clearly hostile. We went down this path in the late 1930s, reaching that path's bitter end on December 7th, 1941. This Member expects that we would not be so naive, again.

Mr. Speaker, in conclusion this Member supports H.R. 4 for several reasons. First, H.R. 4 signals the Department of Defense (DoD) and those involved in the ballistic missile defense program that they should pursue NMD, in earnest. It raises the relative importance of NMD among the many DoD projects, enabling higher prioritization of resources and increasing the focus on research, development, test and evaluation activity.

Another factor influencing this Member's support for NMD is that there is no higher responsibility placed upon Congress by the U.S. Constitution than providing for the defense of the United States, its territory, and its citizens. The possibility of a small-scale missile attack upon the people and territory of the United States is real, and significant. The lack of any U.S. capability to defend against such an attack is equally real, and significant. With regard to a limited intercontinental ballistic missile attack, the U.S. is defenseless! Maintaining the defenseless status quo can only lead to one place, and is not acceptable.

This legislation neither imposes deadlines, for either development or deployment, nor alters the position of the Administration. It does nothing to abrogate the Anti-Ballistic Missile (ABM) treaty or to alter the foundation of the U.S. policy—dissuasion, denial, deterrence, and defense—regarding proliferation of weapons of mass destruction. In fact, it leaves open the possibility to develop a complementary NMD/ABM relationship, as well as the potential to explore cooperative missile defense and non-proliferation efforts with Russia. Yet, this bill provides a clear and necessary policy and announces America's resolve, to develop its missile defense capabilities, to America's friends and foes, alike.

Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. HOEFFEL).

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

Mr. Speaker, today I will vote for H.R. 4, which declares that it is the policy of this country to deploy a national missile defense system. I am concerned that this bill is too narrow and could have been much better.

I believe, in declaring this national policy, we must also consider the following: Secretary Cohen has stated that a national missile defense deployment might require modifications in the ABM Treaty. Such a modification may upset our delicate diplomatic balance with the Russians, who have already indicated opposition to such a move.

We must be in a position to continue negotiations with Moscow to cut our nuclear arsenals, and amendment to the ABM Treaty would threaten that effort.

A national missile defense policy must also not undermine or compromise the military preparedness of our troops or the planned deployment of theater missile defense systems by redirecting much needed resources.

Mr. Speaker, this body should have had an opportunity to debate those issues. We must have sufficient defense for our borders. As North Korea and Iran expand their capabilities, we must be prepared, but we must not let the steps we take, designed to bolster the security of this country, undermine the delicate international security balance at the same time.

Mr. Speaker, I believe it should be the policy of this country to deploy a national missile defense. This bill should have gone farther to address these additional concerns. The safety and security of this country depends, in large part, on how well we are prepared to deal with decentralized military power as well as with a number of

rogue states. A policy supporting a national missile defense is a step in the right direction.

Mr. SPENCE. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. ROYCE).

Mr. ROYCE. Mr. Speaker, we have no ballistic missile defense system. The administration opposed it; vetoed it.

Before World War II, many people were stuck in a similar mindset. Leaders in England and elsewhere did not want to develop advanced weaponry. One leader stood alone, though, pushing for England to develop its technology, including radar, in the cause of national defense. His efforts encountered much resistance. Many said that there could be no defense against air power. There was some outright opposition from those who favored disarmament, including Prime Minister Stanley Baldwin, as a way of dealing with Germany.

Well, history has told us that the dark days England soon suffered through would have been much darker if England had not had Winston Churchill and had not developed radar. Radar, which Churchill tirelessly pushed, was critical to winning the battle of Britain.

Sometimes it is not easy exercising foresight and taking preemptive action, but I cannot think of a more pressing issue for this Congress to address than defending our Nation against the emerging threat of ballistic missiles.

I commend the authors and especially our chairman for this important resolution.

Mr. SPRATT. Mr. Speaker, I yield 3 minutes to the gentleman from Maine (Mr. ALLEN).

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

Mr. Speaker, I rise in opposition to H.R. 4 because the legislation fails to acknowledge that the choice to deploy a national missile defense system is an extraordinarily complex one. It must be based on effectiveness, threat, cost and other efforts to reduce threats to this country.

Some say a national missile defense system should be deployed as soon as possible, no matter what the consequences are. There are others who say that a national missile defense should never be deployed, no matter what the threat is. All I am saying here is that the system should be deployed only if it is proven to work, if the threat truly warrants it, if the cost does not undermine our ability to train and equip our troops, and if it does not prevent further reductions in offensive nuclear weapons arsenals.

Some of the proponents today here are saying we have to decide now, and they have cited other weapon systems. But with other weapon systems we test them before we fly them. We test them before we buy them.

This is not just my view. This is the view of the our Nation's top military leaders. In speaking earlier today, I mentioned General Shelton and Secretary of Defense Cohen. Let me quote General Lester Lyles, who is the Director of the Ballistic Missile Defense Organization. He said at the time of a deployment decision we will also assess the threat, the affordability of the system, and the potential impact on treaty and strategic arms reduction negotiations.

Congress trusts the Joint Chiefs on readiness, we trust them on troop pay, so why do we not trust them on national missile defense?

H.R. 4 is only 15 words long. We can vote for these 15 words and feel good, but the promise is a hollow, empty one. Fifteen words cannot solve the immense technological challenge of hitting a bullet with a bullet. Fifteen words cannot make hit-to-kill technology hit the target more than 26 percent of the time and only 13 percent of the time in outer space.

The era of budget deficits is over, and so must be the era of avoiding tough choices. We must be honest with the public on what it will take to deploy a national missile defense. How much will it cost to test, build and operate over a period of years? Will it improve our security or lead to a dangerous new arms race? Will it work?

I had an amendment that recognized these important considerations, but it was denied by the Committee on Rules. Some Members here today have said the only thing standing between today and deployment is political will. One Member said the problem is political footdragging. I disagree. The problem is more than that. It is technology, it is physics, it is money, it is the real world.

I am under no illusion about what the outcome of this debate will be today, but I ask Members to think about this decision; think about at the end of the day whether these 15 words will do anything to solve the immense technical challenges of national missile defense. We cannot afford this bill. I urge Members to vote ''no''.

Mr. SPENCE. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. STEARNS).

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

Mr. STEARNS. Mr. Speaker, I rise in strong support of establishing a national missile defense system.

We live in a new foreign policy world where uncertainty instead of order reigns. That uncertainty has been exacerbated by the mismanagement of our foreign affairs by this Administration.

The Clinton Administration has failed to develop and implement a comprehensive, long-term strategy of advancing American interests. The lack of such a policy has allowed the world's tyrants to increase their military capabilities, especially in the area of developing the ability to deliver offensive ballistic missiles against our nation, against our interests, and against our allies.

It is foolish to think our nation can stand pat on our ability to defend our nation and our interests against such threats.

Refusing to develop a missile defense for our nation would not be a mistake, it would be malfeasance of office.

We have been elected to protect our citizens and our nation. Passing H.R. 4 will begin the process of developing the proper missile defense system.

Mr. SPENCE. Mr. Speaker, I yield 1 minute to the gentlewoman from Fort Worth, Texas (Ms. GRANGER).

Ms. GRANGER. Mr. Speaker, there is an old axiom that says it is good to be forewarned and forearmed because preparation is half the battle. Today, as America stands at the threshold of a new millennium, we must prepare ourselves for a new century, new challenges, and, yes, new dangers.

Today, America stands as the world's lone superpower; victorious in two world wars, several regional conflicts and a Cold War. Yes, America is winning the battles, but the war has yet to be won; the war against terrorism, the war to keep America safe from attack in an increasingly unsafe world. It is a war we cannot afford to lose.

The single most important step we can take to ensure our national security is to make a full commitment to ballistic missile defense. So long as there is one nuclear weapon anywhere in the world, America must be prepared to defend herself.

H.R. 4 takes an important step in the struggle to keep America safe and secure. This legislation simply states that it will be the policy of the United States to develop and deploy a missile defense system as soon as possible. No more delays, no more demagogueing.

Fifteen years ago, critics told Ronald Reagan that a ballistic missile defense was not possible. Every time someone would tell President Reagan we were years away from having technology, he would say, let us get started.

Mr. SPRATT. Mr. Speaker, I yield 1 minute to the gentleman from Missouri (Mr. SKELTON), the ranking member.

Mr. SKELTON. Mr. Speaker, we should update ourselves; update ourselves on the facts, update ourselves on the arguments. Conditions change. The Rumsfeld Commission report, which was a bipartisan report, tells us of the threat. We had a very thorough briefing this morning in this room.

The North Korean missile launch across Japan this last August is a fact that we need to consider. Current intelligence estimates from the intelligence community of our country tell us that we need to update our thoughts. That is why the arguments of today must be updated. We are not giving this debate in yesteryear.

According to the Congressional Budget Office, this bill will not increase missile defense costs a penny, it will not compel a national missile defense architecture that is incompatible with the ABM Treaty, it does not mandate a deployment date or condition. We must, we must, pass this bill.

Mr. SPENCE. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. BARTLETT).

(Mr. BARTLETT of Maryland asked and was given permission to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, in the last 3 days I have attended two really historic events.

For the first time in our history, Members of the Congress, and I was privileged to be one of them, went to Russia to brief members of the Duma there. We briefed them on the emerging missile threat and we took with us three of the top members of the commission.

Just this morning I attended another really historic event. For only the third time in the last two decades we had a classified briefing in this chamber. Again, it was on the emerging ballistic missile threat.

For too long our citizens have been unprotected, totally unprotected. Even a single intercontinental ballistic missile could not be shot down. We cannot leave our people unprotected any longer. It is incumbent on us that we proceed with all due haste to develop a ballistic missile defense system that many of our people think we now have in place, and which, as a matter of fact, the Russians do have in place such a system, fairly robust system, that will protect about 70 percent of their people.

It is high time we get on with the task of protecting our people. I rise in strong support of this bill.

Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentleman from Connecticut (Mr. GEJDENSON).

Mr. GEJDENSON. Mr. Speaker, it is an interesting situation we find ourselves in. A closed rule with no opportunity for amendment, a bill that is barely several lines, and a policy that is ready to jeopardize a consistent process of containing a threat which has 6,000 to 8,000 missiles that could rain down upon the United States, jeopardizing ABM, jeopardizing START, in order to prepare for potentially a threat if the North Koreans could develop a missile that could get to our shores.

Now, I think we ought to prepare for that. Estimates vary. We have spent $77 billion, we have gone through Brilliant Pebbles, we have gone through a number of different machinations. We do not have anything that works. So rather than a policy and an honest debate, we come here today to ram through a line, giving no opportunity for amendment, with a statement, as the Russians today consider START treaties, consider reduction, not theoretical or potential weapons against the United States, but as they consider reducing the number of actual warheads pointed at the United States.

Russia today is a partner in that reduction. I do not know what happens 1 year or 2 down the line in a Russia that has been so rocked by economic calamity. Let us not forget the main issue here. Six thousand to eight thousand warheads in the former Soviet Union and Russia, and possibly, maybe, maybe in 1 year, maybe in 2 years, we will have a technology that maybe will be able to prevent it. And for that, we may jeopardize cutting a deal with the Russians.

I think this is a grave mistake. Give us a chance to amend this, to include that we stay within the guidelines of the treaties that we have signed. If the Russians were here today violating treaties they had signed, every Member would be in this well objecting.

On the other hand, we have language here today the people feel, well, the Russians will have to learn. We may learn the wrong lesson from this action.

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Mr. SPENCE. Mr. Speaker, I yield 1 minute to the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Speaker, most Americans think that we have the ability to defend ourselves against incoming missiles. America has no ballistic missile defense capability. None. Today we take the right first step to address that extraordinary vulnerability.

I just want to take a minute to thank my colleagues, the gentleman from Pennsylvania (Mr. WELDON), the gentleman from South Carolina (Mr. SPENCE), and that band of dedicated Members who over many years now have focused on America's need for a missile defense system. It is too bad they were not heard sooner.

Now rogue nations do have intercontinental missile capability. Easy-to-have chemical warhead capability. Not hard for some to reach biological warhead capability. And soon it will be nuclear. Too bad we did not hear sooner.

I urge strong support for this legislation.

Mr. SPRATT. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts (Mr. TIERNEY).

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

Mr. TIERNEY. Mr. Speaker, I thank the gentleman for yielding.

Let me say that exactly the point is that we do not have a capable national missile defense, one that works. We do not have that. And everybody readily admits it is not the lack of money and not for lack of will. We have spent billions and billions of dollars on research and development and testing to get to the point where we still do not have a system that works.

It is not in the best interest of the national security of this country to prematurely deploy or make a decision to deploy a system. It does not work. There is no prospect that it will work any time soon. There is no prospect that a high-speed missile at a high altitude is going to be hit by another item, or bullet, as they call it.

The fact of the matter is that to decide to deploy now, as opposed to decide to continue to research and test until we know we have something that works, sends the wrong message. We should be about nonproliferation. We should be about making sure that Russia decreases the amount of missiles that it has. We should be about bringing other people into the nonproliferation regime and making sure that we defend our country, we have no national security interest, and ignorant children, unhealthy families, or seniors having an undignified retirement.

Mr. SPENCE. Mr. Speaker, I yield 1 minute to the gentleman from Georgia (Mr. CHAMBLISS).

Mr. CHAMBLISS. Mr. Speaker, I wish at this time to commend the chairman, the gentleman from South Carolina (Mr. SPENCE), the ranking member, the gentleman from Missouri (Mr. SKELTON), and the gentleman from Pennsylvania (Mr. WELDON) and the gentleman from South Carolina (Mr. SPRATT) for their long-standing work on this issue.

Mr. Speaker, the threat for ballistic missiles is clear and present. The current administration has finally admitted that the United States is facing a very current, very real threat. However, waiting too long to deploy a missile defense system poses a risk to the American people that is unacceptable.

How many ballistic missiles, either with or without biological, chemical or nuclear warheads, have to be targeted at American cities or American forces overseas before we take action?

I urge my colleagues to support this bipartisan bill which commits the United States to deploying a national missile defense system. Given the demonstrated threat here and now, I do not believe that we should delay the deployment of a missile defense system any longer than necessary. We must do all we can to protect America from ballistic missile threat, and this bill puts us on the right track.

Mr. SPRATT. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. HOLT).

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

Mr. HOLT. Mr. Speaker, I thank the very distinguished gentleman from South Carolina (Mr. SPRATT) for yielding.

I rise to oppose H.R. 4. The national missile defense as proposed would not be effective. It would be costly to deploy and easily circumvented.

My colleagues, we do not have to read much history to be reminded of the Maginot Line, the so-called impenetrable wall that has become the symbol of misguided defense policy.

The proposed missile defense system probably would not work as designed, and wishing will not overcome physics. It could be confused with decoys. It could be bypassed with suitcase bombs and pickup trucks and sea-launched missiles. It would be billions of dollars down the drain. But it is not just a diversion of precious resources that we are told are not available for health

care, for smaller class sizes, for modern school facilities, for securing open space for taking care of America's veterans.

No, it is worse than a waste. Simple strategic analysis will tell us that provocative yet permeable defenses are destabilizing and they lead to reduced security. In fact, the more technically affected the system turned out to be, the worse the idea would be because of its increase in instability and the damage done to our efforts to reduce Russia's weapons.

Mr. SPENCE. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. FOSSELLA).

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

Mr. FOSSELLA. Mr. Speaker, I rise in strong support of this resolution. I also commend the chairman and the gentleman from Pennsylvania (Mr. WELDON) and others who have worked so hard to bring this to the floor.

During these and other debates in Congress, essentially what we are doing is establishing priorities. Make no mistake, the number-one priority of this Congress should be to maintain our national security and a strong defense.

Today there is an emerging ballistic missile threat to our Nation, and, in plain English, too many nations will soon have the ability to reach our shores with weapons of mass destruction.

We must stand firm and we must stand united to defend ourselves in face of this real threat. To do otherwise simply will be to ignore history, to misunderstand the nature of tyrants, to play a game and a major role I believe in weakening our national security.

Right now, America cannot defend itself against a ballistic missile attack. This resolution, while long overdue, is right for a safe and secure America. I urge its strong support.

Mr. SPRATT. Mr. Speaker, may I inquire how much time is remaining?

The SPEAKER pro tempore (Mr. SUNUNU). The gentleman from South Carolina (Mr. SPRATT) has 4½ minutes remaining. The gentleman from South Carolina (Mr. SPENCE) has 11½ minutes remaining.

Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentleman from Guam (Mr. UNDERWOOD).

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

Mr. UNDERWOOD. Mr. Speaker, I emphatically support H.R. 4 as offered by the gentleman from Pennsylvania (Mr. WELDON) and the gentleman from South Carolina (Mr. SPRATT).

The bill is simple in its articulation that Congress take the lead on this important issue and declare it to be the policy of the United States to deploy a national missile defense.

As a member of the Committee on Armed Services and the sole representative of the people of Guam, our fellow American citizens who are today directly threatened by missiles in East Asia, I am continually aware of the dangers faced in our uncertain global environment. The U.S. does not currently have a system in place to defeat any inbound ICBM or, for that matter, defend a strategic theater against such a threat.

We know only too well the potential for destruction these weapons hold. This last August, when North Korea sent a three-stage Taepo Dong I over the Japanese homeland, a wakeup call was heard loud and clear here in Washington. Finally, the gentleman from Alaska (Mr. YOUNG) and I introduced a resolution condemning this event. For many years, our intelligence community underplayed this event. And thanks to the work of the Rumsfeld Commission, we now have indeed confirmed some of our worst fears.

Mr. Speaker, the threat against our Nation from missiles is here today, and the people of Guam today are at risk from the wrath of rogue states and the accidental launch. This bill is sound in that it will allow our Nation to seriously confront this issue in terms of policy as well as in our laboratories.

The development of a national missile defense does not violate the ABM Treaty because the system envisioned cannot deflect against a massive strategic attack of thousands of missiles. The national missile defense is meant to protect the national homeland against accidental launch or a limited attack by a rogue nation. This is the system I support.

Mr. Speaker, I support H.R. 4 because it cuts to the core of the issue. It honestly recognizes that there is a threat facing our Nation, States, and territories today and we are finally going to do something about it. On behalf of the people of Guam, I support this bill for the safety and defense of all Americans.

Mr. SPENCE. Mr. Speaker, I yield 1 minute to the gentleman from Alabama (Mr. ADERHOLT).

Mr. ADERHOLT. Mr. Speaker, I come before my colleagues in support of H.R. 4 this afternoon and thank the chairman of the committee and the gentleman from Pennsylvania (Mr. WELDON) for the work they have done on this bill.

No one wants a nuclear version of the shocking surprise attack that America suffered on December 7, 1941, at Pearl Harbor. I am glad, then, that on a daily basis the administration is moving closer to support for deployment of a national missile defense system. We use the words like ''limited'' and ''rogue'' nations. However, there is no official list of so-called ''rogue'' nations.

Any deployment plan that does not protect us against all known current weapons is a roll of the dice with our national security. If we are serious about deployment, here is one litmus test. We must start testing major systems frequently, three or four times a year. Slipping into a schedule of once every 9 to 12 months is not acceptable.

Let us give our program managers the funding and political freedom to try and fail and then try again quickly. We must get serious about this. I ask my colleagues to support H.R. 4.

Mr. SPENCE. Mr. Speaker, I yield 1 minute to the gentlewoman from Idaho (Mrs. CHENOWETH).

Mrs. CHENOWETH. Mr. Speaker, I thank the chairman very much for yielding. Mr. Speaker, I rise in strong support of H.R. 4, the National Missile Defense Act.

First of all, contrary to public opinion polls, we are completely defenseless against a missile attack in this country. It is not good news that we bring to the American people, but the American people deserve to know where the rubber really meets the road on this issue. We have absolutely no system in place, and the public must be aware of this. Now, these same polls show that that same American public believes that our first dollar should go to defend against a missile attack.

Secondly, contrary to what President Clinton said in his speech before this Congress 2 years ago, in which he wrongfully stated that no missiles were pointed at our children, our Nation is indeed in danger of ballistic missile attack.

A recent report, the executive summary of the Rumsfeld Commission, has confirmed that this threat is ''broader, more mature and evolving more rapidly than reported. . .'' and moreover that the United States would have ''little or no warning'' to counter a missile attack.

Even the President's Secretary of Defense William Cohen has publicly stated that ''the ballistic missile threat is real and is growing.''

Finally, contrary to arguments on the Floor today, a ballistic missile defense system is not a budget buster. The cost to deploy initial missile defense capability will amount to less than the amount that we have spent on peacekeeping deployments over the past six years. Moreover, considering the real risk of mass destruction and loss of life that we would eliminate, the cost for a missile defense system is small.

Mr. Speaker, in the current reality, it is unconscionable to continue without a declarative national policy calling for the deployment of a missile defense system. I urge all of my colleagues to vote in favor of this critical legislation.

Mr. SPENCE. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. SAM JOHNSON).

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

Mr. SAM JOHNSON of Texas. Mr. Speaker, the President keeps vetoing missile defense systems as unwarranted. He says a missile defense system would waste billions of dollars.

It is the duty of this Congress and the President to provide protection against rogue nations who have delivery systems and nuclear weapons, and

it is not a waste of money. What most Americans do not know is that we have no defense. Right now we cannot even stop one incoming missile.

North Korea, China, Iran, Iraq are true threats today. How many more missiles need to be pointed at our cities, our homes, and our families before the administration decides the threat is real?

Mr. Speaker, every American must be protected from the threat of missile attacks. They have the right to feel safe. That is what freedom means. That is what America is all about. And it is the duty of this Congress to protect our country. That is why we must pass this legislation.

Mr. SPENCE. Mr. Speaker, I yield 1 minute to the gentleman from Utah (Mr. COOK).

Mr. COOK. Mr. Speaker, I thank the chairman for yielding.

Mr. Speaker, I rise in strong support of H.R. 4, the National Missile Defense Act. In the past, our Nation relied on its oceans to protect it from threats from Europe or Asia. In the more recent past, we relied on the strategy of mutually assured destruction to prevent missile threats from the Soviet Union. Neither of these deterrent options are available today.

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Today, a number of rogue terrorist states are working to build intercontinental missiles that will be able to reach America's heartland from the farthest reaches of the earth. As more and more nations like Iraq and North Korea rush to develop the capability of launching not only nuclear but chemical and biological weapons into America's heartland, it is imperative that we develop a defense against them. We avoided nuclear war with the Soviet Union through a policy of deterrence. But the world knows that we have no deterrent today. We spent billions developing and researching a national missile defense system. It is time to stop studying the problem and begin deploying the system.

Mr. SPENCE. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, national missile defense is essential, especially after the Communist Chinese have availed themselves of America's most deadly nuclear weapons secrets and, of course, upgraded their rockets with American technology. Yet this administration still labels the Communist Chinese as our strategic partners and continues its closely held policy, its plan, for extensive military exchanges with Communist China. Even after their espionage ring was at long last revealed, the Peoples's Liberation Army delegation is still scheduled to go to Sandia nuclear weapons laboratory. Despite the opposition of the United States Army, a Chinese military delegation will observe their training exercises of the 3rd Infantry Division and the 82nd Airborne Division.

The Communist Chinese are engaged in an unprecedented modernization of their military and a missile buildup. There are those who would leave us defenseless to the Communist Chinese and turn a blind eye to this threat. This administration cannot be trusted to protect the United States. We must act and do it here in Congress.

Mr. SPENCE. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. TOOMEY).

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

Mr. Speaker, I rise in support as a proud cosponsor of H.R. 4, because the threat of a missile attack against the United States is real, it exists today, and it will grow in the future. It is crucial that we defend Americans in their homes, children in their schools, men and women at their workplaces against a ballistic missile attack.

H.R. 4 is a vital first step toward protecting our own citizens here at home, but in addition to the commitment to deploy, we need to deploy as soon as technologically possible. There is no other legitimate reason to delay deployment.

The administration and some of my colleagues have proffered only very weak objections. They cite obsolete and irrelevant treaties. They question whether there even is a threat in the face of obvious threats. Some worry that the cost of a missile defense system might crimp other programs as though we should spend money on the program of the day rather than protecting American lives.

Mr. Speaker, the threat is real, the time is now, we must commit to deployment as soon as technologically possible. I urge my colleagues to vote in favor of this bill and to continue to take the steps necessary so that we in fact deploy a system to protect Americans in our homeland.

Mr. SPENCE. Mr. Speaker, I yield 1 minute to our Top Gun, the gentleman from California (Mr. CUNNINGHAM), someone who knows something about missiles.

Mr. CUNNINGHAM. Mr. Speaker, why is this important now? In 1995, they found out there was a mole in our national labs. He had been operating during Carter, during Ronald Reagan and George Bush and also Bill Clinton. In 1996, the President was told of this. Nothing has happened. The mole was just arrested last week. That is a national security threat.

Even worse, the White House, against the insistence of the National Security Agency, DOD and DOE, let China have three capabilities which are very important to this country and others as well. One was missile boost capability. North Korea and the nations that proliferate like China and Russia give this to Iran, Iraq and North Korea. They can now reach the United States. The second is MIRV. The Chinese stole small nuclear capability, and now they can put it on the tip of a missile in multiple launch. Targeting is also very deadly. They can hit the fourth apartment on 332nd Street in New York City now.

Mr. SPENCE. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. REYES).

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

Mr. Speaker, I rise in support of H.R. 4, cosponsored by the gentleman from Pennsylvania (Mr. WELDON) and the gentleman from South Carolina (Mr. SPRATT). Like many of my colleagues, I support this bill both for what it says and for what it does not say. This bill does not say when a national missile defense system must be deployed nor how a national missile defense system would be deployed nor where it would be deployed. The gentleman from Pennsylvania and the gentleman from South Carolina have very intelligently left those decisions for the future.

Some critics of deploying this system argue that the technology is not proven. National missile defense will use the same hit-to-kill technology, the equivalent of hitting a bullet with a bullet which was proven on Monday as one of DOD's hit-to-kill missile defense programs, the PAC–3, successfully showed that this technology can work. The PAC–3 interceptor successfully destroyed its target over White Sands Missile Range last Monday.

I hope the President signs this bipartisan bill. We need to send a strong message to our citizens, to our troops, to our allies and especially to our enemies that we are serious about national missile defense.

Mr. SPENCE. Mr. Speaker, I yield 1 minute to the gentleman from South Carolina (Mr. GRAHAM).

Mr. GRAHAM. Mr. Speaker, I think there are a lot of thank-yous to go around: The gentleman from Pennsylvania (Mr. WELDON), the gentleman from South Carolina (Mr. SPENCE), the gentleman from South Carolina (Mr. SPRATT) and all the people who forged this bipartisan bill. There is a wave of bipartisanship sweeping the Congress for our military. It is long overdue. It is something to be proud of. It is something to congratulate each other over. The President is going to sign the bill. This is what the American people want, addressing real needs and real threats. It is a real threat to this country.

Other speakers have spoken of threats in terms of terrorist activity. They are real, too. We need to do more. We have cut our military by 40 percent in personnel and equipment. We need to do more to counter those threats. But this is a real threat.

Another threat is having quality men and women manning these systems. We have done a lot to deter people from staying in the military. We can come together in pay and benefits in a bipartisan fashion to make sure that not only we have a missile defense system but we have the quality people that we need to maintain these systems in the next century. That is the challenge for

this Congress. Let us rise to the occasion. I hope there is more of this over time where we come together to make sure America is strong.

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

Mr. Speaker, let me quickly close by giving everyone the reasons that I support this bill. First of all, it allows us to realize a return on the investment of more than $50 billion that we have already sunk in ballistic missile defense.

Secondly, it supports ground-based interceptors, the best candidate. They are treaty compliant and they fit very easily into the infrastructure of radars that we have already got that will need to be upgraded that are basically already installed, and also into the infrastructure of space-based sensors, SBIRS Low and SBIRS High, that we are going to build, anyway, and deploy because they are a complement to theater missile defenses. They help them acquire and track their targets better.

Thirdly, it will focus our efforts on completing the one form of strategic defense that can be developed and deployed in the short run. In doing this, in making this investment, we will be making an investment on technologies that are common to theater missile defense which are also kinetic-kill interceptors like the interceptor we will be building. It will also promote the THAAD and the Navy's Upper Tier.

Finally, if it is proven capable, these ground-based interceptors will give us a defense against rogue attacks and accidental attacks. I think that is a threat that exists and is emerging and possibly expanding. It will give us also a working system that we can learn from and build upon. But I want to stress ''if proven capable.'' It has not been done yet. NMD, national missile defense, needs to be put to the test, rigorous testing, made to prove that it can hold this country harmless against a limited missile attack. If it can do that, then I think it is worth buying. If it cannot, I would emphasize there is nothing in this bill that requires us to develop and deploy a system that will not protect us.

I would say one final thing, because yesterday we marked up the budget resolution in the House Committee on the Budget. Next week it will be on the floor. This system will not come cheap. It does have the advantage of being an incremental investment on top of a huge investment we have already made, but I am really dubious that the budget resolution coming to the floor next week has enough room to accommodate the cost of this system and at the same time buy an F–22 and a Joint Strike Fighter and V–22 and the Comanche and all the other procurement items that will be coming to fruition at the same time that this bill would call for deployment of a ballistic missile defense system.

On the evening of March 23, 1983, President Reagan went on television to marshal support for his defense budget. His words would be forgotten, except for a question he popped at the end:

> What if . . . people could live secure in the knowledge that their security did not rest on the threat of instant retaliation to deter a Soviet attack, but that we could intercept and destroy strategic ballistic missiles before they reach our own soil or that of our allies?

Reagan answered that question by launching the Strategic Defense Initiative (SDI), and with it, a charged debate. The arguments ended over the old perennials of the cold war—the MX, ASATs, the B–2—years ago, but the argument over missile defense smolders still. Unlike any other system, missile defense has become a political totem. Its advocates not only disagree with its opponents; but thinking they can score politically, they accuse them of leaving the country vulnerable to missile attack. They diminish the fact that deterrence worked for all of the cold war, and act as if missile defenses are available to shield the whole country from attack, when this capability is far from proven and may never be attained. On the other hand, opponents accuse advocates of firing up a new arms race. They give little credit to the advantages of defending ourselves from attack and moving away from massive retaliation and mutual destruction, and complementing deterrence with defense.

Today, the House starts the missile defense debate again, this time with a resolution notable for its brevity. It consists of a single sentence stating: ''That it is the policy of the United States to deploy a national missile defense.''

The United States has deployed a national missile defense system. We spent $15 billion (in today's money) building Sprint and Spartan and setting up Safeguard at Grand Forks, ND, only to shut the system down in 1976. Even then, the Pentagon did not quit spending on missile defense. In the year Reagan launched SDI, the Pentagon put $991 million in its budget for missile defense, and that sum was budgeted to rise annually to $2.7 billion by 1988. Most of it was for terminal defenses to protect MX missile silos.

After the mid-1980's the defense budget barely kept up with inflation. But with Reagan promoting it, SDI kept on increasing, rising so fast that within 4 years of his speech, SDI was the largest item in the defense budget. At $4 billion a year, SDI got almost as much as the Army's entire account for research and development.

Sixteen years have passed, the Defense Department has spent almost $50 billion on ballistic missile defense, and it has yet to field a strategic defense system. By anybody's reckoning, this is real money. It's hard to claim, with this much spent, that the absence of any deployed system is due to a lack of commitment. The problem is more a lack of focus than funding—plus the fact that the task is tougher than Reagan ever realized.

Early on, the architects of strategic defense decided that it had to be layered. The system had to take out some missiles to the boost phase, as they rose from their launch pads; some re-entry vehicles in the mid-course, as they traveled through space; and the remainder in the atmosphere as they descended to their targets. So, the Pentagon sank money into a family of systems: the High Endo-atmospheric Defense Interceptor (HEDI); the Exo-atmospheric Re-entry Vehicle Interceptor System (ERIS); and two boost-phase interceptors, one known as the Space-Based Kinetic-Kill Vehicle (SBKKV), the next more cleverly called ''Brilliant Pebbles.'' All of these were ''kinetic killers,'' designed to collide with their targets. But since intercepting a target moving 7 kilometers per second is a challenge and subject to countermeasures, SDI supported directed energy as an alternative. In fact, SDI was at one time funding at least five different lasers, ground-based and space-based.

Missile defense demands earlier acquisition and better tracking of targets and a means of discriminating real targets from decoys. So, SDI put money in popup infra-red sensors known as the Ground-Based Surveillance and Tracking System (GSTS) and space-based infra-red sensors known as the Space and Missile Tracking System (SMTS) and now known as Space-Based Infrared Sensors (SBIRS) Low. It even tried interactive discriminators as esoteric as a neutral particle beam, based in space.

Not all of these pursuits were blind alleys, and by no means was all of the money wasted. The ERIS, for example, was by-passed for a better interceptor. But the projectile built by the Army for the ERIS was adopted by the Navy for its theater missile interceptor. By the same token, the Army's theater missile interceptor has a sapphire window, developed for the HEDI as a heat-resistant aperture to see within the atmosphere, where friction produces terrific heat.

After the gulf war, SDIO evolved into BMDO (Ballistic Missile Defense Organization), and its charter was broadened to include theater defense as well. With billions of dollars spent on research, BMDO began to assess what was feasible. Laser systems were deemed futuristic, too far over the horizon. Ground-based laser beams were hard to propagate through the atmosphere without distortion, and space-based lasers were hard to power and protect from attack. Boost-phase interceptors orbiting in space were also vulnerable to attack, technically challenging, and expensive to deploy, given the number needed for enough always to be on station. Even if all these problems were overcome, boost-phase interceptors could be outrun by missiles with fast-burn boosters, like Russia's SS–24, a mobile missile with a booster burn-out time of 180 seconds.

Emphasis shifted, therefore, to the ground-based systems. Since interdiction in the atmosphere is hard to do, the endo-atmospheric interceptor was sidetracked, and the whole mission devolved to mid-course interceptors. These have the merit of being treaty-compliant and technically mature, and are clearly the best candidate to go first. But no one should think they answer Ronald Reagan's dream. The first problem they face are counter-measures in the form of decoys, chaff, and re-entry vehicles (RV's) enveloped in balloons, which lure the interceptors off course. The next is a limiting condition SDIO acknowledged in a 1992 report. Because of the radiation, heat, and electromagnetic effects generated when RV's are destroyed and exploded, SDIO decided that it could not postulate the take-out of more than 200 re-entry vehicles by mid-course interceptors. If our country were attacked by an adversary with an arsenal as large and sophisticated as Russia's, the first wave could easily include more than 200 warheads, and even with a smaller attack, the same problem could thwart tracking with infrared sensors and radar.

H.R. 4 says that it is our policy to deploy a national missile defense. Although not identified, the mid-course interceptor is the clear candidate for this mission. This is not a system, however, that will ''render nuclear weapons impotent and obsolete,'' in the words of President Reagan. If we have learned anything over past sixteen years, we have learned that a leak-proof defense is so difficult, it may never be attained. H.R. 4 calls for a ''national missile defense,'' and the committee report makes it clear that this means system to protect us against limited strikes. By ''limited'' strikes, the committee report means that the objective system should take out up to 20 oncoming warheads. This is the near-term goal, and even it is not ready to deploy.

There is legitimate concern about how Russia may react to this push for deployment. In truth, the system this bill anticipates will not defend us against a concerted attack by a nation with an arsenal as large and diverse as Russia's, not in the near future anyway. If it can be shown to work, it should defend us against rogue or accidental strikes and some unauthorized strikes, and Russia should have no objection to that.

This level of missile defense seems to be within our reach, but it is not yet within our grasp. Secretary Cohen has just added $6.6 billion to BMD recently and put his support behind national missile defense (NMD), but he warned that the technology is ''challenging'' and ''highly risky.'' Look at our experience so far with theater missile defense (TMD) systems. They are not comparable one-to-one to NMD, but when the Army's Theater High Altitude Area Defense System (THAAD) is 0–5 in testing, and the Navy's Upper Tier is 0–4, we should be wary of just presuming that a ground-based interceptor can travel thousands of miles into the exo-atmosphere and hit an RV four feet long.

The merit to me in this one-sentence bill is not what it says but what it does not say. It recognizes that the technology of missile defense has yet to be tested and proven, and it does not presume to say what will be deployed, when it will be deployed, or where it will be deployed.

This bill does not mandate a date certain for deployment. There is no threat now that requires us to rush development and testing or to settle for a substandard system just to say we have deployed something. In 1991, the Senate imposed on us in conference a ''Missile Defense Act'' which made it a national ''goal'' to deploy a missile defense system by 1996. It is now 1999, and nothing has been deployed, which shows the folly of legislating deployment dates.

This bill also does not mention the Anti-Ballistic Missile (ABM) Treaty. Everyone knows that we are developing ground-based interceptors that are treaty-compliant. This bill does not specify the number of interceptors or where they will be deployed, and it does not need to—not yet. We will not enhance our security by pushing NMD so hard that we derail Strategic Arms Reduction Treaty (START) II and doom START III. Unlike past bills, H.R. 4 also does not tell the Administration what it must negotiate with the Russians, and it should not. For now, compliance with the ABM Treaty is necessary to ratifying START II and negotiating START III. If we are concerned about the spread of nuclear weapons, or the risk of unauthorized or accidental attack, or the cost of maintaining our strategic forces at START I levels, both treaties are important—probably a lot more important to our near-term security than a limited missile defense system. The treaties are important also to the long-run role of the missile defense, because nuclear warheads in the United States and Russia must be lowered to a couple of thousand on each side if national missile defense is ever to become an effective complement to deterrence.

If this bill's attraction is its brevity, it's fair to ask, ''What purpose is served by passing it?'' I know some think this bill is to stiffen the resolve of the Clinton administration, but I don't think that's necessary. The Clinton administration has put a billion dollars a year into developing a ground-based system, and for the last several years, Congress has generally acquiesced in that level of spending. This year the President's budget includes funds for deploying an NMD which amount to a plus-up to $6.6 billion or a total of $10.5 billion over FY 1999–FY 2005. That sounds like a system taking shape to me, and that's one of the reasons I support deployment as our objective. At this level of effort, we should be thinking about a deployable system, and not more viewgraphs to go on the shelf.

If anything, it may be the House that needs to check its resolve. Yesterday, the House Budget Committee reported a Budget Resolution that takes $205 billion out of the President's defense budget for the years 2004–2009. This is the very time period when the system this bill supports will be ready to deploy, along with a host of others: the Army's THAAD, the Navy's Upper Tier, PAC–3, the F–22, the F–18 E & F, the Comanche, the V–22, and the JSF. You cannot load on to this full plate ballistic missile defense—ground-based interceptors, SBIRs Low and SBIRs High, radar upgrades, and BMCCC—and pay the billions it will cost with a defense budget that's flat-funded for six years, from 2004–2009.

I think there is an emerging threat and there are good reasons for developing ballistic missile defenses, but let's not fool ourselves. Like all weapon systems, missile defense will not come cheap, and when the time comes to buy it, rhetoric won't pay the bills.

In summary, here are my reasons for supporting this bill:

(1) It allows us to realize a return on the investment of nearly $50 billion made already on ballistic missile defense.

(2) It supports ground-based interceptors that are treaty-complaint and fit easily into an infrastructure of ground-based radars that are already installed and space-based sensors (SBIR's Low and High) that are already being developed for targeting theater missile interceptors defenses and tactical intelligence.

(3) It focuses BMDO on completing the one form of strategic defense that can be developed and deployed in the short-run, and further develops technologies on a continuum with theater missile defense systems, particularly THAAD and Navy Upper Tier.

(4) If proven capable, ground-based interceptors will give us some defense against rogue and accidental attacks and a working system to learn from and build upon. The best way to find if midcourse interceptors can discriminate decoys from real RV's is to build and test the actual interceptors and the target and guidance systems.

(5) Finally, I support this bill in the hope that we can put BMD on a bipartisan footing. TMD enjoys bipartisan support; NMD has been a bone of contention. Now that the technology is taking shape and showing promise, NMD needs to stand the test of any weapons system. It ought to be put to rigorous testing, and made to prove that it can hold this country harmless against a limited missile attack. If strategic defense can prove its mettle, I think we should buy it and deploy it. If it can't, nothing in this bill requires us to buy a dud.

Mr. SPENCE. Mr. Speaker, I yield the balance of my time to the gentleman from Pennsylvania (Mr. WELDON), coauthor of this bill who is mainly responsible for us being here today.

(Mr. WELDON of Pennsylvania asked and was given permission to revise and extend his remarks.)

Mr. WELDON of Pennsylvania. Mr. Speaker, first of all I want to applaud the level of debate today on this issue and thank Members from both sides for their diligence in focusing on this issue. I want to applaud the integrity of the opponents of this issue. And I want to point out the difference between the opponents in this body who stood up and focused on their opposition and the opponents in the other body who twice stopped a similar bill from getting up to a vote and then had the audacity to change and vote for it on the Senate floor yesterday. So I applaud the opponents who have a logical and philosophical difference with what we have done here and I applaud them for taking the steps to oppose it, even though I disagree with them.

I do take issue with those who say that we do not care about human concerns. Mr. Speaker, I am a teacher. I spent 7 years teaching in the public schools of Pennsylvania and for 3 of those years I ran a chapter 1 program serving those children with educational and economic deprivations. I support education. I support human services and needs. But what do we tell, Mr. Speaker, the families of those 28 young Americans who came home in body bags? They were hit by a missile. Do we tell them that we are not going to pursue a defense? Do we tell them that there is some other more important priority after they volunteered to serve our Nation?

We have no choice but to pursue missile defense, Mr. Speaker, because that is the weapon of choice by rogue nations. I do take issue with those who say that we are trying to harm our strategic relationship with Russia. For the last 20 years since graduating from college with a degree in Russian studies, I have focused on Russia. I have been there 18 years and I have been focusing on ways to provide more economic stability with that nation. That is not a reason for us to deny protection for our people. We need to provide this system to protect Americans. It is time for us to vote. Not to provide cover for Members.

If Members support the President's policy of waiting a year and then deciding whether or not he should deploy,

vote against this bill. But if they feel as we do, it is time based upon the threat and based upon the changing world to move in a new direction, where instead of threatening each other with long-range missiles, we begin developing a new relationship where we defend ourselves and our people and our troops. I happen to think as a teacher and a person very concerned about human issues that that is the right thing to do as we approach the new millennium.

I ask my colleagues to oppose the motion to recommit and support this bill to provide protection for our people.

Ms. PELOSI. Mr. Speaker, I rise in opposition to H.R. 4, the Missile Defense Bill. I think we all agree that this is a vitally important issue to the American people. That is why I am disappointed by the Republican Leadership's decision to deny any member the basic right of introducing an amendment to this bill so we may have a full and open debate.

For example, the closed rule under which we are debating this bill blocks the amendment from my good friend from Maine, Representative ALLEN. The Allen amendment proposes ideas I believe my Republican colleagues would support. The Allen amendment specifies that the United States deploy a National Missile Defense that is operationally effective and that a National Missile Defense System not jeopardize other efforts to reduce threats to the United States. If we can not agree on these points, then I fear we are farther apart then I imagined.

The future of this country depends on a strong economy and a strong military. Neither is possible without an educated populace. That means that everyday, we have to make difficult decisions about where we spend our money and that we must be wise when deciding such matters. Therefore, we must not rush to deploy any missile defense system that will not guarantee our protection.

This debate involves many complex issues. Lest some of my colleagues have forgotten, one of our potentially most significant foreign relations accomplishments over the last 30 years was our agreement with the former Soviet Union to reduce the size of our nuclear arsenals. I am talking about the Anti-Ballistic Missile Treaty and the START II and III nuclear arms reduction proposals. And I say they are potentially significant because I worry that if we pass the current version of H.R. 4, we would be in violation of the ABM Treaty and force the Russian Duma to fail to ratify START II. Additionally, as far as Russia is concerned, do we really want to put pressure on a country trying to stabilize its fragile economy by tempting it to respond to our actions.

I agree with my colleagues who believe that a new threat to our security has emerged and that we have a responsibility to address that threat. As a member of the Intelligence Committee, I know as well as anyone that the potential for a rogue state to strike our shores may exist in the near future. However, it would be irresponsible for us to rush to meet that potential threat by spending money on something that one, is not even technologically possible and two, even if it were possible, would not end the threat.

Mr. Speaker, we do not need a missile defense. If we need anything, we need a strong non-proliferation policy. If my colleagues only want a missile defense, then they will have the chance to vote for that today. However, if they truly want to protect the American people, then they will only settle for something that also attempts to stop other, more realistic, threats to our safety, such as cruise missiles or smuggled bombs. The missile defense systems being considered do not adequately address these possibilities. The remarks of Secretary Cohen are very poignant here. The Secretary acknowledged that the Joint Chiefs of Staff worry more about a suitcase bomb going off in one of our cities and that very few countries would launch an Intercontinental Ballistic Missile aimed at the United States, knowing that they would face virtual elimination.

I urge my colleagues to vote no on H.R. 4.

Mr. CALVERT. Mr. Speaker, I support of H.R. 4 and would like to discuss one of the most important issues currently facing our nation. Many rogue states have already proven their ability to attack the United States via long-range missile capability or nuclear-weapons program and others are known to be close to obtaining this capability.

The United States cannot fully prevent other nations from obtaining missile technology, allowing them the capability to launch missiles that may reach our borders. During their recent dispute with Taiwan, China threatened to bomb Los Angeles; North Korea recently launched a three-stage rocket over Japan; and a published CIA report determined that they will soon have the technology to reach the west coast of the United States. Knowing that the Chinese have the capability to attack my district in California, and that the North Koreans are not far behind, compounded by the fact that we have nothing to protect us from attack, strikes fear into the hearts of my constituents and me.

For the Clinton Administration to have delayed making a National Missile Defense System a top priority is a tragic mistake. To rely on the ABM Treaty, an archaic, outdated agreement with a country that does not even exist any longer, shows that our nation's security needs are a low priority for this Administration.

Our federal government is responsible for the general defense of our nation. The post-Cold War world is littered with dangerous, rogue nations that either possess or are pushing toward development of nuclear weapons. North Korea and China have already illustrated the capability to threaten the U.S., but they will not be the last. If we have one Saddam or bin Laden with nuclear missile capability, they could kill millions of American citizens under our current defense security posture.

Right now, Mr. Chairman, we can insure that this nightmare never becomes reality. I hope that my colleagues on both sides of the aisle will support this important bill and make it a priority to deploy a national missile defense system. It is my personal belief that such a system should play to our technological strengths and should include a sea-based element. Sea-based anti-missile systems would provide flexibility to protect our forces around the world as well as the 50 states.

Further, we must have the courage to modify, or even scrap, the ABM Treaty when it is in our supreme national interest to do so. Mr. Chairman, defense is never provocative and weakness is never wise. We must pursue a national missile defense immediately.

Mr. EVERETT. Mr. Speaker, the resolution before us today is very simple and straightforward. H.R. 4 states that it is the policy of the United States to deploy a national missile defense system. Most Americans would be puzzled by this, because it is a widely held misconception that we have an anti-ballistic missile defense system in place to protect the United States from any incoming missile; either an accidental launch from Russia, or an intended launch from China or any number of rogue nations.

Yes, we spent $40 billion in the 1980's for research and development of the Strategic Defense Initiative (SDI). However, liberal naysayers and the media criticized the program for being a threat to the former Soviet Union, while trivializing and demonizing the program as ''Star Wars.'' Once the Berlin Wall fell and the Soviet Union collapsed, the collective wisdom of liberal policy makers convinced the public that such a missile defense system was no longer needed; the program was allowed to fade into a meager research effort.

Unfortunately, here we are today still facing a formidable nuclear weapons arsenal of more than 7,000 warheads in the former Soviet Union. Moreover, the development of a ballistic missile capability in China, coupled by the intent of North Korea, Iran and Pakistan to briskly pursue advanced ICBM programs places the United States and the world at great risk. In addition, rogue states led by Iraq, Libya and Syria are pursuing ambitious ballistic weapons programs of their own. These sobering realities were again presented to each of us this morning by the threat analysis of the Rumsfeld Commission.

However, President Clinton is opposed to this bill. According to the Statement of Administration policy, the Clinton Administration opposed this resolution for two reasons; they oppose the commitment to deploy a missile defense system and they are concerned about violating the Anti Ballistic Missile (ABM) Treaty. I cannot understand this Administration's reluctance to fully defend the American people, nor their concerns about complying with a treaty that we made with a country that no longer exists.

Mr. Speaker, it's high time that the policy of the United States is to fully defend our nation from all threats, including incoming ballistic missiles. We are very close to achieving the technological challenge and capability of a ''hitting a bullet with a bullet.'' We must not allow the Administration's reluctance to get in the way of protecting Americans; let's support this legislation.

Mr. PITTS. Mr. Speaker, I rise today to speak to American families. Tonight, as you sleep, we cannot adequately protect you and your children from a ballistic missile attack from rogue nations, let alone Russia or China.

We simply must protect American families. It is our duty—that is why we are here today. Deploying a national missile defense to protect American families simply makes sense.

The Administration's current arms control strategy has failed miserably, while rogue nations progress in developing long-ranges missiles capable of carrying nuclear, chemical, or biological warheads.

In addition to the established nuclear powers of China and Russia, the Administration

has tried, and failed, to prevent Russia from aiding Iran's progress in missile technology and guideane systems. The Administration has failed, too, in Iraq and North Korea. India and Pakistan have established themselves as members of the nuclear club, and Cuba is now being helped by Russia with its own reactor.

According to the Rumsfeld Commission, rogue nation like North Korea and Iran will be able to inflict major destruction on the U.S. within about five years of a decision to acquire such a capability. Further, rogues can import technology from Russia and China and greatly decrease acquisition times and increase secrecy.

Today, rogue nations don't need to develop weapons of mass destruction, the merely need to purchase it.

Despite the overwhelming evidence of the rogue nation threat, the Administration continues to downplay the threat, delay funding and deployment of a national missile defense, and risk the life of every American. This is unacceptable.

It is time for the Administration and Congress to make preserving our security and our freedom a priority. It makes no sense at all to grant Russia or China a say in our policy to defend ourselves.

We have the technology, designs, and intelligence. All we need is the straight forward policy, and we can begin to deliver on our constitutional duty to adequately defend American families.

We can no longer afford to follow the Administration's policy of mutual assured destruction. Rather, we must have a policy of defending American families.

Vote for H.R. 4 today, and support a policy that will provide for deployment of a national missile defense.

Mr. PACKARD. Mr. Speaker, today we are discussing a matter of national security and national protection. H.R. 4, calls for the prompt deployment of a national missile defense system. This legislation is long overdue.

According to a congressional advisory panel report from July of 1998, missile threats are widely and drastically underestimated. Our enemies are working aggressively to develop ballistic missile systems capable of carrying weapons of mass destruction. Iran, North Korea, China, and others are all developing missile systems for one purpose: to target the United States. We cannot afford to let this threat go unchecked.

Mr. Speaker, nothing is worth more than the safety of our citizens. Yet our critics claim that development of a national missile defense system is too costly. Nothing could be further from the truth. The cost to deploy an initial National Missile Defense capability will amount to less than the amount the United States has spent on peacekeeping deployments over the past 6 years.

In 1995, President Clinton vetoed legislation similar to that which we are debating today. In his veto message, the President called the deployment of a national missile defense ''unwarranted.'' Today, the President has indicated that he will sign our legislation. I am relieved that the President has finally agreed with my Republican colleagues and I on this issue.

Mr. Speaker, this is an issue which should need little debate. I urge my colleagues to support a national missile defense and vote in favor of H.R. 4.

Mr. HORN. Mr. Speaker, when John F. Kennedy committed our Nation to sending a man to the moon by the end of the 1960s, he was not ambiguous and he did not hedge. He committed this Nation to a hard-to-reach goal with the knowledge that American ingenuity and hard work could get the job done. He was right then and we are right now to set this goal before us.

The spread of ballistic missile technology—combined with the spread of chemical, biological, and potentially nuclear technology—to nations openly hostile to the United States and our allies has introduced a new threat and new dimension to American security.

The spread of this threatening technology has occurred at a rate faster than was predicted just recently by our intelligence community. This fact requires an immediate response to protect our Nation sooner rather than later.

The technology underpinning a national missile defense system is unproven today. Much work remains to be done before a working system can be deployed. However, unless we treat this threat and our response seriously and proceed with a firm commitment to deployment, we will leave ourselves vulnerable to our most dangerous and unpredictable enemies.

Protection from this threat must be treated with the highest degree of seriousness. National missile defense must be undertaken in conjunction with other defense needs. Failure to commit to the deployment of this protection for our Nation will mean that it is undertaken with too little funding and too little attention to deploy a missile defense system in time to respond to existing and emerging threats.

Our first priority must be to ensure the protection of our Nation and our armed forces defending American interests abroad. Some have said that this system might not stop all attacks. Should our response be to provide no protection? Of course not. I do not agree with that response and neither should you. Vote for H.R. 4 and protect our citizens from the actions of irresponsible nations.

Ms. BROWN of Florida. Mr. Speaker, I believe that we should wholeheartedly support House Concurrent Resolution 42, a resolution to support the sense of Congress that the President is authorized to deploy U.S. troops as a part of a NATO peacekeeping operation to implement a peace agreement in Kosovo.

I am very disappointed in Congress' reluctance to commit an American contingent of 4,000 troops to serve as peacekeepers in an attempt to stabilize the region. At the same time members of Congress are debating the U.S. position, American negotiators are in France struggling to negotiate a settlement palatable to both sides. Although I do believe that an open debate about troop deployment in Kosovo before the American public is necessary, now is not the appropriate time to carry on such debate, given the extreme fragility of the peace process.

Indisputably, peace in the region is in the best interests of the United States. Noncompliance with our obligation to the organization and lack of support for our European allies, may in turn lead them to forgo the peace process as well, a move that will negatively affect our relationship with Europe, as well as future joint military endeavors.

Although NATO was originally established for the purpose of deterring Soviet aggression in Europe, the Alliance is still a necessary vehicle to neutralize aggressors on the continent. This is especially true in the context of leaders such as Slobodan Milosevic, whose political ambitions have the potential to disrupt regional political, social, and economic harmony. Indeed, even though political changes brought about by the end of the cold war have altered NATO's original purpose, the organization still plays a meaningful role in the region by promoting political, social, and economic ties among European nations. Certainly, the United States, as a major participant in the organization, has a strategic and humanitarian interest in preventing the conflict from spinning out of control.

Undeniably, there is ample evidence to demonstrate that if the situation is left untended, the conflict in Kosovo will draw in Albanians from four surrounding regions—Macedonia, Montenegro, northern Greece and Albania—further destabilizing the region, increasing the number of refugees, infecting Greek-Turkish relations, and souring relations between member countries of NATO. One cannot profess concern about the future of NATO and the stability of Southern Europe, while standing idly by, declining to react to this alarming state of affairs.

If members of the KLA eventually accept the terms laid out by European and American negotiators, I believe without reserve that America should participate by contributing peacekeeping troops. Since the deal calls for the Europeans to commit 25,000 troops, and the U.S. only 4,000, it is they who are assuming the majority of the responsibility, which, in and of itself, is in the best interests of our country. The U.S. is, and must remain, an influential player in Europe, and therefore cannot remain entirely aloof from taking on a major role in the brokering of a deal between the warring parties. Unquestionably, the contribution of 4,000 troops is within the means and the interests of the United States.

Mr. VENTO. Mr. Speaker, I rise today in strong opposition to this legislation that will push the United States down a slippery slope and lock us into an automatic deployment of a national missile defense system. This system is a highly speculative policy with regards to cost and effectiveness. The best defense is a smart defense. The U.S. needs not just smart weapons, but smart soldiers. This decision contributes to neither. H.R. 4 will siphon off important resources that should focus on ensuring that our troops have the equipment and the training they need to maintain our security. The advocates for ''Star Wars'' or strategic defense initiatives can change the names, but not the facts! What kind of message are we relaying to our constituents back home? Congress should not be in the business of writing a blank check for yet another version of ''Star Wars.'' A pipe dream which commits to spending over $100 billion without any assurance of success and evidence that such action will erode effective disarmament and weapons agreements such as the 1972 Anti-Ballistic Missile Treaty (ABM). Today, their is a long agenda of real needs. Too many schools are crumbling down and overcrowded, much environmental cleanup is needed, veterans are in need of adequate health care and the future of the Social Security and Medicare Insurance are crying for attention. Investments in our people today must surely take priority over such questionable spending policies that is intended by this

version of the national missile defense measure.

Why rush to give blanket authority for deployment of a national missile defense at an unspecified cost? The United States has already spent over $120 billion on missile defense research and development, including $67 billion since President Ronald Reagan's ''Star Wars'' initiative. Recent systems tests have failed 14 out of 18 times and Joint Chiefs of Staff Chairman General John Shelton recently stated that the United States does not yet have the technology to field a national missile defense. In addition, the Clinton Administration recently proposed spending $10.5 billion over the next five years to step-up research of a workable system. Furthermore, many scientists inside and outside of the government testify that any system, no matter the sophistication, would be relatively easy for an enemy to circumvent at far less cost. And worse yet, this initiative would lead to a renewed qualitative arms race to defeat such a national missile defense system.

Nonetheless, H.R. 4, a 15-word measure, would give blanket endorsement by the House, mandating automatic missile defense deployment without regard to taxpayers, regardless of its impact on global stability and regardless of whether or not it actually would be effective. This bill will provide a false sense and illusion of security and waste important tax dollars that could better serve people programs or even real defense needs.

Clearly, this 15-word bill would fundamentally undermine international arms control and disarmament agreements which have effectively preserved and advanced U.S. and global security over the past three decades. Furthermore, this bill sends the wrong message to Russia and other nations at a crucial time. It would seriously damage relations with Russia, violate the ABM, jeopardize the ratification of the START II Treaty by the Russian Duma and undermine decades of efforts to advance national and international security through arms control and disarmament agreements. This could stimulate an escalating nuclear arms race with China which would view such a deployment as a threat to its current limited nuclear deterrent. An end to Russian nuclear disarmament, the decommissioning and disassembly of nuclear weapons and a nuclear arms race with China and others would undermine U.S. security far more than the alleged threat from rogue nations such as North Korea or Iran. H.R. 4 will reverse the ongoing successful arms reductions initiatives and in fact reverse U.S. policy that has been in place for 4 decades.

Mr. Chairman, during this debate I've heard many, too many different explanations of what these 15 words mean, I guess that they mean whatever an individual may claim, but I've no doubt that this action will be interpreted as the green light to spend hundreds of billions of dollars to in fact move forward beyond the $10 billion that is already planned by the Clinton administration. This is not a benign matter, it is the renewal of a path to policy well traveled. An engraved invite to develop, spend and undercut existing treaty agreements. The wrong policy path.

The recent threats we face from North Korea and other rogue nations do not require the deployment of a national missile defense system. The United States has faced the threat from long-range missiles for 40 years. We should continue to do what we can to control the spread of this technology and to gain agreements, such as the nuclear power accords achieved with North Korea in the last 4 years. But, it is much easier for a terrorist group or rogue nation to smuggle nuclear devices or biological weapons across our borders than to develop huge ballistic missiles under the watchful eye of our satellite systems. Locking-in deployment does nothing about the real threats we face today. A missile defense looks up at the sky for missiles when we should be looking on the ground for terrorists in a panel truck.

Technology for a national defense system is actually more sophisticated, not less than some other forms, because of the shortened timeframe, low trajectory, and limited ability to detect such weapons deployment and activation.

This total initiative seems to cast Congress and this issue into a political ploy more designed for emotion than rational decision making. Frankly, the spread of knowledge of weapons of mass destruction is in fact the real world that we must live with. The United States of America has, in many instances, been the source of that knowledge. Isn't it time to stop or at least slow down the merry-go-round? Maybe it is time to review the film, ''Dr. Strangelove.'' As many of you know, this film addresses the consequences and results of actions such as this. The basic problem is changing mindsets and attitudes to realize that we share vulnerability, not to pretend and falsely promise what cannot be achieved. We live in a interdependent world. The path to more security is found in addressing the problems, not pretending that we can build a wall around the United States and be isolated and impervious to events and developments in other nations.

I urge all members to vote no on H.R. 4.

Mr. KOLBE. Mr. Speaker, the development of a national missile defense is vital and I support this resolution. The bottom line is that this is a natural evolution for our defense.

Once upon a time, our ancestors built walls of stone to defend themselves from swords and arrows. As military weapons have evolved, so must our defenses. While some in this chamber raise legal, treaty-oriented objections to this bill, we know that the reality of our age is that a missile attack on U.S. soil by some rogue nations may soon be technically achievable and perhaps politically desirable.

We don't have to go far back in time to understand this. We all know that the single bloodiest moment for American servicemen and women in the Gulf War was the moment an Iraqi Scud landed on the barracks occupied by our forces.

If anyone doubts that a despotic leader would take an opportunistic chance to launch a missile attack at American soil—even as merely a demonstration strike or as a symbolic strike, consider the SCUD missile attacks on Israel. While there was clearly no military advantage to be gained through that action, Sadam Hussein launched those attacks to prove that he could, and to see if it would rouse support from other nations.

Given those circumstances, we have no choice but to embrace the policy declared in this bill and move forward with the development of a national missile defense system.

This is not a threat that will pass. The Rumsfield Commission has opened our eyes to the reality that this is not a situation we can postpone. The responsible action at this moment in history is to rally the political support necessary to make a national missile defensive system available to protect the American people as soon as possible.

Ms. BALDWIN. Mr. Speaker, in May, George Lucas will release the next Star Wars sequel. I can hardly wait to see it. Apparently I am not alone, since today we'll vote on our own sequel to Star Wars. Unlike Mr. Lucas an 20th Century Fox who can be confident it will be a hit and a money maker, all we know is that our Star Wars sequel will cost a lot of money—$50 billion and counting. As for whether it will be a hit, hit-to-kill technology is nowhere near feasible.

Now when 20th Century Fox makes a big, expensive movie they usually go with a proven formula for success. When they gamble, they may end up with Waterworld or Ishtar. The United States cannot afford an expensive flop.

When 20th Century Fox isn't sure they have a hit, they bring in focus groups and maybe edit or reshoot some footage. It usually won't cost too much. We won't have that option.

I rise today in opposition to H.R. 4, a bill that would make it the policy of the United States to deploy a national missile defense system. I do not know if it should be the policy of the United States to deploy such a system. I think few of us do. Because we have not had a national debate yet.

We don't know what it will cost.

We don't know what the impact will be on our future nuclear arms reduction negotiations with the Russians.

We don't know the impact on Anti-Ballistic Missile treaty.

And we don't know if it will work.

We need a national debate on a national missile defense. A couple of hours today will not engage the American people in this important debate.

I wish the majority had allowed a genuine floor debate ion the Allen Amendment to establish the criteria for deployment. If the House is going to establish this policy, we need to have clear deployment criteria. We should not take this step until National Missile Defense:

(1) has been demonstrated to be operationally effective against the most significant threat identified at the time of such deployment (and for a reasonable period of time thereafter);

(2) does not diminish the overall national security of the United States by jeopardizing other efforts to reduce threats to the United States, including negotiated reductions in Russian nuclear forces; and

(3) is affordable and does not compromise the ability of the uniformed service chiefs and the commanders of the regional unified commands to meet their requirements for operational readiness, quality of life of the troops, programmed modernization of weapons systems, and the deployment of planned theater missile defenses.

We are doing the American people no favor by rushing this bill through the Congress so that we can say we're addressing the perceived threat. Let's take our time, get it right, and use our constituents' tax money wisely.

That will make our Star Wars the kind of blockbuster that every American will want to see.

Mr. RODRIGUEZ. Mr. Speaker, I rise today to express support for H.R. 4, and I will vote

in favor of this legislation. We certainly should not fail to explore the possibilities of protecting the United States from missile attack from enemies across the globe.

But, we must also make a realistic assessment of the threats we face and consider how we can best use our resources. While the threat of a hostile missile attack exists, the far greater threat comes from terrorism, whether domestic or international, and whether sponsored by rogue individuals, organizations or states. The weapons of mass destruction I most fear are not intercontinental ballistic missiles traveling through the stratosphere, but those coming across our land and sea ports and delivered by an aerosol can, suitcase or panel truck.

To protect against such asymmetrical threats we must devote appropriate resources to Customs, the Immigration and Naturalization Service, and even the Coast Guard. These agencies are our nation's first line of defense along our borders and major ports of entry. More personnel and better technology are needed if we want to defend against terrorists trying to smuggle into the United States weapons of mass destruction. We want more commerce with our neighbors and international trading partners, yet we do not provide adequate resources to the very agencies tasked with managing the trade.

Just this week federal authorities, including the INS, arrested 15 people on charges of operating an immigration fraud ring that helped members of an alleged Iranian terrorist group enter the United States illegally. Several years ago, a cargo ship owned by a Chinese shipping company and destined for the United States was boarded off the California coast and a cache of firearms was discovered. With current resources and technology are we able to stop an illegal weapons or known dangerous persons from entering the United States?

The administration has included in its budget $10.5 billion for fiscal years 1999 through 2005 for national missile defense. I say in addition to this money we devote more resources to those dedicated individuals on our nation's borders and ports of entry who manage our international trade and face potential threats everyday.

Mr. DELAHUNT. Mr. Speaker, each day, Members of this House debate how to save Social Security and Medicaid. How to cut taxes. How to stay within mandated spending caps. All to make sure that we only spend tax money on things we need—and things that work.

Now comes the missile defense bill. Before casting this vote, let's review what we know—and what we don't know—about this proposal.

We do know that we already have a national missile defense—the threat of swift and disproportionate retaliation with our own nuclear weapons.

We don't know if an anti-ballistic system will work—which is why almost no-one will attest to its reliability. Even the Chairman of the Joint Chiefs has said that ''we do not yet have the technology to field a national missile defense.''

We do know that an anti-ballistic system cannot defend against the most probable form of attack. The likeliest 21st-century enemies will use cheap, hard-to-trace methods to kill Americans, like gassing subways or poisoning reservoirs.

We do know it would be expensive. We've already spent $120 billion, and estimates now approach $200 billion more.

But we don't know where this money will come from. Do we sacrifice veterans' benefits, or home health care? Education or environmental protection?

We do know that this bill undermines years of progress with the one country whose missiles actually pose a threat—Russia. For decades, we've negotiated to reduce Russia's nuclear arsenal. The Russian parliament is considering deeper cuts. But Russia sees an American missile defense as a direct threat to its own deterrent and a reason to abandon nuclear arms reductions.

We don't know if Russia can even maintain its current force level without an accident—Besides setting back years of diplomacy, this bill could actually increase the risk of an accidental launch as Russia tries to manage a missile force with its crumbling infrastructure.

We do know that this bill could begin a new arms race. Other nations may feel so threatened that they will seek to develop weapons to counteract our missile defense.

In short, we are asked today to authorize enormous sums of public money to nullify years of arms control. To risk re-igniting the arms race. All for a defense system that may not work. To protect us from a threat that may not materialize.

It doesn't take New England frugality to recognize that we can do better, and I urge my colleagues to join me in voting ''no.''

Mr. BROWN of California. Mr. Speaker, I will vote against H.R. 4, a bill committing the United States to deploy a national missile defense system as a matter of national policy.

I will not repeat the arguments against passing the bill, since such arguments have little impact on most Members. Frankly, leaders on both sides are supporting the bill largely because they think that it is a good political strategy or that failure to do so may be used against them in the next election. These are not ignoble motives. In fact, concern for our national defense is a very noble motive, and I deeply respect those of my colleagues who express this concern.

However, during the 1960's and 1970's when similar arguments were made to deploy an ABM system, or to escalate the Vietnam war, Presidents and their advisors made the same supportive arguments aware that they could not be justified. They reversed themselves, recanting their former words only when the American people came to understand the unwinnability of a ground war in Asia in a situation where no vital U.S. interests were at stake and the futility of a missile arms race, either offensive or defensive, against the U.S.S.R. In the face of great odds both the United States and the U.S.S.R. moved toward arms control and reduction and toward cooperation in a growing number of economic and political areas.

I am confident that the leaders of the nations of the world have passed the era of even considering nuclear war as a viable option. For a rogue nation or a terrorist group to deliver a nuclear device by means of a ballistic missile, whose launch point can be precisely detected, amounts to national suicide, even if it were to evade the proposed U.S. missile defense system.

Our efforts today should be focused on eliminating the causes of war, of which the largest is economic inequality and endemic poverty around the world. A small fraction of the cost of the missile defense system would give us a good start on such a program.

Ms. DEGETTE. Mr. Speaker, I rise today in opposition to H.R. 4, and urge my colleagues to vote in favor of the motion to recommit. H.R. 4 is a bill whose time has not come. It is a bill whose time, arguably, may never come. As General Hugh Shelton, the Chairman of the Joint Chiefs of Staff, said in February of this year, ''The simple fact is that we do not yet have the technology to field a national missile defense. We have, in fact, put some $40 billion into the program over the last 10 years. But today we do not technologically have a bullet that can hit a bullet.'' General Shelton, testifying only 44 days ago before the House Armed Services about this issue, continues: ''The technology to hit a bullet with a bullet remains elusive.''

Yet today the House is considering legislation that presumes this technology does exist, when it in fact does not. H.R. 4 presumes this missile defense system can be developed and deployed, when in fact after tens of billion dollars in research, in General Shelton's words, it ''remains elusive.'' If General Shelton's summation is not simple enough, I offer an analogy which easily explains my opposition to H.R. 4: the cart should not be put before the horse. The decision to deploy a National Missile Defense system should not be made until there is a clear capability to address a potential national security threat.

How many times has a defense technology been rushed to the field in a spectacular shower of funding from Congress, only to be declared obsolete on the day when the last bolt is tightened or just as a system is declared ''fully operational''? With all the good intentions of this Congress to take steps to preserve national security, there are too many questions regarding the readiness of this technology to consider beginning deployment of a National Missile Defense.

Let our research scientists, engineers and military commanders finish their job, first. If there is a national security threat that can be addressed with a proven national missile defense technology, bring that evidence before Congress, and then let's decide whether or not it makes sense to deploy such a system. But until then, I urge my colleagues to not get ahead of the horse.

Equally as troubling to me is the fact that H.R. 4 in its brevity fails to recognize the arms control gains we have made under the Anti-Ballistic Missile Treaty. The deployment of a system as prematurely proposed by this bill may in fact put us in noncompliance with this treaty, a treaty that has slowed arms development for nearly 30 years. I worry that this bill could send the wrong message to Russia and China, who might likely see it as a signal to start the arms race again. It might also be viewed by other nations as an invitation to join in.

As H.R. 4 is silent on these issues, it provides an oversimplistic policy for an extremely complex, interdependent group of concerns. The 15-word, one sentence policy statement in H.R. 4 grossly trivializes the importance of this issue of national defense. Without serious consideration of the full ramifications of this policy, and without the opportunity to amend this bill to do justice to this national security issue, I cannot support this bill.

Mr. DICKS. I rise in support of H.R. 4 the Weldon-Spratt National Missile Defense bill. I am a cosponsor of the bill and urge my colleagues to support it. At the same time, I strongly support the amendment offered by TOM ALLEN, which was not allowed on the floor, which clarifies that we will not deploy a system unless we know that it works. The Allen amendment also makes clear that the readiness and Theater Missile Defense (TMD) of our troops is our top priority. We may have an opportunity to vote for this sensible alternative as a motion to recommit, and I urge my colleagues to support it.

Even as we pass this bill we need to come clean with the American people. We have not been able to make National Missile Defense work, and at this time, we don't have a system to deploy. We are developing this system as fast as we can, in fact, we may be pushing the technology too hard. But significant challenges remain. We have experienced a series of failures with our medium-range THAAD system. If we can't even do THAAD, how are we going to do National Missile Defense, where the targets are much faster and much more sophisticated? The Army successful tested the shorter range PAC–3 missile defense system this week. And we all hope that THAAD will bet back on track with a successful test next month. But we shouldn't kid ourselves here. We have a long way to go to get a National Missile Defense system. Fortunately we have good people working on the problem.

We should also be honest with the American people on what we are talking about deploying. This will not be the leak proof missile defense shield that Ronald Reagan dreamed of when he founded the Strategic Defense Initiative. We are no closer to achieving a leak proof defense against Russian missiles today than we were in 1983. Instead, we are developing a system designed to deal with the limited and relatively unsophisticated threats presented by countries like Iran and North Korea. I believe developing a defense against these threats is necessary and appropriate. And by voting for H.R. 4, Congress will signal its intent to deploy such a system if it works.

But it will not change the fact that Russia, the old Soviet Union, maintains thousands of nuclear weapons, which they can launch against the United States at will. And for this reason, I cannot support those who advocate abandoning the ABM treaty which has been the cornerstone of strategic arms reduction. Deploying a National Missile Defense system will improve our national security, but nothing can compare to the importance of implementing START II, and negotiating a START III agreement with Russia. We should not abandon the ABM treaty in our haste to protect against the North Koreans of the world.

Missile defense has proved to be a tough nut to crack. We have been trying to deploy a workable national missile defense system since the 1960's and have spent tens of billions of dollars, without success. This bill today signals that Congress is deadly serious about solving this problem. But it will not change the fact that national missile defense is difficult. And it should not push us to abandon arms reduction with the Russians.

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to support H.R. 4, the National Missile Defense Act, and to thank my colleagues CURT WELDON, JOHN SPRATT, and Chairman FLOYD SPENCE for their leadership on this issue. It is important that the House consider this bill today in an effort to educate America as to why this issue is so important to our future.

Mr. Speaker, I have long believed that the security of the American people is the primary and most important responsibility of the Federal Government. In recent years we have learned that one of the biggest threats facing that security is the proliferation of weapons of mass destruction and more importantly the dissemination of sensitive missile technology into the hands of our potential advisories.

Recent polls indicate that many Americans think our military forces can currently shoot down any missile fired at the United States. Well, Mr. Chairman, as the debate has pointed out here today, this is not the case. The United States does not have a missile defense system today and we won't have a missile defense system tomorrow unless this Congress acts responsibility to direct our military to develop one. H.R. 4 is the first step towards beginning this process.

If there is one thing I have learned since being elected to Congress is that many nations, large and small, are developing their own weapons of mass destruction and are moving ahead with potential use. Just last year, two new countries entered the nuclear arms race. Pakistan and India. And, many more nations much less friendly towards the United States continue to pursue the ability to launch weapons of mass destruction.

As this technology spreads throughout the world, the need for a national missile defense is increased. The United States can not sit by and wait for the next country or terrorist organization to threaten the United States. We must be proactive and develop our own system to combat that threat.

According to the bipartisan Rumsfeld Commission the ballistic missile threat to the United States ''is broader, more mature and evolving more rapidly than reported in estimates and reports of the intelligence community.'' Even more alarming is that the simple fact that the United States may have ''little or no warning'' before a ballistic missile threat materializes. To quote Secretary Cohen, ''the ballistic missile threat is real and is growing.''

As a member of the National Security Appropriations Committee, I have learned first hand that we must act now. The cost to deploy an initial National Missile Defense should not deter us from our responsibility. It has been estimated that, in reality, this initial step will amount to less than the amount the United States has spent on peacekeeping deployments over the past six years. A national missile defense is an investment worth making. If we can spend over $11 billion on a ''peacekeeping'' mission in Bosnia over the past four years, we can surely establish a proper missile defense.

In closing Mr. Speaker, the ballistic missile threat to the United States is real. It is not 5 years away. Congress needs to move forward and deploy a National Missile Defense system to provide the fundamental security that Americans deserve. H.R. 4 provides that framework and I urge all my colleagues to support this important bill.

Mr. LARSON. Mr. Speaker, I rise in support of this resolution. From the end of World War II to the end of the cold war and the fall of the Berlin Wall, our generation has been witness to some of the greatest social changes and upheavals in history. We no longer face a world fenced off by two superpower nations. Today we are a global community facing a new and real threat from small rogue nations and their ability to launch an attack directly on American soil.

I support this proposal because I want to protect my three young children. However, my support comes with certain reservations. If we can stand together to support this proposal to protect our children, we must also stand together and enact legislation to provide our children with access to technology in the classrooms, as well as the training and education in our public schools to ensure they remain competitive in the new digital economy. As the 21st Century approaches we are facing the uncharted territory of the information age. We must do all we can for this next generation of Americans.

The SPEAKER pro tempore (Mr. SUNUNU). All time for debate has expired.

The bill is considered read for amendment.

Pursuant to House Resolution 120, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. ALLEN

Mr. ALLEN. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. ALLEN. Yes, I am, Mr. Speaker, in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. ALLEN moves to recommit the bill H.R. 4 to the Committee on Armed Services with instructions to report the same back to the House forthwith with the following amendment:

Strike all after the enacting clause and insert the following:

That it is the policy of the United States to deploy a ground-based national missile defense, with funding subject to the annual authorization of appropriations and the annual appropriation of funds for National Missile Defense, that—

(1) has been demonstrated to be operationally effective against the threat as defined as of the time of such deployment and as projected for a reasonable period of time thereafter;

(2) does not diminish the overall national security of the United States by jeopardizing other efforts to reduce threats to the United States, including negotiated reductions in Russian nuclear forces; and

(3) is affordable and does not compromise the ability of the uniformed service chiefs and the commanders of the regional unified commands to meet their requirements for operational readiness, quality of life of the troops, programmed modernization of weapons systems, and the deployment of planned theater missile defenses.

□ 1615

The SPEAKER pro tempore (Mr. SUNUNU). The gentleman from Maine (Mr. ALLEN) is recognized for 5 minutes in support of his motion to recommit.

Mr. ALLEN. Mr. Speaker, I want to begin by commending both the gentleman from Pennsylvania (Mr.

WELDON) and the gentleman from South Carolina (Mr. SPRATT) for the work they have done on this issue. This is a case where there are some of us who respect and admire their expertise in this area but do disagree on the substance of the policy, that it is the right one for this country. It is certainly true that the threat that has evolved with rogue nations is different from what it was perceived to be a number of years ago, and it is appropriate to consider the responses to that. But I would point out that couple of facts.

One is that even the system that is being proposed today is a very limited defense system that would only deal, as a practical matter, with the threat from rogue nations and not provide the broader security that perhaps some believe.

But the objection that I have primarily is this:

This system has not been tested. We do not know whether or not it will work, and I believe that the decision to deploy should follow and not proceed; the testing, that would show whether or not we have a viable system here.

The motion to recommit has three parts. The motion provides that it is the policy of the United States to deploy a ground-based national missile defense that, number one, has been demonstrated to be operationally effective against the threat as perceived at the time we come to a decision on deployment. The gentleman from Pennsylvania (Mr. WELDON) said the President's policy, and he is correct, is to deploy some time next year after we have had some tests. Let me first mention a couple of things:

We need to know we should not commit to deploying a national missile defense until we know it works. This is extraordinarily difficult technology, hitting a bullet with a bullet. The first intercept test will be held in the summer of 1999, this year, but the first fully integrated test of the entire system will not be held until the winter of 2001. That is a long time off, and a lot can happen during that time. Missile defense has been a program where we have run the risk of rushing to rush ahead with the system before it is fully tested. There are new tests that have been added which are appropriate, but we still, I think, need to wait and to see how the test works before we move ahead with the decision to deploy.

The second part of the motion provides that the motion to the committee would provide that the system would not be deployed if it would diminish the overall national security of the United States by jeopardizing other efforts to reduce threats to the United States including negotiated reductions in Russian nuclear forces. We really need to make sure that we handle this matter appropriately so that the great threat of all of the nuclear weapons still available in Russia are managed and controlled and that we do not do anything to jeopardize our ability to deal with that task.

The third part of the motion is that the system must be affordable and not compromise readiness quality of life, weapons modernization, and exceedingly importantly, theater missile defenses needed to protect our troops and our war ships that are forward deployed. The costs are, as my colleagues know, subject to great debate, but last year in June the GAO estimated the cost of 18 to 28 billion to develop, produce, deploy and operate a national missile defense system through 2006. The truth is we really do not know how big a cost we have, but it is in the amount of billions and billions of dollars.

With that, Mr. Speaker, I would say it is my hope that colleagues will want more detail, want more testing, want more understanding, that they will support the motion to recommit.

Mr. Speaker, I yield to the gentleman from California (Mr. FARR).

Mr. FARR of California. Mr. Speaker, I rise to support the motion to recommit, and I would just like to remind our colleagues that our Nation must maintain a defensive posture, but not at any cost.

The Joint Chiefs of Staff have pleaded for increased funding for spare parts, training, troop and quality of life initiatives . . . not deployment of a national missile defense.

And if we look at the requests from the Joint Chiefs of Staff, those requests are that this Congress funds spare parts, training of troops and quality of life initiatives.

As my colleagues know, this Congress has not yet supported the bailout funds for the disaster in Central America, and I was just there a week ago, and I want to remind this Congress that 21 nations responded to that, including ours, but we have not sent one dime of assistance, Mr. Speaker. No missile defense system will ever protect this country from a nation in poverty.

We have not yet saved social security, we have not reduced class size, we have not provided for health care for all Americans, Mr. Speaker. In our zeal to protect our democracy we were actually jeopardizing our democracy by failing to protect our domestic tranquility.

Mr. Speaker, I urge my colleagues to support the motion to recommit.

Mr. SPENCE. Mr. Speaker, I rise in opposition to the motion to recommit.

Mr. Speaker, I began my remarks today by pointing out the frustrations I have in trying to protect our people, the frustrations of having to fight our own people to protect our own people. That frustration has carried over today on the floor of this House. We have people who resist the temptation to protect our own people. We are trying to drag people, screaming and yelling, to that point where they will have to protect our own people.

Mr. Speaker, I yield to the gentleman from Pennsylvania (Mr. WELDON).

Mr. WELDON of Pennsylvania. Mr. Speaker, let me just respond to my friend, the gentleman from California (Mr. FARR). What he does not tell our colleagues is that we have spent $19 billion in contingency funds out of our defense budget for deployments that were never budgeted for over the past 6 years. Nineteen billion dollars, all over the world, $9 billion in Bosnia; all of that money came out of a defense budget that was already shrinking. So, we have made a commitment.

We should oppose the Allen motion to recommit. H.R. 4 is a simple, straightforward bill with bipartisan support; the Allen motion is not. It is complicated, it is hard to understand. H.R. 4 does not mandate a system architecture which is why the gentleman from South Carolina (Mr. SPRATT) and I worked together. His amendment would, in fact, say we must have a ground-based system. It precludes a system that perhaps one day could use our AEGIS technology. H.R. 4 addresses the serious threats we face today, not unknown threats that may emerge down the road. We cannot predict what they will be. Operational effectiveness should be key in determining. The Allen motion mandates operational effectiveness prior to establishing a policy. Mr. Speaker, that is ridiculous. If we had done that, we would not have the Poseidon program, we would not have Trident, we would not have the AIM–9 side winder, we would not have AMRAAM, we would not have the Hawk. What a ridiculous way to try to fund defense needs by saying we are going to have the operational effectiveness prior to establishing a policy.

The Allen motion also could give Russia a veto over our own NMD policy. No foreign Nation should have the ability to have a veto over us. If an arms control agreement gets in the way, then we have got to renegotiate that treaty or we have got to do what is best for our people, not allow another Nation to hold us hostage.

H.R. 4 establishes and indeed is a high priority, it is got bipartisan support, and it is time for us to vote on this issue, to cut through the rhetoric; yes, if my colleagues are in favor, no, if they are not. I urge my colleagues to oppose the Allen substitute and to vote in favor of H.R. 4.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 152, nays 269, answered ''present'' 1, not voting 11, as follows:

[Roll No. 58]

YEAS—152

Ackerman
Allen
Baird
Baldacci
Baldwin
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Blagojevich
Blumenauer
Bonior
Borski
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Conyers
Cooksey
Costello
Coyne
Crowley
Cummings
Danner
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Dixon
Doggett
Dooley
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gutierrez
Hall (OH)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Hooley
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (NY)
Markey
Martinez
Matsui
McCarthy (NY)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Morella
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sandlin
Sawyer
Schakowsky
Serrano
Sherman
Skelton
Stabenow
Strickland
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Velazquez
Vento
Waters
Watt (NC)
Waxman
Weiner
Weygand
Woolsey
Wu
Wynn

NAYS—269

Abercrombie
Aderholt
Andrews
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Bonilla
Bono
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Bryant
Burr
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Clement
Coble
Collins
Combest
Condit
Cook
Cox
Cramer
Crane
Cubin
Cunningham
Davis (FL)
Davis (VA)
Deal
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Etheridge
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kucinich
Kuykendall
LaHood
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Maloney (CT)
Manzullo
Mascara
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
Metcalf
Mica
Miller (FL)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murtha
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Ose
Oxley
Packard
Pascrell
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reyes
Reynolds
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanders
Sanford
Saxton
Scarborough
Schaffer
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Turner
Upton
Visclosky
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wise
Wolf
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—1

Spratt

NOT VOTING—11

Boehner
Burton
Buyer
Clyburn
Coburn
Doolittle
McCarthy (MO)
McKeon
Myrick
Stark
Stupak

□ 1642

Messrs. BISHOP, TAUZIN, CONDIT, EHLERS and Ms. LEE changed their vote from ''yea'' to ''nay.''

Messrs. PALLONE, KIND, RAHALL, OWENS AND MS. KILPATRICK AND MS. EDDIE BERNICE JOHNSON of Texas changed their vote from ''nay'' to ''yea.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. STARK. Mr. Speaker, during rollcall vote No. 58 on the Allen motion to recommit with instructions, I was unavoidably detained. Had I been present, I would have voted ''yea.''

Stated against:

Mr. McKEON. Mr. Speaker, due to District Business, I missed rollcall No. 58. Had I been present, I would have voted ''no.''

The SPEAKER pro tempore (Mr. Sununu). The question is on passage of the bill.

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

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 317, nays 105, not voting 12, as follows:

[Roll No. 59]

YEAS—317

Abercrombie
Aderholt
Andrews
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Bonilla
Bono
Borski
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Bryant
Burr
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Castle
Chabot
Chambliss
Chenoweth
Clement
Coble
Collins
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Cubin
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
English
Etheridge
Everett
Ewing
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kanjorski
Kasich
Kelly
Kennedy
Kildee
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kuykendall
LaFalce
LaHood
Lampson
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Maloney (CT)
Maloney (NY)
Manzullo
Martinez
Mascara
Matsui
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murtha
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Pallone
Pascrell
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reyes
Reynolds
Riley
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanchez
Sandlin
Sanford
Saxton
Scarborough
Schaffer
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt

Stabenow	Thompson (CA)	Watts (OK)
Stearns	Thompson (MS)	Weldon (FL)
Stenholm	Thornberry	Weldon (PA)
Stump	Thune	Weller
Sununu	Thurman	Wexler
Sweeney	Tiahrt	Weygand
Talent	Toomey	Whitfield
Tancredo	Traficant	Wicker
Tanner	Turner	Wilson
Tauscher	Upton	Wise
Tauzin	Visclosky	Wolf
Taylor (MS)	Walden	Young (AK)
Taylor (NC)	Walsh	Young (FL)
Terry	Wamp	
Thomas	Watkins	

NAYS—105

Ackerman	Frank (MA)	Napolitano
Allen	Gejdenson	Neal
Baird	Gephardt	Oberstar
Baldacci	Gutierrez	Obey
Baldwin	Hilliard	Olver
Barrett (WI)	Hinchey	Owens
Becerra	Holt	Pastor
Blumenauer	Hooley	Payne
Bonior	Jackson (IL)	Pelosi
Brady (PA)	Johnson, E. B.	Phelps
Brown (CA)	Jones (OH)	Rahall
Brown (OH)	Kaptur	Rangel
Capuano	Kilpatrick	Rivers
Carson	Kind (WI)	Roybal-Allard
Clay	Kucinich	Rush
Clayton	Lantos	Sabo
Conyers	Lee	Sanders
Costello	Levin	Sawyer
Coyne	Lewis (GA)	Schakowsky
Crowley	Lofgren	Serrano
Cummings	Lowey	Slaughter
Davis (IL)	Luther	Strickland
DeFazio	Markey	Tierney
DeGette	McDermott	Towns
Delahunt	McGovern	Udall (CO)
DeLauro	McKinney	Udall (NM)
Dingell	McNulty	Velazquez
Doggett	Meek (FL)	Vento
Ehlers	Meeks (NY)	Waters
Engel	Miller, George	Watt (NC)
Eshoo	Minge	Waxman
Evans	Mink	Weiner
Farr	Moakley	Woolsey
Fattah	Morella	Wu
Filner	Nadler	Wynn

NOT VOTING—12

Boehner	Coburn	Myrick
Burton	McCarthy (MO)	Ortiz
Buyer	McKeon	Stark
Clyburn	Meehan	Stupak

□ 1701

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. MCKEON. Mr. Speaker, due to district business, I missed rollcall No. 59. Had I been present, I would have voted ''yea.''

Stated against:

Mr. STARK. Mr. Speaker, during rollcall vote No. 59 on H.R. 4, I was unavoidably detained. Had I been present, I would have voted ''no.''

PERSONAL EXPLANATION

Mr. BURTON of Indiana. Mr. Speaker, during rollcall votes No. 58 and No. 59, on H.R. 4, I was unavoidably detained. Had I been here I would have voted ''nay'' on rollcall vote No. 58, a motion to recommit with instructions. Had I been here, I would have voted ''aye'' on rollcall vote No. 59, final passage of H.R. 4.

PERSONAL EXPLANATION

Ms. MCCARTHY of Missouri. Mr. Speaker, during rollcall votes 58 and 59 on March 18, 1999, I was unavoidably detained. Had I been present, I would have voted as follows: on rollcall vote 58, ''yea'' and on rollcall vote 59 ''yea.''

GENERAL LEAVE

Mr. SPENCE. 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. 4, the bill just passed.

The SPEAKER pro tempore (Mr. SUNUNU). Is there objection to the request of the gentleman from South Carolina?

There was no objection.

ANNOUNCEMENT BY COMMITTEE ON RULES REGARDING AMENDMENTS TO H.R. 472, LOCAL CENSUS QUALITY CHECK ACT

Mr. DREIER. Mr. Speaker, I rise to inform the House of the Committee on Rules' plans in regard to H.R. 472, the Local Census Quality Check Act.

H.R. 472 was favorably reported by the Committee on Government Reform on Wednesday, March 17.

The Committee on Rules may meet next Tuesday to grant a rule which may require that the amendments be preprinted in the CONGRESSIONAL RECORD. In this case, amendments to be preprinted would need to be signed by the Member and submitted to the Speaker's table by the close of legislative business next Tuesday, March 23. Amendments should be drafted to the bill as ordered reported by the Committee on Government Reform, a copy of which may be obtained from the Subcommittee on the Census.

Members should use the Office of Legislative Counsel to ensure that their amendments are properly drafted and should check with the Office of Parliamentarian to be certain that their amendments comply with the rules to the House. It is not necessary to submit amendments to the Rules Committee or to testify as long as the amendments comply with House rules.

A ''Dear Colleague'' letter announcing this potential amendment process was mailed to all Member offices today.

LEGISLATIVE PROGRAM

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

Mr. PALLONE. Mr. Speaker, I rise to inquire about next week's schedule, and I yield to the gentleman from New York (Mr. LAZIO).

Mr. LAZIO. Mr. Speaker, I am pleased to announce that we have concluded legislative business for the week. There will be no votes tomorrow, Friday, March 19.

On Monday, March 22, the House will meet at 2 p.m. for a pro forma session. Of course there will be no legislative business and no votes that day.

On Tuesday, March 23, the House will meet at 9:30 a.m. for the morning hour and 11 a.m. for legislative business. Votes are expected after noon on Tuesday, March 23.

On Tuesday, we will consider a number of bills under suspension of the rules, a list of which will be distributed to Members' offices.

Also on Tuesday, March 23, the House will take up H. Res. 101. It is a privileged resolution on committee funding.

On Wednesday, March 24, and the balance of the week, the House will meet at 10 a.m. to consider the following legislative business: H.R. 1141, a bill making emergency supplemental appropriations; H.R. 472, the Local Census Quality Check Act; and the budget resolution.

Mr. Speaker, we expect to conclude legislative business by 2 p.m. next week on Friday, March 26.

Mr. Speaker, I want to thank the gentleman from New Jersey (Mr. PALLONE), my friend, for yielding to me.

Mr. PALLONE. Mr. Speaker, I want to thank the gentleman from New York. If I could just ask in terms of a little more specifics, will we definitely be in next Friday, or is it possible we would conclude the business earlier than that?

Mr. LAZIO. Mr. Speaker, if the gentleman will yield, I would say that, right now, it appears that we will be in on Friday, particularly because we are taking up the budget resolution this week, and it looks like that will be taken up on Thursday. Right now it looks like the votes very probably are going to be on Friday, but we should be out by 2 p.m. on Friday.

Mr. PALLONE. Mr. Speaker, I thank the gentleman. Let me ask in terms of the legislative business, the supplemental, the census, the budget bill. Does the gentleman have any more specifics in terms of when he would expect each of those to be considered on Wednesday, Thursday, or Friday, or the order?

Mr. LAZIO. Mr. Speaker, if the gentleman will yield, we will have the committee funding resolution up on Tuesday. We expect on Wednesday we will have H.R. 1141, the supplemental will be up on the floor, and we expect that to be voted on Wednesday.

On Thursday, we expect the budget resolution to be up and possibly the census legislation, the Local Census Quality Check Act. We expect right now, again, to conclude business by 2 p.m. on Friday with votes probably on the budget on Friday.

Mr. PALLONE. On Friday. Mr. Speaker, one more thing. In terms of any late nights, is the gentleman from New York expecting any late nights?

Mr. LAZIO. Mr. Speaker, if the gentleman will yield, right now it is very difficult to tell. I think, if there are any late nights, it probably will be Thursday evening because of the budget resolution and the possibility of the census.

So Thursday, right now, it looks like it is the only late evening. But of

course it depends on the pace that we keep and our ability to move our legislative work during this week.

Mr. PALLONE. Mr. Speaker, I thank the gentleman.

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

Mr. PALLONE. I yield to the gentleman from Oregon.

Mr. DeFAZIO. Mr. Speaker, I would like to direct a question to the gentleman from New York (Mr. LAZIO). Last week, I observed the gentleman from Michigan (Mr. BONIOR) rise and ask the gentleman from Texas (Mr. ARMEY) if it would be possible to delay votes on Tuesday to accommodate West Coast members.

If I leave my district at 6:00 in the morning, I can barely make it here by 5:00 in the evening. That is common to many people who live on the West Coast. I realize the gentleman can walk to his district in that time period. This is a problem. It is a real problem.

So I scheduled to come in on Monday afternoon. My plane was canceled. So I took the first plane out on Tuesday morning. I find, when I get here at 4:30 that the House concluded business at 2:30 in the afternoon, and I missed the votes, as did some other people from the West Coast. I saw the gentlewoman from Wyoming (Mrs. CUBIN) from not even quite the west coat on the plane on Tuesday also.

I would hope that the majority will consider this schedule in the future. I would further note, and no one should take offense at this, because even though my name is DEFAZIO, my mother is an O'Shea, and I come from the O'Sheas and Crowleys, I note that, on Wednesday, the House of Representatives delayed all votes until after 3 o'clock this afternoon because there was a Saint Patrick's Day parade in New York.

Now for some reason, we can delay all the proceedings of the House of Representatives until after 3 o'clock in the afternoon for a joyous occasion, a parade, but for regular business and accommodating the schedules of West Coast Members, who constitute a significant minority of this body, they apparently can do nothing.

Mr. Speaker, I would just ask the gentleman if there is any consideration going to be given on that side to putting those votes, the two or three votes that were done by 2:30 in the afternoon later in the day on Tuesday?

Mr. LAZIO. Mr. Speaker, will the gentleman from New Jersey (Mr. PALLONE) yield?

Mr. PALLONE. I yield to the gentleman from New York.

Mr. LAZIO. Mr. Speaker, I would say, first of all, I am very sympathetic to the gentleman's plight. I am lucky enough to live in New York and be able to shuttle down here. There is difficulty. The majority and the minority have been working with Members to try to increase the predictability of the schedule. There has been more sensitivity.

This week in particular, there will be no votes on Monday. We will not come in until 12 o'clock, or we expect no votes until 12 o'clock on Tuesday. We will be out by 2 p.m. on Friday. Of course, 2 weeks thereafter we will be in recess. So we have a difficult week in terms of trying to ensure that a budget resolution and some other legislation is done in a 4-day period.

I can only tell the gentleman that we are trying to be sensitive to those colleagues who are on the West Coast. There has been some significant modification of the schedule to reflect that sensitivity over the last several weeks. I think that we are going to continue to try and work on it.

But, again, this week in particular, we have a 4-day week. We are not in at all on Monday, and we have the 2 weeks of recess thereafter. It is important that we get our work done. We will do the best that we can.

Mr. DEFAZIO. Mr. Speaker, will the gentleman from New Jersey yield further?

Mr. PALLONE. Mr. Speaker, I yield to the gentleman from Oregon.

Mr. DEFAZIO. Mr. Speaker, I am pretty sure of next week before a recess. But, again, just pointing to this week, votes were done by 2:30 on Tuesday. Clearly, the House could have gone in at 4 o'clock in the afternoon and been done by 6:30 on Tuesday and accommodated Members from the West Coast.

Then on Wednesday, we reversed the entire schedule and did not vote until after 3:00 because of a parade for people on the East Coast. I mean, some of us might have liked to go to Saint Patrick's Day parades on the West Coast, but the gentleman would have had to give us 2 days to do it. In any case, I do not see great sensitivity in last week's schedule. I hope, after we come back from the recess, they can do a little better by West Coast Members.

Mr. PALLONE. Mr. Speaker, I want to thank the gentleman from New York (Mr. LAZIO). Hopefully we can look into that after that recess.

Mr. LAZIO. Mr. Speaker, if the gentleman will yield, I will be happy to, and we will continue to try and show sensitivity for this issue.

The other point, of course, in all of this is to make sure that the committees have Members here on both sides of the aisle. There has been concern expressed by the committee chairmen, so that Members are here, they attend to their business, we get our work done, it is on the legislative floor here. We will try to work to ensure that there is better predictability and good communication on both sides of the aisle.

ADJOURNMENT TO MONDAY, MARCH 22, 1999

Mr. LAZIO. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 2 p.m. on Monday next.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. LAZIO. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

APPOINTMENT OF MEMBERS TO JOINT ECONOMIC COMMITTEE

The SPEAKER pro tempore. Without objection, and pursuant to the provisions of 15 U.S.C. 1024(a), the Chair announces the Speaker's appointment of the following Members of the House to the Joint Economic Committee:

Mr. SANFORD of South Carolina,
Mr. DOOLITTLE of California,
Mr. CAMPBELL of California,
Mr. PITTS of Pennsylvania, and
Mr. RYAN of Wisconsin.

There was no objection.

APPOINTMENT OF MEMBER TO BOARD OF TRUSTEES OF JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

The SPEAKER pro tempore. Without objection, and pursuant to section 2(a) of the National Cultural Center Act (20 U.S.C. 76h(a)), the Chair announces the Speaker's appointment of the following Member of the House to the Board of Trustees of the John F. Kennedy Center for the Performing Arts:

Mr. GEPHARDT of Missouri.

There was no objection.

COMMUNICATION FROM HON. RICHARD A. GEPHARDT, DEMOCRATIC LEADER

The Speaker pro tempore laid before the House the following communication from RICHARD A. GEPHARDT, Democratic Leader:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE DEMOCRATIC LEADER,
Washington, DC, March 17, 1999.

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

DEAR MR. SPEAKER: Pursuant to section 801(b)(6) and (8) of Public Law 100–696, I hereby appoint the following individual to the United States Capitol Preservation Commission: Mr. Pastor, AZ.

Yours Very Truly,
RICHARD A. GEPHARDT.

□ 1715

REPORT OF CORPORATION FOR PUBLIC BROADCASTING—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore (Mr. MILLER of Florida) laid before the House

the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Commerce.

To the Congress of the United States:

As required by section 19(3) of the Public Telecommunications Act of 1992 (Public Law 102–356), I transmit herewith a report of the Corporation for Public Broadcasting. This report outlines, first, the Corporation's efforts to facilitate the continued development of superior, diverse, and innovative programming and, second, the Corporation's efforts to solicit the views of the public on current programming initiatives.

This report summarizes 1997 programming decisions and outlines how Corporation funds were distributed—$47.9 million for television program development, $18.8 million for radio programming development, and $15.6 million for general system support. The report also reviews the Corporation's Open to the Public campaign, which allows the public to submit comments via mail, a 24-hour toll-free telephone line, or the Corporation's Internet website.

I am confident this year's report will meet with your approval and commend, as always, the Corporation's efforts to deliver consistently high quality programming that brings together American families and enriches all our lives.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 18, 1999.*

ANNUAL REPORT OF NATIONAL ENDOWMENT FOR DEMOCRACY, 1998—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

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

To the Congress of the United States:

As required by the provisions of section 504(h) of Public Law 98–164, as amended (22 U.S.C. 4413(i)), I transmit herewith the 15th Annual Report of the National Endowment for Democracy, which covers fiscal year 1998.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 18, 1999.*

PRAISE TO STUDENTS FROM COVENANT CHRISTIAN AND CLINTON HIGH SCHOOLS FOLLOWING AFTERMATH OF AMTRAK TRAIN CRASH

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

Mr. SHOWS. Mr. Speaker, today I stand before the American people and my colleagues to comment on the fatal Amtrak train crash that occurred earlier this week. I am saddened this terrible tragedy took place. In their slumber, over late night snacks and conversations, fellow Americans aboard Amtrak's City of New Orleans were jolted into a reality of death and injury.

Today we mourn with our fellow Americans. In particular, I pause to offer condolences to fellow Mississippians who suffered losses in this crash. We pause to give thanks for life while seeking to understand why bad things happen. The American family stands with all those who have suffered.

Out of the tragedy came several stories of heroism. We can find the strength and endurance of the American spirit in many of the passengers who worked to protect and save the lives of others during this crash. I want to tell my colleagues about students from Mississippi who were on this train.

Young Mississippians from Covenant Christian School and Clinton High School were returning from a spring break trip. Out of the chaos and heartbreak, these Mississippi teenagers went to work securing the safety and well-being of fellow passengers. These students were courageous, caring, heroic, and brave.

I want all Americans to know about these teenagers from Clinton High School and Covenant Christian School. Why? Because we can all stand a little taller and feel a little better about our Nation and our future.

Mr. Speaker, I provide the names of these students for inclusion in the RECORD.

List of Students: Danielle Bell, Drew Bilbo, Chris Carter, Suzanne Cole, Emily Diffenderfer, Tim Farrar, Michael Freeman, Anna Fulgham, Stephanie Ly, Jeff Sartor, Shadia Slaieh, Jessica Switzer, Anshika Singh, Caleb McNair, Melissa Watson, and Christina Bomgaars.

Chaperones: Delores Bell, John Farrar, and Phyllis Hurley.

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.

INTRODUCING LEGISLATION TO BRING FEDERAL GOVERNMENT UP-TO-DATE ON WATER RESOURCE MANAGEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. BLUMENAUER) is recognized for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, one of the characteristics of a livable community is the desire to promote the safety, health, and economic security of our families.

Today, in the newspapers around the country, people read of the expected flooding that is about to occur this spring. I, obviously, come from an area of the Pacific Northwest that will be particularly hard hit, although we are often under water even in the best of times, and it may be less of a wrenching experience for some of us than around the country.

We are going to watch for an unusually harsh spring in the Pacific Northwest, in the Southwest, in the East, and it is an item that the Federal Government has been concerned about for a number of years. The Federal Government has been a partner working to protect against flood damage since 1960. Over $40 billion Federal dollars have been invested in this effort.

Ironically, the losses from flood damage today, adjusted for inflation, are three times greater than before we started in 1960 and spent the $40 billion. Why? In part, because we have not been as wise as we should have been in the expenditure of these funds. We have taken rivers across the country, we have narrowed and channelized them, we have encouraged people to live up to the river's edge with a false sense of security, we have paved over half our Nation's wetlands and, consequently, in many of these areas, there is simply no place for the water to go.

The result of our Federal disaster policy has been massive damage to a number of the same properties at a great cost to the taxpayer. One home in Houston that is appraised at less than $115,000 has received over $800,000 in federal flood insurance in less than 20 years.

There is, in fact, a smarter way to promote community livability. I have introduced legislation today, with the gentleman from Maryland (Mr. GILCHREST), H.R. 1186, to bring the Federal Government up-to-date on water resource management.

The current system simply does not work well. The Corps of Engineers does cost-benefit analysis that simply does not recognize the benefit of flood damage avoided by moving communities out of harm's way and it, consequently, produces a flawed analysis.

Likewise, Federal financial assistance has a current cost-share formula that penalizes communities that make special efforts to develop and implement hazard mitigation and floodplain management.

Lastly, we do not give communities enough flexibility to fine-tune the projects that we have previously authorized.

As a result, on the books we have projects that are often expensive and do not adequately address the threat in today's needs, and communities are not allowed to be involved in this process directly.

Our legislation, H.R. 1186, would correct all of these items. It changes the cost-benefit ratio to fully reflect the benefits including avoided costs of moving people out of harm's way. It will provide the same financial incentives for the low-cost, innovative, less intrusive approaches to floodplain management as if people are going to use traditional dams, dikes and levies.

Finally, it will allow the private and public local partners, who are working

with the Corps of Engineers and the Federal Government, to provide cost-effective solutions and to be able to refine and fine-tune those plans without having to go back through the reauthorization process.

We talk a lot on the floor of this House about reducing Federal redtape. This is a simple item that we, by legislation, can permit our communities to avoid the costs and consequences of trying to crawl back through the legislative process or, worse, build simply a project that we know will fail.

As we watch the flooding that is about to occur this spring across the country, I hope that we will think about how the Federal Government needs to be a more constructive partner for livable communities. I strongly urge my colleagues to join the gentleman from Maryland (Mr. GILCHREST) and me in the sponsorship of H.R. 1186.

VACATION OF SPECIAL ORDER AND GRANTING OF SPECIAL ORDER

Mr. FOSSELLA. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from California (Mr. CALVERT).

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

There was no objection.

ENVIRONMENTAL INJUSTICE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. FOSSELLA) is recognized for 5 minutes.

Mr. FOSSELLA. Mr. Speaker, I rise tonight to bring to the attention of the American people what I think is a great injustice that is occurring in our country. It is injustice that seeks to pit community against community, color against color and the American people against one another. It is an injustice that we are witnessing in my district in Staten Island, but it is injustice that I have little doubt we will be battling throughout the Nation before long.

The controversy centers around the seemingly innocuous-sounding policy advanced by the Environmental Protection Agency known as ''environmental justice''. In theory, this legal doctrine is supposed to reflect the notion that all communities, regardless of race or ethnicity, should share equally in the burdens and risks of environmental protection policies. It sounds reasonable, except, of course, until the theory is applied.

Over the years, the policy has been twisted like a pretzel, so that today, lawyers and activists now believe that different people deserve different treatment or, more precisely, that some people are more equal than others.

Earlier this month, for example, top Federal officials from the Environmental Protection Agency, Department of Transportation, Housing and Urban Development, and even the White House Council on Environmental Quality came to New York for a day-long tour of waste transfer stations in the South Bronx. They came to see for themselves and to hear the residents who claim that these facilities pose an environmental injustice on their community.

Let me add that I have no problem with them going to the South Bronx.

The morning after the tour, the EPA and the White House Council on Environmental Quality organized an unprecedented 8-hour public hearing in which residents had the opportunity to voice their outrage over the existence of the transfer stations. At the conclusion of the event, and at a speed in which I have never seen the Federal Government act, the White House Council on Environmental Quality announced that it would undertake an environmental justice investigation in the South Bronx.

This is, quite possibly, the most clear-cut hypocrisy on the part of the EPA that I have ever witnessed. At its core, the doctrine of environmental justice defies the most fundamental American principles of equality and justice. Why? Because while the White House Council on Environmental Quality mobilized its top officials for a tour of the South Bronx, granted a predominantly minority community, it never considered traveling just a few miles to Staten Island, which just happens to be a predominantly white community, to see one of the most horrific examples and nightmares of the 20th century known as the Fresh Kills Landfill.

To me, Mr. Speaker, it was an insult to every resident of Staten Island and a slap in the face to the hard working people of my district, who have been burdened for 50 years by this 3,000 acre, 150-foot-high illegal garbage dump, the largest in the country. This facility is not only the largest in our country, but one of, so legend has, one of only two man-made structures visible from outer space.

Recognizing the absurdity of any investigation on waste disposal in New York without a full and comprehensive discussion of Fresh Kills, I filed my own complaint with the EPA for an environmental justice review on Staten Island. In the days since, the silence from the EPA and the White House Council on Environmental Quality has been deafening.

It should also not be forgotten that for the South Bronx and every other borough in New York City, waste would be continually moving through transfer stations en route to a destination out of state, whereas at the Fresh Kills Landfill the trash literally sits and rots in our community forever.

The EPA and the White House Council on Environmental Quality failed to see the hypocrisy of fighting tooth and nail against a waste transfer station or transfer stations in the South Bronx because it would be located in a minority community but, at the same time, requiring a community like Staten Island to accept nearly 10 billion pounds of garbage every year.

Let there be no mistake. If the EPA or a State or local agency finds a particular facility poses a health risk to a community, the agency should mitigate or eliminate that risk, regardless, regardless, of the race or ethnicity of the residents of the neighborhood. But a governmental policy that takes skin color into account does not do justice, environmental or otherwise, to Americans, nor should it be funded with our tax dollars.

The fact is that 234 billion, I say billion, pounds of raw garbage is no less offensive because it sits rotting in a community that is predominantly white. I believe this country stands for equality for all. If something adversely affects someone, it does not matter if they are black, Hispanic or white. If it is bad for one, it is bad for all.

It may come as a surprise to advocates of environmental justice, but thousands of Staten Islanders of all races and ethnicities live within one mile of the Fresh Kills Landfill. Much like me, they do not see color when looking at garbage, they just see trash, and they know hypocrisy when they smell it.

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 of Texas addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

EXCHANGE OF SPECIAL ORDER TIME

Mr. SCHAFFER. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Florida (Mr. GOSS).

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

There was no objection.

MY COMMITMENT TO CROP INSURANCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado (Mr. SCHAFFER) is recognized for 5 minutes.

Mr. SCHAFFER. Mr. Speaker, low commodity prices, disease and weather-related problems, coupled with declining export opportunities and weak demand, have taken a devastating toll on Colorado's agriculture industry. Farm income has fallen dramatically over the past 2 years, and it is difficult to predict how soon it might rebound. While Congress recently helped stave off disaster in rural America, with an emergency assistance package, it is evident gaping holes exist in federal crop insurance as a viable safety net.

In 1996, Congress passed the Freedom to Farm Act, allowing producers the

flexibility to adjust crop acreage in response to both economic and agronomic factors, while providing farms a safety net through market transition payments, loan rates, and crop insurance.

Recently, some have suggested Congress return to the old system of deficiency payments and production quotas, and take action to increase loan rates and extended loan maturities in order to improve low commodity prices.

□ 1730

But because the international marketplace has grown so rapidly and because American exports of any particular commodity represent such a small percentage of world production, reducing acreage in the United States no longer has much effect on world market prices.

U.S. wheat exports, for example, only account for approximately 5 percent of global production. The future of Colorado's farm profits does lie outside U.S. borders. I will continue my work in Congress to guarantee fair and abundant trading opportunities overseas for our producers and their commodities.

As this progresses, however, we must also ensure a viable safety net exists for farmers and ranchers in countering the effects of unexpected market disruptions and natural disasters. I am working alongside the chairman and other Members of the House Committee on Agriculture to develop a better, more comprehensive risk management program which will provide incentives for farmers to participate while protecting against losses and low market prices.

This plan will allow the market to work without artificially raising consumer prices, without pricing us out of the export market, without acreage or production controls, and while adhering to Federal budget constraints. Furthermore, this crop insurance program must allow producers to recover their cost production in the case of natural disasters but also encourage and reward the production of the harvesting of crops.

Reforming the current risk management system will take a lot of hard work and the interaction between Colorado producers, the Congress, and the President. But in order for farmers and ranchers to survive and thrive in market-driven systems, an adequate safety net must exist to account for unforeseen and uncontrollable losses. I will continue my work in Congress to ensure Colorado farmers and ranchers have this necessary option.

GIVE AMERICAN SAMOA ITS COMMEMORATIVE POSTAGE STAMP

The SPEAKER pro tempore (Mr. MILLER of Florida). Under a previous order of the House, the gentleman from American Samoa (Mr. FALEOMAVAEGA) is recognized for 5 minutes.

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today and I will continue to do so in the coming weeks to express my utter dismay and disappointment with the United States Postal Service.

On April 17, 1900, the traditional chiefs of the South Pacific Islands of Tutuila and Aunu'u agreed to become a part of the United States and the United States flag was raised on what is now known as the U.S. Territory of American Samoa. Since that time, the residents of American Samoa have been proud of their affiliation with this great Nation and have demonstrated their loyalty and patriotism in countless way.

Mr. Speaker, April 17 is known as Flag Day in American Samoa and it is the biggest holiday in the territory. Flag Day celebrations are not limited to American Samoa. Flag Day is celebrated throughout the United States wherever there is a sizeable Samoan community. American Samoans in Hawaii, California, Nevada, Utah, Alaska, Washington, and other parts of the United States pause each year on this important date to celebrate this monumental occasion in its history.

Unbeknownst to many Americans, Mr. Speaker, April 17 of next year will mark the 100th year in which this South Pacific territory, U.S. territory, has had a political relationship with the United States. And the local government leaders have been preparing for this centennial celebration for the last 3 years.

Three years ago, American Samoa's governor and myself began the process of requesting that a U.S. postage stamp be issued to commemorate the centennial of American Samoa joining the part of the American political family. The Postal Service responded to our 1996 request for a stamp by saying we were too early to apply for consideration. We again asked last year, and we were told we applied too late. We have also been told that the Postal Service just does not recognize territorial events.

Having researched the issue, which expected America Samoa to be treated like any other American jurisdiction in this regard. States which have had centennials of their statehood commemorated recently on postage stamps include the States of Wisconsin, Tennessee, Iowa, Utah, Florida, and Texas.

The Postal Service also issues stamps to commemorate such territorial acquisitions as the Louisiana Purchase, and the acquisitions of the territories of Alaska, Hawaii, Puerto Rico, and the Virgin Islands.

America Samoa, Mr. Speaker, is the only U.S. territory left which voluntarily joined the United States. We have waited 100 years for a commemorative stamp, and the Postal Service is still making excuses. Mr. Speaker, how much longer do we have to wait?

Mr. Speaker, this is absurd. I ask my fellow Americans to write and to e-mail the U.S. Postal Service to give American Samoa its centennial postage stamp.

Mr. Speaker, the Postal Service's conduct in handling this matter is clearly inconsistent with past Postal Service practices. The Postal Service has issued commemorative stamps for flowers like roses, comic strips, horses, and even a foreign country like Australia. Yet here, when the request is one for recognition of a celebration of a political union with the United States territory, the first of such stamp for an American territory, the Postal Service saw fit to reject the request on grounds that it would not add to its so-called balanced stamp program.

Many Americans do not realize this, Mr. Speaker, but American Samoa was a major staging area for some 40,000 soldiers and Marines in World War II. Thousands of Samoa's sons and daughters served proudly in the military service.

Mr. Speaker, this is absolutely ridiculous, and I appeal to my fellow Americans to write to the Postal Service, tell them why we should have a postage stamp. We need a postage stamp, and I think we could ask for no less.

The per capita rate of enlistment in the U.S. military services is as high as any state or territory; for decades American Samoa served as a Naval coaling station for our ships in the Pacific; during World War II, American Samoa was the staging point for 30,000 U.S. marines involved in the Pacific theater; the territory was the first land some astronauts came to during the Apollo missions, including the now famous Apollo 13 mission; and American Samoa produces more NFL player per capita than any jurisdiction in the U.S. with approximately 15 Samoans currently playing professional ball.

In the 1990's, stamps were issued in recognition of the Federated States of Micronesia (1990), the Commonwealth of the Northern Mariana Islands (1993), the Republic of the Marshall Islands (1990), and the Republic of Palau (1995), all of which were territories in recent memory.

Mr. Speaker, with this history of recognizing centennials of statehood, acquisitions of territories and other important events in the political history of every other territory, I ask the U.S. Postal Service why not American Samoa?

Mr. Speaker, I am here today to tell you that there is no balance. There is no logic. There is no equality in treatment. The Postal Service is acting in a manner that is totally inconsistent with its past practices and decisions. How else can you explain the inconsistent actions the Postal Service has taken regarding treatment of U.S. territories.

Perhaps American Samoa stands a better chance of convincing the Postal Service to issue a commemorative stamp if it reframed the current request as one asking for a stamp to commemorate the 100th anniversary of the special relationship between the Samoan Fruit Bat and the United States. The Postal Service has seen fit to issue stamps for a variety of issues and causes, including birds, and perhaps this change in approach will bolster our chances for success.

To achieve balance in representation, Mr. Speaker, is a very difficult task. Reasonable persons with reasonable expectations will disagree about what reasonably balanced means. However, this is not the situation here.

The Postal Service is being totally unreasonable on these facts.

I understand that decisions about which stamp requests to approve and which stamp requests to reject are difficult decisions to make and that in the end there will always be a person or group who will not be happy with such decisions. I respect the fact that the postal service cannot please everyone. I have no qualms with these aspects of the stamp-approval process. I do, however, have serious concerns and reservations when decision-making processes yield results that do not logically follow based on established precedent.

Mr. Speaker, it is inequitable and unreasonable to deny American Samoa what the Postal Service has routinely granted other U.S. territories and states.

I will not stand by idly, Mr. Speaker, when my constituents, the people of American Samoa—people who are deeply patriotic and appreciative of the relationship American Samoa shares with our Republic—are unequitably treated by a semi-independent agency of our Federal Government. Neither will my colleagues in the House and Senate. Numerous Members of Congress have written to the Postal Service urging the Postal Service to treat American Samoa's request in the same manner it has treated similar requests by the other territories. Despite these efforts to persuade, using precedent and reason, the Postal Service to this day refuses to issue a commemorative stamp honoring the 100th anniversary of the union between the U.S. and American Samoa.

Mr. Speaker, I urge my colleagues to do what is right, what is just, what is fair, and what is reasonable on these facts. Nothing more. I ask that you join the people of American Samoa in urging the Postal Service to reconsider its position and to grant American Samoa's request for a postal stamp commemorating the 100th anniversary of its political union with the United States.

COMMITTEE ON THE BUDGET REVISIONS TO AGGREGATE SPENDING LEVELS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio, Mr. KASICH, is recognized for 5 minutes.

Mr. KASICH. Mr. Speaker, pursuant to Sec. 314 of the Congressional Budget Act, I hereby submit for printing in the CONGRESSIONAL RECORD revisions to the aggregate spending levels set by the interim allocations and aggregates printed in the RECORD on February 3, 1999, pursuant to H. Res. 5 for fiscal year 1999 and a revised allocation for the House Committee on Appropriations to reflect $1,030,000,000 in additional new budget authority and $430,000,000 in additional outlays for defense and non-defense emergency spending. This will increase the allocation to the Appropriations Committee to $573,828,000,000 in budget authority and $576,909,000,000 in outlays for fiscal year 1999.

The House Committee on Appropriations submitted the report on H.R. 1141, the Emergency Supplemental Appropriations and Rescissions for Fiscal Year 1999 which includes $1,030,000,000 in budget authority and $430,000,000 in outlays for defense and non-defense emergency spending.

These adjustments shall apply while the legislation is under consideration and shall take effect upon final enactment of the legislation.

Questions may be directed to Art Sauer or Jim Bates at x6–7270.

FISCAL RESPONSIBILITY IN WASHINGTON, D.C., AND SECURITY FOR ALL AMERICANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kentucky (Mr. FLETCHER) is recognized for 5 minutes.

Mr. FLETCHER. Mr. Speaker, I want to talk to my colleagues tonight about our work to secure America's freedom.

First, I am pleased to be part of the Committee on Budget that has finally delivered what the American people want, fiscal responsibility in Washington and security for all Americans. It is a budget that achieves one of the most important goals, one of my most important goals: Assuring that no one will be left behind as we enter the 21st century.

Our priorities are very simple, yet they are very important: Preserving Social Security, paying down the debt, establishing farm security, increasing funding for education and defense, and providing tax relief for American families. These are issues that are important to the folks back home in Kentucky, as well as to the folks across America.

Last light we passed a budget out of committee that locks away 100 percent of the Social Security surplus, including every penny of the Social Security tax as well as the interest, to preserve and protect Social Security and Medicare. For the first time in over a generation, Social Security will be used for one thing and one thing only, our Nation's retirees.

The President's plan would have only saved 62 percent while spending the rest on more Government programs. The difference, he would have locked up $1.3 trillion, but we are locking up $1.8 trillion and still providing $800 billion in tax cuts for all Americans.

My health care amendment was also included in this budget. It addresses two key issues critical to central Kentucky and to America: The availability of home health care for Medicare recipients and addressing the need to provide accessible and affordable health care. I would encourage the President and my colleagues to work together for this important reform.

The President has already blocked Medicare reform and proposed $9 billion in Medicare cuts. Let us put people ahead of politics and provide the highest quality of health care for all Americans.

We also focused on the needs of farm families in Kentucky. This budget includes $6 billion to address the critical issue of crop insurance. We are upholding our commitment by securing these important funds, while the President did not secure a dime of increases for our family farms and our tobacco farmers in Kentucky.

Most importantly, we have achieved all of these important priorities and goals while living within the balanced budget agreement and paying down the national debt.

Ultimately, this budget is about making sure the American dream is not gambled away here in Washington. I hope we can pass this historic budget next week in this House with bipartisan support. I will look forward to supporting the budget when it is considered in the full House. It is a budget that is about truth, priorities, fiscal restraint, and hope.

Additionally, we moved to secure America's freedom. Economic, social, and educational security are all very important. However, what is a balanced budget, a strong economy, tax relief, or anything else for that matter without an adequate national defense?

Unfortunately, missile attacks could threaten every security that we work so hard to protect and the freedom that we all have taken for granted. We need to be concerned about this and focused on the growing number of rogue nations who are working to acquire capabilities to strike at our cherished freedoms.

We all know that, for the most part, times are good. That is why it is important and this is a perfect time to address this concern. I am pleased we have taken this important step today. It is a step toward establishing a national missile defense system for this great Nation. Most importantly, it is a step toward providing each and every American with a sense of security, a strong national defense, the best educational system possible, economic, health and retirement security. These are the securities that matter each and every day to this great country.

Let us stay on course and deliver on each of these important issues. Our parents, children, and grandchildren deserve nothing less.

EMERGENCY SUPPLEMENTAL SPENDING BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, last week the Committee on Appropriations passed the Emergency Supplemental Spending Bill that will provide desperately needed aid to defend America's farmers against depression-level prices, as well as to provide desperately needed assistance to the disaster struck nations in Central America.

This Congress now needs to move quickly to meet our obligations to our family farmers and to the devastated nations south of our border. I am also pleased to see this spirit of compassion alive in my hometown of Toledo, Ohio.

This past Monday, a delegation of 45 Toledo volunteers, including our Mayor Carlton Finkbeiner, traveled to Honduras to help the victims of Hurricane Mitch. Volunteers versed in housing

construction are working with care to build 600 homes in Marcovia. At the same time, volunteers with health care training are joining with the International Medical Corps and Catholic Relief Services to provide victims with basic health care in Catacamas, Choluteca, and Marcovia.

These goodwill ambassadors from Ohio's Ninth District deserve recognition in this well of the House today. I commend them for their wonderful efforts to bring aid to a devastated region and assistance to our fellow citizens in this hemisphere. I echo their call for action by this Congress on the Emergency Supplemental Bill to help the devastated people of Honduras and Central America but also our farmers here at home.

Let this Congress be as humanitarian as the people of Toledo, Ohio.

AMERICA'S FUTURE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. DEMINT) is recognized for 5 minutes.

Mr. DEMINT. Mr. Speaker, in the next 5 minutes, I want to ask my House colleagues and the people watching at home to help me write a new chapter in the American story. Over the next years, we will be the authors of this new chapter. Tomorrow our children will live this story.

As a father of four, nothing could make me feel more secure than knowing that this story includes my children pursuing their dreams and living a life free from dependency on government. Surely, all of us want our children and grandchildren to live in a place where freedom's lamp shines brightly for all people.

This is how the American story is read for nearly three centuries. This story began with a band of freedom-loving people who escaped oppression to form a new land of liberty. It is a story of exploration and new beginnings, a story of faith, enterprise, tragedy, and success. Its pages are filled with the names of heroic men and women like Patrick Henry, Frederick Douglas, Susan B. Anthony, and others. It is also filled with lesser known names but no less special: The mothers, fathers, grandparents, teachers, coaches, doctors.

We, in every line, in every chapter, the American story is filled with a Nation defined by its people, governed by its citizens, and preserved by those who love freedom. But too many are still uneasy about our future.

□ 1745

We lie awake at night worrying about tomorrow. Will our paychecks be enough to cover the bills? Will Social Security be around when we retire? Will we be able to provide the health care our elderly parents need and deserve? Will our children get the education they need to succeed in the next century?

We have the ability to give every American more security. But we will have no security, no hope, no opportunity if we trade away our liberty to achieve that security. I believe the gravest threat to our country is from those who promise security in return for our freedom. They promise security in exchange for more of our money and more control of our lives. Some of those in government even act as if they were elected to manage our lives. I believe we were elected to provide a framework of freedom so Americans can manage their own lives. We were also elected to provide a safety net for those in need when families, communities and States are unable to help. But the need for this safety net does not require the confiscation of our freedoms. We must remember that in America, we are most secure when we are most free, when we are in control of our lives.

Many believe that the debates in Congress are about which party is for Social Security, Medicare, education and the environment. The fact is we are all for these things. Every Member of the House wants to provide a strong and bright future for our country. The real debate in this Congress day in and day out is about who is going to control your life, you or the government.

Many of us here who call ourselves the GOP believe in a government of the people. This means, as it has for three centuries, that the government is controlled by you and your family, not the other way around. We believe in the GOP that we can secure the future for every child when we have an education system that is controlled by parents, teachers and local communities. And we will secure the future for every senior when we guarantee their Social Security benefits today and move towards giving their grandkids a choice to own and control their own Social Security accounts. We believe that we will secure the future for every older American when they have even greater access to quality health care and can choose their own doctors and make their own health care decisions. We will secure the future for our Nation when we rebuild our national defense and can control our borders and live free of the fear of missile attacks. And we will secure the future for every working American when we let them keep more of what they earn, a lot more.

Now is the time for us to write our chapter about America, an America that is free and secure and controlled by its people. Let no one edit the American story in a way that makes us dependent on the government or politicians. Let us write about a people that can overcome every challenge, education, jobs, health care, retirement, whatever we face. May our families live freer today than they did yesterday, and may we sustain a Nation that is dependent only upon God and the blessings of freedom.

Mr. Speaker, that is my prayer for this Congress and that is my prayer for this Nation.

THE FARMERS' PLIGHT

The SPEAKER pro tempore (Mr. MILLER of Florida). Under a previous order of the House, the gentlewoman from North Carolina (Mrs. CLAYTON) is recognized for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, at the Farm Resource Center, a national crisis line for farmers, those seeking help cannot get through. The line is busy.

Small farmers and ranchers are struggling to survive in America. In fact, small farmers and ranchers are a dying breed. And because they are a dying breed, quality and affordable food and fiber for all of us is at risk.

Passage of the 1996 farm bill sounded the death knell for many of our Nation's farmers and ranchers. Farmers and ranchers, able to eke out a living from the land in past years, now find it almost impossible to break even. Most are losing money and fighting to stay in the farming business.

And the crisis line is busy.

We are all aware of the problems tobacco is having, particularly in my State, North Carolina. But, in North Carolina, according to a recent news report, the State top farm commodity, hogs, have experienced a 50 percent drop in prices since 1996. Wheat is down 42 percent. Soybeans are down 36 percent. Corn, 31 percent; peanuts, 28 percent. Turkey and cotton prices are down 23 percent since 1996. In fact, Mr. Speaker, there is no commodity in North Carolina that makes money for farmers.

And the crisis line is busy.

In 1862, the year that the Department of Agriculture was created, 90 percent of the population farmed for a living. Today, American producers represent less than 3 percent of the population. By 1992, there were only 1.1 million farms left in the United States, a 45 percent decline from 1959. North Carolina only had 39,000 farms left in 1992, a 23 percent decline. In 1920, there were over 6 million farms in the United States, and close to a sixth, 926,000, were operated by African Americans. In 1992, the landscape was very, very different. Only 1 percent of the farms in the United States were operated by African Americans, 1 percent, 18,816, a paltry sum when African Americans comprise more than 13 percent of the population.

In my home State of North Carolina, there has been a 64 percent decline in minority farmers just over the last 15 years, from 6,996 farms in 1978 to 2,498 farms in 1992. All farmers are suffering under this severe economic downturn.

Very recently while in my district I spoke with a farmer who was working off the farm, not to earn extra money but to earn enough money to save his family farm. He makes no money from his farm for himself. He loses money from his farm. Taking a job off the

farm was the only thing he could do, he said, to save his farm and pass it on to his children. He makes no money from his farm, other than to save his farm. This man is 70 years of age.

And the crisis line us busy.

Farmers and farm families deserve a chance, a chance for the dwindling number of farmers and ranchers who feed us, provide us clothes and fiber. We should also make sure they have an opportunity to make a living.

Before the Freedom to Farm bill of 1996, the farm price safety net was a shield against the uncertainty and the fluctuation of commodity prices. When the farm bill was passed, we referred to it as Freedom to Fail. I am sad to report that our admonitions have been far too accurate. We must now correct that error. We must indeed not only provide emergency funds but policies must be changed so we can meet those vulnerabilities.

If we do nothing about the real problems facing these hardworking citizens, they may not be there for us. That in turn will hurt all of us if there are no farmers to feed us and to clothe us.

EXCHANGE OF SPECIAL ORDER TIME

Mr. GOSS. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Colorado (Mr. SCHAFFER) who I understand properly claimed my time.

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

There was no objection.

HAITI: BRING OUR TROOPS HOME

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. GOSS) is recognized for 5 minutes.

Mr. GOSS. Mr. Speaker, over the weekend it was reported that the commander of U.S. troops in Latin America has recommended that troops stationed in Haiti be brought home. For most Americans, it will probably come as a surprise to learn that we still actually have troops in Haiti. Indeed, there has been little public discussion of Haiti in the years since U.S. troops helped end a coup and return President Aristide to office down there. In the years since this dramatic operation, the situation in Haiti has gotten worse and what was once touted as the crown jewel of the Clinton administration's foreign policy is now an utter failure. Haiti has been without an effective government for almost 2 years, the judiciary is weak and the legislative branch has been effectively shut down and boarded up. The Haitian executive branch has taken a number of actions outside the constitution and caused concern to those working to consolidate democracy for our island neighbor. The political situation has grown even more tense in recent weeks following the gruesome political murder of Haitian Senator Toussaint, the attack on Senator Chery and the attack on a leading rights advocate. These ongoing attacks are the culmination of a long-standing campaign of intimidation and violence against Haitian and American individuals who are working hard in support of the rule of law, free and fair elections and economic improvement in that impoverished country.

In the midst of these troubling developments, there have been two U.S. actions of note: First, the refusal of the Clinton administration to certify Haiti as meeting its obligations in the war on drugs, in other words, they cannot do their job on that. And, second, the recommendation by General Wilhelm that we terminate the U.S. troop presence in Haiti. General Wilhelm had this to say and I quote: ''As our continuous military presence in Haiti moves into its fifth year, we see little progress toward creation of a permanently stable internal security environment. In fact, with the recent expiration of parliament and imposition of rule by presidential decree, we have seen some backsliding. Though our military mission in Haiti was accomplished in 1994, we have sustained a presence that on any given day during 1998 averaged about 496 military personnel.''

General Wilhelm goes on to say that he would ''categorize our presence as being a benevolent one. Through a variety of humanitarian assistance and other local outreach programs, our troops have undertaken infrastructure development projects and provided urgently needed medical and dental care for the impoverished Haitian population. These contributions have been made at a cost to the Department of Defense. By our calculations, our military presence in Haiti carried a price tag of $20,085,000 for 1998.''

The General concludes: ''However, at this point I am more concerned about force protection than cash outlays. The unrest generated by political instability requires us to constantly reassess the safety and security environment in which our troops are living and working. I have recommended that we terminate our permanent military presence in Haiti.''

General Wilhelm's recommendation was bolstered by General Hugh Shelton, the Chairman of the Joint Chiefs of Staff. Shelton has testified before Congress that he was ''looking very hard at the Haiti operation and drawing that 350 down to a much lesser number'' given the troop commitments around the world and the proposal to deploy U.S. troops to Kosovo.

While Generals Wilhelm and Shelton limited their comments to their area of responsibility, overseeing the deployment and readiness of the U.S. military, it is clear that this issue has far broader implications. Respected columnist David Broder reached the following conclusion: ''The lesson is not that we should never be peacekeepers; rather, that there has to be a peace to keep. Sending in the military to impose a peace on people who have not settled ancient quarrels has to be the last resort, not the standard way of doing business.''

Mr. Speaker, many respected individuals are calling on the Clinton administration to get our troops out of Haiti and begin rethinking its efforts to use our soldiers to impose peace on those who do not want it. This is not a good policy. It does not work. I believe the administration would do itself and America credit to heed the advice of these people who I think have made better suggestions that far outpace the Clinton foreign policy.

MAKING RESEARCH AND DEVELOPMENT TAX CREDIT PERMANENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SHERMAN) is recognized for 5 minutes.

Mr. SHERMAN. Mr. Speaker, this week a number of my colleagues in the New Democratic Coalition have come before the House to talk about a very important tax issue, and that is the need to make the R&D tax credit a permanent part of our tax law.

I would like to join with them in urging all of our colleagues to support taking a credit that has been a consistent part of our tax law but is always designed to be eliminated and then at the last minute is extended, to instead make that a permanent part of our tax law.

I have three major points, the first of which is the importance of research and development for all Americans. I think Americans are acutely aware that we live a life that is more wealthy, that we are in better financial position than 90 percent of the world. And most Americans, if asked what is the single greatest reason why Americans live so much better than those in Bangladesh or Honduras would say that it is because of our high levels of education and technology. We must do everything possible to advance our technology further and to advance the education of our workforce.

□ 1800

Perhaps the best example of the importance of research technology and science is illustrated by this chart which focuses on just one industry, an industry that barely existed a decade ago, that did not have a name 2 years ago, and that is the information technology industry. As this chart illustrates, over a third of all of the economic growth in this country came in that one industry, and we now sit at the beginning of a new century, a new century that will be, I think, marked as the Information Age, yet even before we begin this new century over a third of our economic growth is dependent upon an information technology industry that exists in large part because of the research and development conducted by American corporations.

The second point I wish to make is that not everything that is good and desirable is necessarily worthy of a tax credit, but tax credits are particularly appropriate where an activity engaged in by one company or individual provides benefits not only for those who are footing the bill, but benefits to society at large. A company that does research and development benefits not only itself, but our entire society and the world as a whole. Yes, a portion of the benefits of that technology will be reaped by the company that conducts it for they will seek a patent to defend their intellectual property. But many advances in technology achieved by our research projects are not patentable, and even those that are will become owned by the people of the world as a whole when the patent expires.

Furthermore, research project not only leads to a particular patent or a particular technology, it increases the general level of scientific education of those engaged in the project and increases the level of science in our society as a whole. Most economists would agree that where an activity provides such major external benefits, beneficial externalities to use the economics term, it is deserving of societal help, encouragement and, in this case, a tax credit.

Finally, there is the issue of whether we should continue to renew the credit on a yearly or several-years-at-a-time basis or make it a permanent part of our Tax Code. Keep in mind that the purpose of this tax credit is to encourage companies to do more research than they would otherwise. As a CPA and a tax lawyer in private practice for many years, I was witness to the strange process by which a provision in our tax law leads to a change in corporate behavior. Some day sociologists and anthropologists will study this process. It is a process in which a tax expert has to explain to the others in the company what the tax law provision provides and what benefits would be reaped on the tax return from engaging in a particular project, in this case a research project.

There are two types of research and development that are eligible for the credit. The first is the kind of research project that would be done any way. Often research is done and the company is not even aware of the R&D tax credit until the next March or April 15th when they complete their tax return. The other type of research is that research that is conducted because the company is counting on getting the credit. It is that second area where the R&D tax credit actually achieves its purpose.

Yet I repeat my words. The company is counting on getting the credit. How can a company count on getting a tax credit for a multiyear large research and development project if by its very terms the R&D credit is supposed to expire at the end of this year or the end of next year? The R&D tax credit can achieve its purpose, and that purpose is to expand the amount of research done in our country only if companies can count on it.

Now no provision of our tax law is guaranteed to be there forever. But certainly a provision which by its own terms is going to expire in a year or two is particularly ephemeral. If instead we make the R&D tax credit a permanent part of our laws, then companies will rely upon it, their R&D budgets will reflect not only the possibility that the credit might be there in the many years that the R&D project continues, but the extreme likelihood that it will continue to be there since it is a permanent part of our tax law.

Mr. Speaker, I look forward especially in this year when we are enjoying for the first time the fruits of the fiscal discipline that this Congress has exercised, I look forward in this year of surplus to take this step of making the R&D tax credit a permanent part of our law.

REDUCING THE NUMBER OF INFANT DEATHS IN ONONDAGA COUNTY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. WALSH) is recognized for 5 minutes.

Mr. WALSH. Mr. Speaker, the topic that I would like to discuss tonight is an issue of great importance in my home community of Onondaga County in which the city of Syracuse resides and I have represented now for 10 years in the Congress. When I first came to Washington back in 1988, we had the unfortunate distinction of having one of the highest infant mortality rates in the country. In 1987, 87 newborns died before they reached their first birthday. Over the 1987 to 1989 period, an average of 68 infants in the county, or 10 out of every thousand died, again before they reached their first birthday.

These are horrifying statistics, and what makes it even worse, Mr. Speaker, is that the proportion of these deaths fell most heavily upon the minority community.

Last year we through now 10 years of concerted work and effort and coordination and caring, we have some excellent news to report. While even one death is unacceptable, we have succeeded in reducing our infant mortality rate in Onondaga County by over 50 percent. This remarkable change did not happen without a concerted effort. A number of devoted people and organizations contributed. I have always felt that the best government will sponsor a partnership between local, state and Federal governments, and special initiatives undertaken by local communities and the private sector, and in central New York we proved this to be the case. The efforts which have been successful in reducing the number of infant deaths in Onondaga County began in the early 1990's.

As a member of the Select Committee on Children, Youth and Families, I encouraged and was successful in bringing a former colleague of mine from New York, Mack McHugh, and others to hold a field hearing for that committee in Syracuse back in 1990. We had witness testimony from public health officials, physicians, nurses and parents about strategies for insuring healthy babies in upstate New York. As a result of these hearings, a number of projects were undertaken in the county with the goal of reducing infant death and increasing birth weight at the time of birth.

Since that time, a number of these projects have proved to be very effective in dealing with infant mortality. Dr. Jim Miller and his successors, including Dr. Lloyd Novick, Commissioner of Health in Onondaga County, should be credited for the innovative efforts to address this issue by creating initiatives to reduce the instance of infant mortality and low birth weight babies. One of these programs is called Healthy Start. It works to reduce both infant mortality and adolescent pregnancy. Adolescent pregnancy and infant mortality are interrelated, births to young women who are not physically or psychologically prepared to give birth or to adequately raise the child. Adolescents often cannot provide the care necessary to ensure the health of infants and often get into the system too late. Healthy Start realizes that by addressing the issue of teen pregnancy the instance of infant mortality can be dramatically reduced. Low birth weight, as we know, is a key factor in the health of newborns, and all efforts were targeted toward healthy pregnancies and early intervention.

Healthy Start is dependent on the work of many partners in the local community: hospital staff, university health professionals, case workers, local schools, task forces. All can provide health education and care to adolescents and their parents and must include State, county and Federal health agencies and officials.

Doctor Sandy Lane is the Syracuse Healthy Start project director. She and her staff are to be commended for the committed efforts that they have made. She has been very modest about her program's ability to create the success. She credits involvement of local groups, partner agencies and the help of the Health Department programs and strongly praises the important Federal program, WIC, Women, Infant, Children, the feeding program to provide nutrition for both women and those children.

Syracuse Healthy Start funding is a combination of Federal, State and local funding. Over 4 and a half million dollars of Federal money have come in to the program through the Department of Health and Human Services, the Health Resources and Service Administration. Healthy Start also looks to Blue Cross and Blue Shield and to New York State Department of Health

to obtain supplemental funds. The program has been largely successful because of these efforts.

Another such program is the Adolescent Risk Reduction Initiative. This seeks to address the issues of adolescent pregnancy and sexually transmitted diseases. It seeks to promote responsibility in sexual reproductive decision-making and parenting. The presumption is that responsible parents are better able to provide for the health of their children. Ways in which adolescent risk reduction initiative works provides for pure leadership, training youths to be responsible for themselves and to teach their peers to be responsible. Education on health issues. Parent workshops to get the parents involved.

Mr. Speaker, having not concluded my remarks, I ask that the remainder be included in the RECORD, and I end by saying that any community in America that is struggling with this terrible condition should have hope. You can do it, too. Healthy babies are worth the effort. It just requires commitment, coordination and a lot of caring.

EXCHANGE OF SPECIAL ORDER TIME

Mr. ROYCE. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from New York (Mr. FOSSELLA).

The SPEAKER pro tempore (Mr. MILLER of Florida). Is there objection to the request of the gentleman from California?

There was no objection.

DEFENDING OUR NATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. ROYCE) is recognized for 5 minutes.

Mr. ROYCE. Mr. Speaker, today on this House floor we passed House Resolution 4 which states that the U.S. must deploy and not just develop a national missile defense system, and we must deploy now and not leisurely aim to deploy at some point in the future, and the reason for that is because our country is so vulnerable. The resolution that we debated here today hopefully will spur the development because, as we noted here today, we are now defenseless against a single missile coming into the United States. Defending our Nation against attack is so fundamental a responsibility of ours and the stakes that we are talking about are so high that I think it is important that we understand how our country with its great military has gotten into our predicament of being defenseless.

The American people need to know. The answer is that since President Reagan introduced the idea of missile defense over 15 years ago, every reason in the world has been found to delay. For one, we have heard that the threat itself, we have heard the threat being discounted. In 1995 the administration predicted that no ballistic missile threat would emerge for 15 years. This past August the administration again assured Congress that the intelligence community could provide the necessary warning of a rogue state's development and deployment of a ballistic missile threat to the United States. Then that same month, that same month North Korea test fired its Taepo Dong missile. The sophistication of this missile unfortunately caught the intelligence community by surprise. North Korea, impoverished, an unstable North Korea, a regime about which the director of Central Intelligence recently said that he could hardly overstate his concern about it and which in nearly all respects, according to him, has become more volatile and unpredictable, may soon be able to strike Alaska and Hawaii, not to mention our allies and U.S. troops in Korea.

□ 1815

Ominously, North Korea is continuing its work on missile development, and this is the very threat that was supposed to be 15 years away.

Even before this rosy assessment, last July Iran tested a medium range ballistic missile. Iran is receiving aid from Russia.

Not surprisingly the bipartisan Rumsfeld Commission recently concluded that the threat posed by nations seeking to acquire ballistic missiles and weapons of mass destruction, and I quote from the report, is broader, more mature and evolving more rapidly than has been reported in estimates and reports by the intelligence community, unquote.

The fact is that we live in a world where even the most impoverished nations can develop ballistic missiles and warheads, especially with Russia's aid, and then there is an expanding and ever-more sophisticated Chinese missile force.

This, in no way, is said to disparage our intelligence efforts. Instead, we just need to appreciate that these threats are difficult to detect and that we need to react. Pearl Harbor caught us by complete surprise. We have no excuse with today's missile threat.

The second excuse that we have heard for delay is the ABM Treaty. Faced with the very real threats that we have heard about, I am at a complete loss as to why our country would let an outdated treaty keep us from developing a national missile defense system.

Essentially, the administration has allowed Russia to veto our missile defense efforts. This is the same country, Russia, that is continuing to proliferate missiles by working with Iran.

Fortunately, Secretary of Defense Cohen has suggested in January that we would not be wedded to the ABM Treaty. He said that this treaty would not preclude our deployment of a defensive system, but this is only a step toward the deployment we need.

Others in the administration persist in calling the ABM Treaty the cornerstone of strategic stability. The ABM Treaty has an escape clause, and I believe we need to get beyond a treaty that keeps us from defending our territory in the face of a very real threat, a treaty, I might add, that the Soviets secretly violated. Renegotiating this treaty in a way that still precludes us from deploying the best missile defense system we can, allowing for a dumbed-down system, which is what the administration is suggesting, is simply not acceptable.

The fact is that the Russians have nothing to fear from us. The United States doesn't start wars. To forgo defending our territory because we're afraid of what the Russians may say about our defensive actions is indefensible.

Third, we hear that a national missile defense system is too costly. Yes, we have made an investment in missile defense since Ronald Reagan launched his initiative, though a small fraction (some $40 billion) of what American industry invest in research each year. But let's be honest here, defense is not free. And there have been some failures. But since when does success come without failure. Entering the twentieth century, the United States is the wealthiest, most technologically advanced country in the history of the world. There is no reason beyond the ideology of arms control, complacency or worse not to deploy a national missile defense now.

LOOKING AT DISTRICT OF COLUMBIA WITH FRESH EYES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 60 minutes as the designee of the minority leader.

Ms. NORTON. Mr. Speaker, it has been my habit to come to the floor occasionally in order to report to this body concerning your Nation's capital. There is a special responsibility that the House and the Senate have for the Nation's capital and it is not possible to get a real sense of what is happening in this city, even when in it, to see it in perspective, without the kind of information that I try to give periodically to this body, as we go off to Hershey, Pennsylvania, for our second bipartisan retreat.

Therefore, I want to discuss this evening an issue and a place about which I am sure there is agreement that bipartisanship should always be the order of the day. It is, after all, the seat of our government, the home of more than a half million people, the place where all of us want to do all we can to make it the proudest seat of government we can.

What I would ask of this body, what I think the district has a right to ask of this body, what I think the people of the District of Columbia, the mayor and the city council have a right to ask of this body, is that it look at the District with fresh eyes for, Mr. Speaker, there is a new city, if ever there was

one, before your eyes. It is a city where there is a new mayor. It is a city where there is a new city council and where there is a new control board.

I am most appreciative that as the 106th Congress convened, the Speaker, the gentleman from Illinois (Mr. HASTERT), received the new mayor, Anthony Williams, and me, and we had a very good and encouraging discussion. The same was true of the chairman of the Committee on Appropriations, the gentleman from Florida (Chairman YOUNG); and the gentleman from Oklahoma (Mr. ISTOOK). The gentleman from Oklahoma (Mr. ISTOOK) has gone into the District over the last few weeks to see for himself the city that now comes under his appropriations subcommittee jurisdiction. I have gone as well, and the mayor, to visit the chair of the Senate District appropriations subcommittee, and the mayor has met with the chairman of the Oversight Committee for the District, Mayor GEORGE VOINOVICH, himself a former mayor, the mayor of Cleveland.

May I say that I continue to work, and in the bipartisan manner that he and I have long ago established, with the chairman of the Subcommittee on the District of Columbia, the gentleman from Virginia (Mr. DAVIS), and that has been a most fruitful partnership and we think it is a model for what we should be trying to achieve in the way of bipartisan cooperation when we meet beginning tomorrow in Hershey.

I should indicate to Members that the gentleman from Virginia (Mr. DAVIS) has agreed to sponsor, with me, a reception for Mayor Anthony Williams here in the House on April 13, in room 2226 Rayburn. We are doing that simply because we think Members would want to meet the new mayor of the District of Columbia, about which I am sure we have read a great deal and heard a great deal.

It is seldom that a city experiences the kind of change your capital has experienced over the last few months. The city has had a control board because, like Cleveland and New York and Philadelphia, it had financial problems, although I must say that the financial problems that the District had were almost inevitable because it was carrying State functions and no city in the United States carries State functions.

May I say how appreciative I am, the elected officials are and the residents are, that in its wisdom Congress removed at least some of those State functions, the most costly ones, the ones that no city could carry, medicaid or at least part of medicaid; courts; removed pension liability that was built up when the Congress was in charge of the District, enabling the District to breathe and to get control of its finances. We are most grateful for the understanding that that was a necessary obligation of the Federal Government.

What we have got in place essentially is an entirely new team. The control board is new. Except for one member, the vice chair, Constance Neumann, who served so well on the last control board, all the other members are new, appointed by the President.

There is, as I have said, a new mayor and there is a revitalized city council. Even the new mayor brings something very different from what mayors usually bring to the office. This mayor served as chief financial officer and, thus, is himself partly responsible for the rise of the District once again to economic strength. He, in effect, served an apprenticeship for becoming mayor doing what it is that mayors most have to do, and that is balancing a budget and getting control of your finances.

The city council has some of the same members. They are members who have proven themselves to want to exercise oversight and they are joined by others who were elected precisely because the city now demands oversight and accountability, a check on the executive from its city council.

So I ask this body to regard this as morning for the District. It is morning again. It is like it is outdoors today; it is spring; it is a new season with a whole new set of actors in place. All I ask of this body is it leave behind any sense of the District as it was and give these new players a chance to show what they can do.

I believe that they not only will do so, I think if one reads your morning papers in the District each day one will see that they are doing so. I invite everyone to flip through the Metropolitan Section every once in awhile to see that I am, I believe, right on this.

The District is clearly realigning itself, first for its own residents and then, of course, because it wants the Congress to understand that it is a new city.

What I am asking of the Congress is that the Congress realign itself so that it is ready to meet a new city. I want to say a word about what I mean by a new city because I am not this evening speaking rhetorically.

The city not only has a new administration, it has a new administration because it has a new political culture. The reason it has a new mayor, a new city council, is because there was a voter driven reaction to the state in which the city found itself. It was not driven by Congress. It was not driven by any outside force. It was driven by the circumstances that District residents found for themselves. Essentially, it was driven by a loud and virtually unanimous cry of enough from residents. That is why I say there is a change in the political culture, the kind of change that I think is permanent precisely because it has been driven from the bottom, precisely because of its reaction to what voters and residents felt on a daily basis about their city and they wanted it to be better. They wanted it to be better not because this body insisted so but because they had to live with it every day and because these people who were in charge were people they could either keep in charge or take from their posts, and they have selected among them, and I believe selected wisely.

I am very pleased that all of the signals from Congress have been that this body, Senate and House, does understand that this is a new city and should be treated accordingly. I am very pleased with the bipartisan approach to the city's issues that we have seen thus far, and there is evidence that I will allude to shortly.

I come to report today in a different spirit than I have come to the floor sometimes on the District. I do not come in complaint. I do not come to say, let the District be the District, let democracy reign in the Nation's capital the way it does every place else. I come to say that I am grateful for the way in which Congress is stepping back and letting the District do what I believe it is doing very well already.

I certainly hope, and I must say based on our conversations with the leadership I do believe, that I will not experience an appropriation this year that is anything like the appropriation I experienced last year where I stood for 10 hours on this floor. Even though there was before this body a consensus budget and almost no changes were made in the budget itself, I stood on this floor for 10 hours while Members pasted one or another anti-democratic attachment on the D.C. appropriation, an appropriation that comes here with only money raised from the taxpayers of the District of Columbia and, by right, should not be here at all.

□ 1830

I had to stand here and fight back, for the most part unsuccessfully, amendments that Members might have wished to put on to their own district, but certainly had no right to put undemocratically on to mine. This occurred even though everybody could see that the District was on the mend. The former mayor had said he was not going to run again, the budget was in order, and yet the budget became a vehicle for Members' desires having nothing to do with the wishes of the residents of the District of Columbia. I am hoping that the new cast of characters, if nothing else, will get the respect of this body so that our budget comes through, budget with our own money, without attachments, and I have no reason to believe that that will not be the case this year.

I raise it because there is no reason, as I have said to the Speaker, and as I have said to our appropriators, why the District should not be the first, rather than the last, budget that comes from this House where, after all, it is not the money of the Federal Government, it is the money of District residents.

The City was closed down for a week during the government shutdown. In the middle of its own financial crisis, one can imagine the bitterness that was left with District residents when, as far as they were concerned, it was

their money and it should not have been up here at all. The delays in our budget cost us in interest, when we have to borrow, because of the uncertainty the market believes is there when what our council and our mayor have done has to go to yet another legislative body and one not as familiar with the City because it is not their particular budget.

Some of my colleagues were not here, so I raise it so that they know what has happened in the past, and so that we can make what I hope will be a clean break with that kind of past.

I believe that there is signal evidence that that kind of break has already been made. As the session opened, I introduced the first of a series of bills. The series is called Democracy Now, and the first bill was called D.C. Democracy 2000. It seeks to sunset the control board, the board that was necessary when we got into financial trouble early, because we are no longer in financial trouble, and it sought to return some powers that were taken from the mayor and the city council to the mayor and the city council.

While the second part of the bill was not ripe because the new administration had no track record, the part that would sunset the control board, that is; I believe that the first part was ripe, and that there was no reason why the take-charge new mayor of the District should not have what it takes to rebuild the City. To his credit and with much appreciation from me, the gentleman from Virginia (Mr. DAVIS), the chairman of the subcommittee, took the first part of my bill and brought it through subcommittee and then the gentleman from Indiana (Mr. BURTON) and the gentleman from California (Mr. WAXMAN), through full committee, and then on to this floor where it easily passed in the House as well; and I am pleased to report this evening that my bill, or the first part of my bill, which, in fact, became a Davis-Norton bill, has become PL106–1. That ''dash 1'' means it is the first bill of the 106th Congress to be signed by the President of the United States.

How appropriate that the first bill that a Democratic mayor signed was a bill that the Republican House and Senate passed to return democracy to the mayor, to the mayor and the city council. We are most appreciative. We think it bodes well for the Congress and for the District, and it is what I mean when I say the District has to realign itself and the Congress has to realign itself, and I believe that that shows that both bodies are, in good faith, trying to do exactly that.

Now, I did not and have not yet pushed for the second half of D.C. Democracy 2000, as I have indicated, because I think it is only fair to ask even a new mayor who has the confidence of the House to get his own track record before our sunset or seek to have the control board to sunset a year early. My, how I would wish, however, that as the year 2000 dawns, the District of Columbia can be free of any oversight, except this Congress. That would mean that the control board would go a year early.

Mr. Speaker, let me indicate why I think that should happen. It is not simply because we have a new mayor in which I believe everybody, residents of the District of Columbia and Congress alike have confidence, it is because the evidence is already on the table. The Congress, through the control board statute, indicated that the District could be rid of the control board if, at the end of four years, the City had a balanced budget.

Let me tell my colleagues what the record is. The District has already had not one balanced budget, and that was three years ahead of time, but three balanced budgets plus surpluses in each of those three years. Mr. Speaker, a $185 million surplus in 1997; a $444.8 million surplus in fiscal year 1998, and the City projects a $158 million surplus for fiscal year 1999. As if that were not enough in the way of surpassing the expectations of the Congress, we had put into the revitalization package that this body passed taking over State functions in 1997 a provision that would allow the District to borrow in the fourth year if it had a balanced budget on the one hand, but we had not quite been able to get rid of, an operating deficit that it has been carrying now for years. But the District of Columbia is going to be able to eliminate its $322 million operating deficit from its own revenues without any borrowing.

This is strong evidence that the District has not only met, but surpassed, congressional expectations and is no longer in an emergency or crisis status, and when one is no longer in an emergency status, one no longer needs a control board. A control board is an emergency mechanism; it is not a security blanket. No city gets it, or must have it, unless it is in an emergency.

The District has pulled itself out of a financial crisis in a way no one would dare to have predicted a couple of years ago. Nevertheless, I can understand that to pass the second half of Democracy 2000, the burden is going to be on me, it always is, and therefore, I have not requested of the gentleman from Virginia (Mr. DAVIS) even hearings, yet, on the second half of that bill that would sunset the control board. Rather, with a new administration that took office only in January, it is only fair to let the mayor get his steam up, show what he can do, and then have hearings and see whether or not this bill can pass the House and the Senate.

Is the evidence on the table that this new mayor is in charge of the City and does not need any oversight from anyone except the voters of the District of Columbia? I think the evidence is very clear already. I think we need to see it continue for a few more months, but it is very clear already. Members have come up to me, came up to me after this first big snow the other day and told me that they noted the very quick and efficient way in which the streets were cleaned, and that it was in contrast to some other experiences that they had had.

Let me cite the way in which the new administration gets hold of problems, because he cannot promise us that there are not huge numbers of problems left over. The real question is, is he in charge of them? Does he gain control of them? Do we have an administration that knows how to get rid of problems? Because the fact of problems are going to be there for some time.

An example is an article in the Washington Post, a series, exposing problems in homes for retarded people. The District did a very good thing in taking retarded people and other disabled people out of a huge monstrosity of an institution, taking them out of institutionalized care and spreading these disabled people in homes around the City. Well, The Washington Post did what they were supposed to do. They went around and looked at these homes and these homes have been in existence now for 3 or 4 years and they are private homes all around the City run by contractors, and it found evidence that some of them are not treating retarded people very well, and that is itself, I will not say criminal, but it is pretty close to it when we consider that we are talking about people that are pretty close to helpless. There was a time when there would be exposure of problems like that and then we would wait to hear word that something had happened.

Well, the articles ran a couple of days ago. This morning's paper said that the mayor has moved in already to debar two of the contractors in two of the homes, and to move the people out.

That is what I mean by ''take charge.'' That is what the Congress cannot do, what the control board cannot do; that is what only a fully empowered mayor can do and what, with his powers fully intact, he is now doing.

Mr. Speaker, there are many, many examples of management progress in the City. Let me just take two, the first being perhaps the institution most exposed to the public and about which the public most cares because they affect their lives so directly: Schools. This may be the institution in the District where the Congress has had the greatest concern, the public schools. To say they have done very poorly is to speak far too lightly of schools that deserve nothing but contempt for what they had done to our children.

What has happened in the District now is that a new, bold, energetic, collegial superintendent named Arlene Ackerman has come to the superintendency and things began to happen immediately. Her Summer Stars program will probably be a model for the country where she took children and said, in order to eliminate social promotion, they were to go to summer school and that if one wanted

to get ahead, one could also go to summer school so that the children were not stigmatized, and that there would be a ratio of 15 children to every teacher, a very low ratio. Here is the kind of summer school that no one has ever seen much of. It was over-subscribed, and in the morning, children were put to very intensive reading and math instructions, and in the evening, or afternoons, she was able to get funding from private sources to take these youngsters all around the region to cultural and fun activities that would otherwise have been unavailable to them.

Even before she began with the Summer Stars program, she had so changed the regime in the schools with respect to how teachers were to confront their job that the scores in every grade had risen significantly. It can be done if we have the right people in charge.

Arlene Ackerman is so good that I am sure some Members would like to steal her, and we will not let that happen. Because that kind of progress from a school system that was in the gutter, it was so bad, to so quickly see it come up in the hands of somebody who knows what she is doing is precisely what this City has needed.

□ 1845

Let me take another agency that of course is of great, great concern; the police department. The District went out and did a nationwide search and got itself a first-class police chief. They got him from a much larger city, Chicago.

They got a police chief whose reputation has been made in community policing. No approach is more popular in this body than community policing where we put the police on the ground. They get to know people. They get to deal with problems at the ground level, and we get rid of crime.

Chief Ramsey has brought his community policing and his management style from Chicago to the District, and we are already seeing the kind of control and innovation that had been absent for too long.

For example, the Chief, instead of having what we used to in most cities, which is the command sitting in headquarters, has moved the command into the field so that one can hold cops accountable, because the command is not somewhere downtown. The command is right there in the neighborhood.

This man means it when he says community policing. That does not mean just a cop on the street. It means everybody is involved in community policing.

Troubled police department. Slow to take down crime. It is finally going down significantly in the District, and it was before even this police chief came. But here is a man who knows how to keep that progress going, with a real live management style that trucks no excuses.

An example, he found a police department that, according to, again, a series of articles, had excessive shootings. Again, the Washington Post, just as it did a series on how retarded people were treated in group homes, earlier did a series that showed that the police department, albeit before Chief Ramsey, came to the city a few months ago, had one of the highest excessive shooting rates in the country. High crime rate, and our cops were apparently using their guns and firing them more than they should. This flowed from a whole set of problems, including too little training.

What the Chief did seems to me is an example for all of us who are public officials. He believed that, if his internal affairs unit took this evidence that was in the paper, of shootings that had occurred, allegedly, excessively over the years; and if he did his own investigation, that the public would not have the greatest confidence in a police department investigating itself concerning these accusations.

So he went to the Justice Department, and he asked the Attorney General if she would assign some objective investigators to look at the problem of excessive shootings. One, had they occurred? Had they been excessive? What should be done about them?

Here, you have the opposite of what people have come to expect in many cities, no cover-up, but rather a police chief pulling the covers off and saying investigate us and tell us what should be done. If that does not inspire confidence in the police department, nothing will.

But, Mr. Speaker, there is wholesale confidence in the various sectors in this city. There is great and new business confidence. The First Lady was, just a few days ago, at an event in the District, attended by the great corporations and small businesses of this region, that was about efforts that they had made over the past year on their own to raise money for a real private/public partnership with the District. It was very encouraging to see how private business in the city and in the region were responding to the new District of Columbia of which I speak.

One such response I must bring to your attention, Don Graham, the publisher of the Washington Post, and business leaders in the region and in the city came to see the gentleman from Virginia (Mr. DAVIS) and me about an idea that they were themselves going to match.

They noted that we have only one small public open admissions university in the District. So if one does not fit that university, one has no other public university in the District the way they would if they lived in Virginia or Maryland or New York or California.

They proposed that a youngster in D.C. be able to go to public universities elsewhere, such as Virginia, with the Federal Government paying the difference between in State tuition and the out-of-State cost.

So that would mean, for example, at the University of Virginia where it costs $16,000 if one lives out of State, but only about $5,000 if one lives in the State, that a youngster from D.C. could go for the $5,000. Boy has this been greeted with hallelujah in the District of Columbia.

There are many sacrifices that people make to live in the District of Columbia. One is that, when one's kids get to be college age, there is no public university except an open admission one, and a very important open admission one, but it certainly does not fit every student. Students have flocked to this idea.

In order to make clear that this proposal was meant to take nothing from the need to build our own open admissions city university, I have achieved an agreement with the chairman that our open admissions city university would itself get a grant that would be an annual grant so that it can assist the university in its own rebuilding.

So there is going to be a win-win situation here. For youngsters who remain in the District, and many of them who graduated from our schools will have to remain here and will want to remain here, there will be a University of the District of Columbia which has some added money on an annual basis.

For youngsters who want to go out of the District of Columbia, the District of Columbia College Access Act, cosponsored by me, introduced by the gentleman from Virginia (Mr. DAVIS), will provide a subsidy so that the parents, the families will have to pay only the in-State tuition cost.

Meanwhile, these business leaders have not just come to us and said come up with some Federal money. They have already raised $15 million themselves to supplement youngsters who, indeed, go to college anywhere in the United States, including in the District of Columbia, whether or not they take advantage of this in State tuition subsidy.

So that means that if one, for example, wants to go to the University of Virginia, somehow one's family gets the $5,000, that is, the in-State tuition rate, one still has a lot to come up with if one is going to live outside the District. This private fund will be functionally necessary for many to even take advantage of the Davis-Norton bill that would subsidize in-State tuition.

The name of our act is the D.C. College Access Act. The name of the private program is the D.C. College Access Program. So they are a kind of coherent approach with a subsidy for tuition from the Federal Government and a subsidy for living expenses and for expenses that prepare these youngsters for college that makes sure that they remain there once they get there. So it is just the kind of synergy that the Congress likes to encourage.

But this time, the notion of the in-State tuition, Federally subsidized, and the notion of the private subsidy have come from the business community. That is what I mean when I say there

is confidence in this city. It is coming from every sector. It came first from the voters who elected a whole new set of actors or at least the many of whom were new. It comes from the Congress, which has already passed a bill to return powers to the mayor and the city council. We see that it comes also from the business community.

The question of new money for the District is still on the table, because, while the Federal Government has taken over the most costly State functions, the District has lost population. Like most big cities, the difference is, if one loses population from Chicago or Baltimore, if one loses population from Atlanta or New York, there is a State to back one up. We have nobody but ourselves. We are orphans.

Therefore, we do not pretend that we are permanently in the best shape. We know we are now with the good economy. We also know that we are going to have to find other revenue sources.

But the mayor agrees with me that the first thing that the new mayor should do is, not come to the Congress and say give me some money; that if I believe the mayor needs to have a track record in order for the Control Board to sunset early, I also believe the mayor has to have a track record and has to devise an approach before he can come here and say he needs more money.

He was the first to agree with this. He had no intention of coming to ask for more money. Even though, in order to get the State functions taken back by the Federal Government, we had to turn in our Federal payment. So we do not get any Federal payment, which means that the 25 million visitors who come to the District of Columbia every year have the services paid for essentially out of the pockets of the people I represent. They are in a city with a declining population.

At some point, we have got to design an approach to make sure that the District is able to handle this as it is handling it now. The importance of the revitalization package which took the State functions cannot be underestimated.

The mayor is not asking for more money at this time. I am sure that we will have conversations over the next few years with how to increase revenue in the District.

Meanwhile, look at what the mayor has just done this week. He has come forward with a very bold budget that is itself a policy document that is a paradigm for what a budget ought to be. Whether one agrees with this budget or not, the fact is it is a budget unlike budgets the District of Columbia has seen for a long time, because it points to new directions and does not simply indicate where money will be spent. If that is all a budget document is, it simply plugs in dollar signs for what is already there, that is not what the District needed.

Some parts of it are already very controversial, like the proposal to sell the existing campus of the University of the District of Columbia, Northwest, and move that campus to Southeast, use the money as an endowment for the University of the District of Columbia and put it beside a new technology high school and Department of Employment Service office.

All of that looks like it is an interesting idea. There is great concern in the university about moving them to a part of the city which has had some crime and other problems. There is also a problem because the land is not owned by the District of Columbia. So I am not sure if this is feasible.

I am sure of this, it is the counterproposal that the District of Columbia ought to be debating. It is proposals that are bold that it ought to be debating, even if it decides that is not what they ought to do.

What we do not need is simply to put forward budgets like we have put forward in the last 10 years, budgets that one year look like they did before and the year before. We have got to wake up and smell the coffee and say, yeah, now that I have seen that, I like it or I do not like it.

In the democratic exchange between the counsel, the mayor, and the public, this matter will be settled, and there and only there must it be settled. This body, I am sure, does not want to have anything to do with a proposal that is as complicated as that. It is not for us to say I have no idea where I stand on it.

Do my colleagues know what I am waiting for, I am waiting for the hearings in the city council so I can find out whether it is feasible, whether it does make sense, in the same way that I wait for hearings in this body before I know where I stand on important breakaway issues.

The mayor's budget is full of such breakaway proposals. He wants D.C. agencies to compete with private sector for city contracts. He knows he must work with city unions and city workers in order for that to work.

I am sure I do not need to tell him that no one can support it unless he brings the workers in because he is an expert in management and bringing management and policy together.

I am sure that the two will come together because this kind of composition, where it has worked in other cities, and, very often, if not most often, indeed, the public workers who know the job have in fact won the contract. So there is nothing to fear but fear itself if we have a level playing field and if everybody gets around the table and designs the process together.

The mayor has put a priority on increasing funding for D.C. public schools and youth programs. I love the part of the mayor's program that says he wants to increase after-school programs.

□ 1900

I cannot think of anything the mayor could do that could be more important. There we get youngsters and we capture them so they do their homework, we capture them so that they are not latchkey kids, we capture them so that they are in a safe and productive place between the hours of 3 and 6, or whatever they turn out to be, and those are the hours when youngsters get into trouble or commit crimes. So it takes care of so many things at one time, and he has put a priority there.

He has a bold proposal to provide health insurance for almost 40,000 poor uninsured residents so that they do not cost the city money by going to emergency rooms, and so that, in fact, they get health care early rather than later, at much greater expense to the city.

He wants to restructure the city's debt using the savings to cut taxes on small businesses. To do that, of course, would begin to reinvigorate our small business sector.

The mayor has one budget request that, thus far, I believe, is being received well. I do not have a specific indication from the appropriators yet, because I am sure they want to study it, but somehow we got into our appropriation a requirement that the District have two reserve funds. Now, the District does not mind having one, but having two is a bit much.

There is a provision that the District have a reserve fund of up to $250 million. A lot of money, but I think it is right to do so, so that we carry that reserve fund so that we can use it on a rainy day. Then there is something else that, probably, Congress did not mean to be in there. The two never, it seems to me, never came together. And that is a reserve fund for $150 million put away for each year. So that would just build up. The District would have $350 million the second year and so forth.

I do not think the Congress really meant to have the District build up that kind of reserve. I think it meant to have the District do what every other city does, and that is to have a healthy reserve fund, the way the reserve fund of up to $250 million would be. So the mayor is saying that he would like to be relieved of the second $150 and do the first $250.

I strongly support that. Because if the mayor is not able to produce something in investment to the city, if he is not able to say, I am giving some of this back to a city that has sacrificed so much during the hard fiscal crisis years, he is not going to be able to do the hard job of continuing to streamline the city and to make it a more efficient city.

I do not think anybody meant to have the District simply build up reserves that grow and grow and grow while no investment or little investment is made in the city itself. And given the mayor's own proven track record for fiscal prudence, I hope that this proposal will be given every consideration.

As it is now, because the mayor does not know and because of his own careful and honest budgeting, he has one

budget with the $150 million in it and one budget without the $150 million. We are going to ask the Congress to relieve us of this complication; take the $150 million out, be satisfied with the $250 million, and let the mayor do his job.

Mr. Speaker, I have today introduced a D.C. Budget Autonomy Act and a D.C. Legislative Autonomy Act that goes along with the mayor's budget, and I introduced it precisely because the mayor's budget came forward this week. It is a take-charge budget that I thought made the case for the District of Columbia Budget Autonomy Act.

The legislation simply says that, particularly because there is no Federal payment any longer, when the District passes its balanced budget, especially now with the control board in place, that should be it. It should not have to come here to an appropriation committee and to the Senate to an appropriation committee, which has no appropriation for the District of Columbia.

Remember, the District clause would still allow the Congress to intervene into the budgetary process in any way it saw fit. So it could still come to the floor and say, I want to change this or that, or I want to do whatever about it without the budget coming over here. Meanwhile, the District budget could go into effect when it was passed and would not hinge upon when we pass our appropriations.

This would save the District money; save it an inestimable amounts of time, and I have put that in today because I believe the mayor, in good faith, has come forward with the kind of prudent, exciting budgeting that the Congress wanted to see, and I believe the Congress ought to respond in kind by saying, it is his budget, we believe in devolution, we are going to show it by letting him do his budget his way without our intervention. Remember, we are talking about a city that has run a surplus for 3 years, when this body expected to have a balance only after 4 years.

The second bill is a Legislative Autonomy Bill, because I am sure most of the Congress is unaware that after a piece of legislation is passed it has to come here and sit for 30 or 60 days, depending on the kind of legislation it is. The problem with that is that these 30 or 60 days have to be legislative days, so that the District legislation cannot become final often for months, because the Congress does not sit in blocks of 30 legislative days at one time.

It creates havoc in the District government. It has to go through a Byzantine process just to get its laws to go into effect when passed, and then they are not truly in effect. Unnecessary all together since, again, Congress could, whenever it wanted to, simply come to the floor, introduce a bill to overturn a piece of legislation. Republican and Democratic Congresses alike, out of over 2,000 bills only 3 have been overturned in 25 years of Home Rule.

The Congress has the power. It can always use it. Congress does not need the hold in order to effectively do so. The hold creates havoc in the District. It means that the District is streamlining its process, we are not streamlining our relationship to the District. We ought to respond to what the District is doing by letting the District's bills stay with the District, letting the District's budget stay with the District, unless we decide that we want to intervene, in which case the District clause of the Constitution gives this body every opportunity to come forward. That is all we ought to need. The congressional power is still intact.

I want to thank the leadership on both sides for the way in which the District, the new District, if I may be so bold, has been received. I know I speak for Mayor Anthony Williams and City Council Chair Linda Cropp when I say there is a great feeling of hope and very good feeling toward the Congress in the District. There is the very same, as we have already seen, here in the Congress, because the Congress has already passed very important legislation to return powers to the District.

I would hope that Members would come for just a few minutes on April 13 to the reception that I am having for the mayor. The chairman of our subcommittee, the gentleman from Virginia (Mr. DAVIS), is joining me in sponsoring that reception. He is as pleased as I am with the way in which the city is proceeding, I think I can say without fear of contradiction. The reception will be held in Room 2226 Rayburn, and Members will be receiving an invitation.

Expect me to come back, sometimes in 5 minutes, occasionally for a full hour, to give my colleagues some real sense of what the city, where my colleagues all meet, is doing to meet its own expectations and, by doing so, to meet my colleagues' expectations.

THE 2000 CENSUS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Florida (Mr. MILLER) is recognized for 60 minutes as the designee of the majority leader.

Mr. MILLER of Florida. Mr. Speaker, I rise today to address an issue of great importance to this country, and that is the upcoming 2000 census.

In 12 months we will be having forms in the mail to everybody in this great country to complete for the decennial census, something that has been conducted since Thomas Jefferson conducted the first census in 1790. The census is critical to the Democratic system that we have in this country. It is the DNA of our democracy. And we need to do everything we can to have the most accurate and trusted census that can be done.

In 1990, we missed 1.6 percent of the American people in that count, and we need to try to do better. A problem in the past has been something called a differential undercount, where some segments of the population do not get counted as high a percentage as other segments. For example, American Indians are hard to count, and we need to put special efforts to go out and count the American Indian. And for all the other segments of our population that are hard to count, whether it is immigrants, or inner-city minorities.

It is the right thing to do for this country, because it is the right thing that everybody should count, and we need to put all the resources into making the year 2000 census the best ever.

When Thomas Jefferson conducted the first census back in 1790, they did not have a mail system that would deliver the census forms. It was done by horseback going out and finding people. They obviously missed people in 1790, and they have missed people ever since then. But every year we should try to do as good as we can.

The Clinton administration came up with a new plan this time around. They proposed to use sampling. The original plan was that they were going to count 90 percent of the population and use sampling and guesstimating for the other 10 percent. A very risky plan; very dangerous plan, in my opinion. It was destined to fail because it would not be trusted by the American people. We not only have to have the most accurate census possible but we must have it trusted by the American people.

To go out and use polling techniques to estimate the population just will not work in this country. It is too important of an issue. And it was illegal. The Constitution is very clear; it calls for an actual enumeration. We, the Republican majority, told the administration it was illegal. And in an agreement in October-November of 1997, it was agreed to proceed to court, to let the court decide whether it was legal. This past January the Supreme Court ruled that it is an illegal plan, for purposes of apportionment, the 90 percent population count.

And so, thank goodness, the court decided before the Clinton administration had proceeded all the way to conduct an illegal census. We had been telling them for years it was illegal; it was wrong. But it finally took the Supreme Court to tell them it was illegal.

Now the Clinton administration has decided, well, it is only illegal for apportionment. We will do a second sample for purposes of redistricting, which is drawing the lines within a State.

Apportionment is concerned with the number of representatives each State will have. So that has been resolved. That has been decided, and the administration has agreed to go ahead and do a full enumeration for that. But redistricting and apportionment go together. We cannot separate them. But what they want to do now is have a second set of numbers.

Now, just imagine what this will be like. Two numbers. A two-number census. Never been done in history. The

Census Bureau has been saying for years we cannot do a two-number census. It is wrong. I agree with the Bureau. But political pressure was brought to bear on the Census Bureau, sadly. The Census Bureau should not be influenced by politics, but they are very much being influenced this year. And that is very sad for the Census Bureau today and certainly for years to come that they have allowed political pressure to let them make bad public policy decisions.

This is bad public policy. Just think, my home of Bradenton, Florida, is going to have two numbers, one set of numbers will be for approval by the Supreme Court and another set of numbers will be the Clinton numbers. Because what the President wants to do is do the full enumeration, that will be the full count, and then adjust those numbers to say these are the other set of numbers. Two sets of numbers for the same date. And the census date is April 1 of 2000.

How confusing can it get? It is going to be so controversial and so tied up in the courts that it is going to mess up redistricting throughout the country. Not just for Congress but, as I said, this is the DNA of our democracy, because most elected officials in America are having districts drawn based on the census. So every State representative, every State Senator, school board member, county commissioner, city council person who represents a district, where they have to divide up by population, are going to have those districts tied up in courts for years to come.

□ 1915

It will be an absolute disaster. So it is terrible policy that this administration is proceeding along the lines of something that is illegal. It is illegal, and we have been telling them for years it has been illegal. I do not know what legal advice they are getting. Because reapportionment and redistricting are in effect the same thing.

What is going to make it even more illegal is that the results of these adjusted numbers are less accurate. The statistics are not valid. Because when they go to redistricting, what they do is they work with census blocks. They do not work with the city population numbers. They work with blocks. And a block may have 20 homes. It may have 50 homes.

Now, in the big city it may have an apartment high-rise and they could have a thousand or so people in it or more of course. But most of them are smaller. There are millions of census blocks in this country. And so what they are going to do is use a sample of 300,000 units to adjust all the millions of census blocks in the country. It makes no sense.

Even the Academy of Sciences, would has been politically used in this case sadly, a very distinguished, reputable organization that has been politically manipulated, they have even said that a sample size of 300,000 for redistricting purposes is marginally acceptable at statewide populations if you take the total State population of Arizona or Florida, but when we get down to within the State, it will lead to considerable variability.

This is snake oil that has been peddled by the Democratic party that this is going to solve all their problems. It is not going to solve any problems because the courts are going to throw it out. It is illegal. So how they use it if it is going to be thrown out in the courts?

So it is a sad situation that efforts we are making to try to improve the census are being opposed because all they want to do is sample, sample, sample. They have this one-track mind. And all I can tell them is it is illegal, unconstitutional, and it is wrong. And it is bad statistics.

I used to teach statistics for years in college. I know something about statistics. They can use statistics and they can manipulate them. My first lecture in statistics, when I was teaching at Georgia State University in Atlanta for years, was how to lie with statistics and it was on different channels and methods of how to do that.

When you use a measurement of central tendency, which is the mean, medium, and mode, they are different numbers; and we can say, which is better to describe it, the medium number or the mean number or the modal number? And it is used all the time.

Davis-Bacon, by the way, they use the modal number and it gets a higher dollar amount. It is interesting what number they choose to manipulate. So we have some serious problems with the administration, the dangers we are going to have with a failed census.

We introduced the ACT program, I have introduced, which are 10 measures to improve the census and I am going to go over those in a few minutes because it is going to I think help improve the census. And we had a big markup yesterday.

But my colleague the gentleman from Arizona (Mr. HAYWORTH) has joined me on floor. We had two field hearings this past few months, one in Miami in December, and we were out in January in Arizona. And as I said earlier, the most undercounted population we are dealing with are the American Indians. And one of the concerns we had is how do we improve the count on American Indians.

I am from a beautiful Gulf Coast area on the Gulf Coast of Mexico, a very different area from the large district that the gentleman from Arizona (Mr. HAYWORTH) represents. But by going to the area and having a field hearing in Arizona and listening to tribal leaders, it was very enlightening to understand and see their concerns. So we really appreciate the effort my colleague made to make it possible for the gentlewoman from New York (Mrs. MALONEY), the ranking member of the committee, and myself to be there.

Mr. Speaker, I am glad to have my colleague the gentleman from Arizona (Mr. HAYWORTH) with me today, and I yield to him.

Mr. HAYWORTH. Mr. Speaker, I thank my friend the gentleman from Florida (Mr. MILLER) for yielding. And I would likewise thank the chairman for his willingness to come to the youngest of the 48 contiguous States, the great State of Arizona, which did not enter this Union until Valentine's Day of 1912 in the administration of one William Howard Taft.

I might also point out that the Sixth Congressional District, which I am honored to represent, is an area in square mileage almost the size of the Commonwealth of Pennsylvania, from the hamlet of Franklin in the south just there alongside the New Mexico border in southern Greenlee County, from Franklin north to Four Corners, the only point geographically common to four States in our Union, west of Flagstaff and south again to Florence, a district that continues to grow with a sizable portion of metropolitan Maricopa County.

And indeed, according to the latest studies of population there, last year Maricopa County, Arizona, welcomed 86,000 new residents, second only to Los Angeles County, California. So it is a growing area, experiencing much the same growth that my friend from Florida can attest for his sunshine State.

But in the Grand Canyon State and indeed throughout the United States of America, Mr. Speaker, there are grave concerns. I certainly yield to my colleague from Florida in terms of his knowledge of statistics and his background as a man of science and an educator in talking about statistics. And I am reminded, I believe the line was from Mark Twain, ''statistics do not lie but liars occasionally use statistics.''

I would echo the observation of my friend from Florida that is seriously disturbing. It has been frustrating enough to see the lack of personal responsibility on the part of this administration, certainly personal conduct of the President of the United States, the misguided, if not arrogant, admonition of the Vice President of the United States when discussions of his own misconduct came up when he said, ''my legal counsel informs me there is no controlling legal authority,'' not only an absurdity but close indeed, Mr. Speaker and my colleagues, to an obscenity in terms of its arrogance. And moving past that, recent revelations involving the unlawful transfer of technology to the People's Republic of China, resulting today in a vote by this House to at long last approve a missile defense.

The committees of this Congress must continue their vigilance and their oversight of serious matters involving the lack of propriety in terms of soliciting campaign donations from the

People's Republic of China and subsequently action taken to transfer technology to that nation's military, putting Americans at risk.

But now my colleague from Florida has pointed out the latest outrage. My colleagues, we all take an oath to uphold and defend the Constitution of the United States; and when we raise our right hands and take that oath, that oath means something. It means that we all recognize the Constitution and the wonderful tools our Founders gave us to make us a Nation of laws and not of men, sadly, events of this past year which seem to indicate the opposite, that we are a Nation of one man's whims and not of law.

I would refer us to article 1, section 2, quoting now the actual enumeration. ''Shall be made within three years after the first meeting of the Congress of the United States and within every subsequent term of 10 years in such manner as they shall by law direct,'' speaking of this legislative prerogative.

We should also point out with our constitutional republic, our system of three separate and coequal branches of government, there is an arbiter, an interpreter. The judiciary branch. And the ultimate authority is, of course, the Supreme Court of the United States.

And as my colleague from Florida pointed out earlier, and as we must continue to reiterate, the Supreme Court of the United States, in January of this year, banned sampling, banned this hocus-pocus, indeed in a phrase that General Eisenhower used for a lot of scientific ledger domain, he called it sophisticated nonsense, the Supreme Court banned this type of inventive counting or projections or sophisticated nonsense and said to all of us, whether the President of the United States, Mr. Speaker, or a Member of Congress, or any citizen in this country, and most specifically, he who is directed to in fact be the director of the census, that, no, there will not be sampling. Instead, there will be an actual enumeration, as the Constitution calls for.

And yet the arrogance and, by any fair measure, dare I say the lawlessness, is so rampant that they would have a director of our census essentially thumb his nose at the Supreme Court of the United States, at the Congress of the United States, and then say to the American people, well, the Constitution may call for an actual enumeration but, gee, that is just not good enough. Because to fit our partisan designs, and let us speak plainly, Mr. Speaker, in a town enshrouded, as I have said before, with almost a perspective borrowed from that Hans Christian Anderson fairy tale dealing with the emperor's new clothes, when people fail to understand realty or fail to square up to it, let us understand this: Sadly this administration, it would seem, can only measure its so-called legacy, to use the term of the punditocracy, its so-called legacy in political terms and somewhere along the line something has gone terribly, terribly wrong. Because, in our constitutional republic, honest convictions deeply held articulated in this chamber with free debate are held amongst political adversaries or opponents.

But somehow, sadly, some folks in this town have changed that to start to think of the majority in Congress as their sworn enemy. How else are we to interpret the provocative action of the director of the census, who says to the Supreme Court, well, you may have told us that the Constitution says sampling is banned based on your opinion, but we are going to double count.

Mr. Speaker, if the double-talk were not enough from this bunch at the other end of Pennsylvania Avenue, now we are treated to a double count. And what they are saying, in an arrogant and dangerously partisan fashion, is that an actual enumeration of citizens mandated by the document to which we all swear our allegiance when we take our oath of office and validated, amplified again by the findings of the Supreme Court of this Nation in January, somehow that is not good enough. And they, in their arrogance and in their desire to shape a legacy born of any means necessary politically, will invent people, will invent numbers, will supplement their double-talk with a double count. It is tragic that we have reached such a stage.

Mr. MILLER of Florida. Mr. Speaker, reclaiming my time, it is so frustrating dealing with this administration to have a Clinton set of numbers and a Supreme Court approved set of numbers. We have been telling them for years it is illegal. I do not know where they get their legal advice, but their lawyers are telling them bad information.

We had an agreement with them, it was signed into law back in October-November of 1997, to be prepared for a full enumeration. And they would not even do that. They were not getting prepared. And they were so arrogant as saying, our lawyers are right and we are going to win this or the Supreme Court will rule after the census is done and then we will win it that way.

I kind of feel sorry for the professionals over at the Census Bureau today because there are some good professionals there and they are being driven by political pressure from the White House to do things that are bad public policy, bad science and statistics, and it is illegal. And it is an embarrassment for the real professionals that are over there that the politics weigh so heavy on them. Because ultimately it is going to be declared illegal.

What they are saying is apportionment is illegal but then they are going to do redistricting with a separate set of numbers, and the courts are going to rule there the same thing.

Mr. HAYWORTH. Mr. Speaker, if the gentleman would further yield, I would like to take advantage of his expertise and his study of this issue and his leadership as the chairman the subcommittee most accountable for the census and in terms of Congressional oversight and execution of such account.

We have established the sad realty that, for a variety of reasons, starting and in fact ending at the top, that is at the other end of Pennsylvania Avenue, with our chief executive and his already well-established lack of regard for the statutes and the laws of the land, that this is going to continue apace.

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I was wondering if my friend from Florida in laymen's terms could explain the deficiencies of sampling. It has been described to me as almost inventing people, or projecting numbers based on a count and then to actually cease a count and start an extrapolation.

Could he put it in laymen's terms so those of us who join these proceedings and our citizenry from coast to coast could understand this a little better?

Mr. MILLER of Florida. We are talking about using sampling. Sampling, we all use it for polling. We read the polls in the newspapers all the time. Politicians use them all the time. Marketing companies will use polling. Polling and sampling is used when you do not have enough time or money to take a full census, which is a full count. But the Constitution requires a full count every 10 years. In between, we will use sampling. It has got an appropriate role because you cannot go out and count everybody every year. The plan that has now been proposed the way it would work is, they would do the full count as best they could. Then they would take a sample of 300,000 units, housing units, and use those numbers to then adjust the 270 million people in this country.

You have population numbers for the State of Florida, the State of Arizona, you will have it for the city of Phoenix, the county of Maricopa County, the county of Manatee County or Sarasota County. But then it gets down to the numbers that you use for redistricting are small units, the smallest units. And if you look at how they draw them on a computer map, these are census blocks. How do you go and adjust a census block with 20 housing units in it based on a sample of 300,000 nationwide?

What is going to happen is in your area of Phoenix, they are going to take population estimates from Utah and New Mexico, probably California and Nevada, lump them together and then they are going to come back and adjust your census block where you live in Arizona.

Mr. HAYWORTH. Let me see if this analogy works, because from time to time, the attorneys might say, there is a preponderance of physical evidence that I battle with my physique, the

scale. This almost sounds like in lieu of weighing myself on a calibrated scale, that I take my two youngest children, aged 8 and 5, because, after all, they possess DNA, which is a part of me, and they have my hereditary characteristics and to achieve a desired weight, I would put them on the scales and then extrapolate based on statistical samples such as the ideal height and weight charts, the actuarial tables we see from different life insurance companies, and rather than take an actual number from the scale, through statistical legerdemain, we would project a desired outcome. Is that an apt analogy?

Mr. MILLER of Florida. Yes. The idea is, they are going to do something called adjustment this time around. It is a little different from the original sampling plan. They are going to do adjustment. The real set of numbers, so your scale shows you have a weight of 190 pounds, and I am being very generous.

Mr. HAYWORTH. That is the desired weight. Thanks very much.

Mr. MILLER of Florida. That is your desired, your goal. But then they will come back, they are going to adjust a number. They say, well, your scale shows 193, but we think because your shoes are heavy and your tie weighs so much, we are going to jump that up to 247. That is how they are going to adjust. They are doing it a little different than the sample originally proposed.

Mr. HAYWORTH. So it is as if we had the scales and the thumb rather than, well, perhaps the heavy hand of government is going to rest on that scale to produce the desired outcome based on political pressure from the White House and the marching orders that the Director of the Census has been given to maximize numbers in such a way, devoid of actual enumeration, to produce a desired outcome.

Mr. MILLER of Florida. That is a good description.

Mr. HAYWORTH. In fact, since we are dealing with a crowd, of course, who give us different definitions for the word ''is'' and the meaning of the word ''alone,'' who tell us that China should be our strategic partner although we know now in the fullness of time that strategic partnership dealt with a particular presidential campaign, this Clinton-Gore team's reelection effort in 1996, now we have a new definition of counting and a new definition of what the census should be. So we are getting all of this double talk and followed by a double count from this crowd down at the Census Bureau.

Mr. MILLER of Florida. That is very sad, because we need to have the census to be successful and the most accurate numbers possible, but it has got to be trusted by the American people. As I say, every city councilperson in this country, county commissioner, State representative, State senator, Member of the House of Representatives, their districts are going to be drawn based on these numbers. If they do not trust those numbers, they are not going to trust the system. Our democracy really is fundamentally at stake in this issue.

The gentleman actually said the Clinton administration is not high on the trust scale, whether it is in the foreign policy area with China, how you take a deposition, it raises a question, can you trust these numbers? If you have a set of numbers that are approved by the Supreme Court and a set of numbers that Clinton has manipulated to get to, which ones are you going to take? It is logical you are going to take the Supreme Court set of numbers, but they are going to try to force cities and counties and State legislatures to use these manipulated numbers. That is wrong.

Mr. HAYWORTH. If the gentleman will yield on that point, I should make the point, Mr. Speaker, that just yesterday I was contacted by members of the Arizona legislature concerned about this. Indeed, in recent weeks, officials of county government nationwide and from the various cities have visited Washington. All of the mayors and the county executives and the State legislators with whom I have spoken have expressed grave concerns about the machinations of this administration and its apparent willingness once again, quite frankly, to disobey the law of the land.

So, Mr. Speaker, again in our constitutional republic, given the magnificent ability to freely express ideas, and mindful of this free flow of information from coast to coast and to Alaska and Hawaii, once again, Mr. Speaker, we have to call the American people to action.

There are those when I first came here, Mr. Speaker, who spoke of some sort of revolution. Our Vice President, the same Vice President who claimed just last week he was the father of the Internet and he has cleared all sorts of new ground with a double ax in his farming days, that selfsame Vice President speaks of a reinvention of government.

Mr. Speaker, I believe quite frankly both of those labels miss the mark. I believe what we should be about in this Congress, whether conservative or liberal, Republican or Democrat, what we should be about is a restoration, not a revolution, not a reinvention but a restoration, and that is to say that we should take quite literally what our Founders said to be the law of the land. We stand here at the outset of every congressional session, those of us who have been honored with election, and we take an oath to uphold the Constitution. It calls for enumeration, counting of citizens. The Supreme Court has upheld it, and yet this crowd on the other end of Pennsylvania Avenue wants to ignore it. I think my colleague from Florida is correct to point out the concerns of the cities, the counties and State governments in this regard, and, Mr. Speaker, I would call on the great grassroots of America to let their thoughts be known.

There is one other question I have for my colleague from Florida. I have heard talk, again from what I call the punditocracy, all the folks who show up on television to offer their opinions of the day and offer them in a variety of columns on the opinion-editorial pages of papers around the country, I have heard that again this political mission is so important to our current President that he may be willing to shut down the government over this issue. Is there some veracity to that possibility?

Mr. MILLER of Florida. It was reported in the New York Times recently that, last fall, in order to get Democratic support for that omnibus appropriation bill, the President sent a letter to the gentleman from Missouri (Mr. GEPHARDT), the minority leader, saying that he will veto any legislation that keeps them from doing sampling. That means the upcoming appropriation bills that fund the census, but it not only funds the census, that particular bill will fund the FBI, the State Department, the embassies around the world, the Drug Enforcement Agency, the Border Patrol, the Weather Bureau. He has said he will veto anything that keeps him from being able to do sampling, which is illegal.

Mr. HAYWORTH. I just have a thought, if my friend from Florida would yield. We hear so much talk in this city about civility, and, of course, we should recognize that the first rule of civility is telling the truth. But apart from that, we also hear how there should be bipartisanship. Indeed today on this floor at long last, despite the best efforts of liberals in this Chamber to drag their feet and delay and oppose a strategic missile defense system, at long last this Congress had a bipartisan vote saying it will be the mission of this country to act in its own self-defense for a strategic missile system. Perhaps, Mr. Speaker, it would be good for our friends on the other side of the aisle to join us in true bipartisanship.

Now, of course, Washington, and sadly members of the press corps here have a very interesting definition of what is bipartisan. In this town, to hear the liberal community speak, whether from the printed page or from the political rhetoric of the other side, bipartisanship means the majority abandoning the goals for which it was elected to be made malleable and reshaped by the whim of the minority. I do not believe that definition of bipartisanship, as prevalent as it may be in some Georgetown parlors and down the street at the headquarters of the Democratic National Committee, is really an operative definition of bipartisanship. Far better that our friends who seek civility opt for the truth and join us in an intellectually rigorous, honorable and honest count, enumeration for the census as called for in our Constitution and as reaffirmed this past January by the Supreme Court. I think that would be a step toward true

civility. That would be a step toward true bipartisanship. I would say tonight that we reach out and extend our hand to say, let us preserve the Constitution. Here is another chance to stand up for the rule of law, here is another chance to act like statesmen. Join us in following the edicts of the Constitution and the decisions of the Supreme Court.

Mr. MILLER of Florida. We talk about truth and working together. Yesterday we marked up seven bills in the Committee on Government Reform to improve the census. We mentioned one that involves trust and local officials that we have talked about, the mayors and commissioners that we have been hearing about from our district. That is something called post-census local review. It was used in 1990. What it is, is after the census is started, the local communities get a chance to verify the housing units in their area. They have a final check on the numbers before they become published numbers, to catch mistakes. Because mistakes are made. We had a hearing on this. The gentleman from Wisconsin (Mr. PETRI) was talking about up in his district, a whole ward, a mistake was made and it was left out. The idea is let the local communities have one last chance to look at the numbers and verify the housing units in their community, their city, their county, whatever the jurisdictional area we are talking about. It makes sense. It is a trust factor.

They are opposed to it. The President sent a letter, he will veto us. It was done in 1990. It cost $7 million in 1990. We are not talking about a huge sum of money. But it gives a trust, a chance for the local cities. The National League of Cities is supporting this, the National Association of Towns and Townships is supporting this, all kinds of mayors. They have gotten to the big city mayors. Mayor Archer of Detroit added 45,000 people in 1990. Wow, that is a lot of people. Now he is opposed to it. But it is an optional thing. You do not have to participate. Detroit got 45,000 people going through the program the last time. If Mayor Archer does not want to participate, let him not participate. As a matter of fact, we may even put in the legislation that Mayor Archer and the city of Detroit cannot participate, I do not know. But it is amazing. They have sold snake oil to the Democratic big city mayors because they have said, ''We're going to get sampling, it will solve all our problems, it will add all these extra people to your cities if you will let us use sampling, so you need to oppose post-census local review.''

They do not trust their local officials? I know it is a pain. They would have to deal with all the mayors, the city managers, the county commissioners. But they are opposing it and Clinton is going to veto the bill. It will probably be on the floor of the House maybe this coming week and we will be able to debate it.

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I am anxious again for the Democrats to explain: Oh, we do not trust the mayors, we do not trust these city managers to look at our numbers of housing units.

I am in a growing area, the gentleman from Oklahoma has all this growth. New developments are going in all the time, new streets, new houses. Who knows best where they are? You know who knows best? They know over at the Census Bureau in Washington. We do not know back home.

Mr. HAYWORTH. And moreover, my colleague from Florida made mention of the fact that I am also honored to represent more Native Americans than any other Member of Congress in the United States; indeed almost one quarter of the population of the Sixth Congressional District of Arizona is American Indian; and, as was pointed out in the hearings held in Phoenix, many of those Native Americans live in remote areas, areas where they are known, for example, on the great and sovereign Navajo Nation, in areas with a lack of population density; but those in the chapter houses, in the local units of government, tribal government at its most basic, know where the people live, you see, because it is where they grew up.

But what a metaphor for the two different attitudes that exist now in the final days of the 20th century in Washington, D.C. You have the new majority, which believes that one size does not fit all, that our policies should not be Washington bureaucrat driven, that we should not check common sense or the power of observation at a department level door or a cubicle in Washington, D.C., that instead we should turn to local experts, to those who are living their daily lives in their locales, in their communities, with special challenges who acknowledge that Phoenix, Arizona, is a different place from Phoenix City, Alabama.

And then on the other hand, we have our friends on the left who continue to embrace this outmoded notion that only Washington knows best, that somehow inside this Beltway, within the parameters made possible by the Potomac, that only those who sit here and work at a desk in a cubicle for the Federal Government have the answer, and how dare mayors, and city councilmen, and county executives, and State legislators and those closer to the situation and the true meaning of federalism, how dare they, as duly elected officials, weigh in knowing traffic patterns, knowing housing patterns, knowing their cities, towns, boroughs and counties, how dare they step up when instead we can have people in Washington who can guess and guess through statistical legerdemain of the very clever way to produce a desired political outcome.

Indeed, as our good friend and colleague, the gentleman from Ohio and chairman of the Committee on the Budget (Mr. KASICH) says, this common sense majority is all about transferring money, power and influence out of the hands of Washington bureaucrats and back home to people who live their daily lives and now again in a most reckless transparently political and lawless fashion the crowd on the left wants to say: Washington knows best, we are going to continue the double-talk, have a double count and twist and shape the equations and numbers for our own desired ends.

It is sick, it is cynical, and, Mr. Speaker, I reflect on a term that was coined when I was growing up in describing another liberal administration in this town in its conduct of foreign policy and a variety of other issues. In the late 1960's there was talk of a credibility gap. Mr. Speaker, how sad it is that in the case of this crowd we have a credibility canyon. Indeed rhetorically it rivals the splendor of the Grand Canyon within the boundaries of my great State. In Washington, D.C. there is this credibility canyon whether in terms of personal responsibility, or boastful claims or arrogant assertions that someone is above the law or, in another fashion, there is no controlling legal authority.

Now again we are confronted with the incredible swath and distance, the gulf between the objective truth and the sick, cynical, political manipulation of victimhood and arrogance that says: We are above the law. We are not going to listen to the Supreme Court. We are not going to listen to the American people. But in a most cynical fashion we will twist the numbers and come up with account that achieves its desired ends, and that is basically the debate in full flower we are seeing.

The question is one of trust. As my colleague from Florida says: Who do you trust? At long last, Mr. Speaker, who can you trust? Good people can disagree. This is not about the merits of disagreement. This is about the designs of a sick, cynical scheme and a bald face grab for power.

Mr. MILLER of Florida. As I mentioned, we in the committee yesterday marked up bills to improve the census, and you would think they would want to have the ideas of Congress, like the post-census local review. Give those local officials like they had in 1990 a chance to have a quality check.

Another issue: They are opposing, and let me tell my colleagues this. They are opposing making the census form available in numerous languages and Braille. They said we are going to put it in five languages besides English, and if you know of another language, tough. You have to call an 800 number, and hopefully you will find somebody who can translate. And if you are blind, you know, tough. I mean what do you do?

That is so sad. They are opposed to it. It is not that difficult to make available forms for those that request it to get these forms.

I was in Miami. We had a hearing back in December. The gentlewoman

from Florida (Mrs. MEEK) has about 150,000 Haitians in her district. Now a lot of them have not learned English yet, and how do they fill out a form?

Our colleague, the gentleman from California (Mr. HORN) from Long Beach, he has about 50,000 Cambodians in his district. Now how do they fill out a form if an elderly person? Now somebody would say, oh, they should not be counted, but everybody living in this country gets counted. It is required by our United States Constitution. And here is amazing; this is the Democratic party that wants to reach out to everybody, and they are refusing to publish the seven questions, only seven questions, in these languages, and one of our bills is to put it out in 33 languages plus Braille rather than the five languages. Their argument is, well, our five languages, we get 99 percent of the people. Well, 1 percent of the American people is 2.7 million people, and we only missed 1.6 percent of the population last time.

Why are they afraid to do that? I mean it is the Republicans are out there trying to make it more accessible, to have everybody fill out the form, and so I mean it is so frustrating that they say we are perfect, we do not make mistakes, and we are all professionals and, you know, do not micromanage. Well, do not micromanage? They are the ones that spent a billion dollars over the past 7 years on a illegal plan, and it was not until January that they, you know, we got hit in the head. They realized, yes, it was illegal, and they said that is the reason we are going to go to two numbers.

I mean it is an amazing organization to deal with, and these other ideas we are proposing. It was another one they are opposed to is, and this has support from General Accounting Office and at one time the Academy of Sciences supported it. We get one form in the mail, and, you know, hopefully everybody returns it, we get as many as we can returned. But if you send the second form as a reminder, it will increase response rates by 6 or 7 percent.

They tried that out when they did what is called a dress rehearsal last year in Sacramento and Columbia, South Carolina. They will get a 6 or 7 percent improvement on response rate. That is about 19 million people. That many fewer forms have to be filled out. And they are opposed to it. They are going to fight it, and the President is going to veto it. He is going to veto those 33 languages. He is going to veto post-census review.

I do not understand their logic. It is so frustrating.

I mean even we had one program we debated for probably 45 minutes yesterday in committee. It is something called Census In The School program. It is a good program, and I hope when it becomes available that you can go to your schools and promote it, especially when you go to the Indian schools which we visited when we were in your district. It was really kind of neat to see the Indian schools there because what the Census In School form is is going to be a form that is going to be sent out to the teachers of elementary schools, in elementary schools, and selected teachers in middle and secondary schools that teach geography, I think government, math, I think three different categories, and the idea is they will get a request. If they want to participate in the program, send back a card, and they will get maps and materials, and it is a good way to teach a civics lesson, and, you know, they can teach mathematics, they can teach geography. There are lots of things kids can learn about the census and the Constitution on it, if the teachers want to. So we are going to make it available.

The Census Bureau was only going to make it available to 20 percent of the schools, and we think it is a good program. So we commend them and say we think it should be made available to everybody, all the schools. They are contracting it out, so it is not like extra work for them.

There is a group called Scholastic, Inc., that has got the contract, and it is just a matter of sending the letter to all these teachers, and if they like it, send back a card. And they fought us, and fought us, and fought us yesterday over that issue, and they finally agreed to let it go by voice vote.

And I understand. I said, ''Are you opposed to 60 percent of the teachers receiving this? Why are you opposed to the possibility of helping kids?'' We can get Members of Congress to go to schools in their district to help promote it. It is something that is good civics, it is good public policy, and you know they finally gave in and voice voted. It was amazing.

Mr. HAYWORTH. If the gentleman from Florida will yield for a second, this is very interesting because once again we see the gulf between rhetoric and reality because our President and liberal Members of this House come to this floor, and indeed the President of the United States stood at this rostrum a couple of months ago and told us how important education was and how we should put our children first. And of course now we find that our children, as they go to sleep at night, are within the target range of Chinese missiles, and, moreover, that the liberal minority in this House actually does not want to utilize a great civics lesson and participation in understanding the role constitutionally of the decennial census, that as its name implies, comes but once every 10 years, and to miss this historic opportunity when the claims constantly are of concern for the children and wanting to improve education. And again, it is yet another sad piece of evidence in this credibility canyon which is come to exist in Washington D.C., certainly not as splendid as our Grand Canyon, but one that we will have a long time trying to reconcile.

Mr. MILLER of Florida. One of the other ones that was interesting in the debate yesterday, and this came out of our hearing out in Phoenix and in Miami, and one of the things that the tribal leaders, for example, and representatives of communities in Miami like the Haitian community and such is they want to say we want to help, we want to give, you know, and their best and most knowledgeable about whether it is their tribe or their community in Miami or Detroit or wherever, but we need some help. What can, you know, the Census Bureau do for us? What can the government do for them?

One idea we came up with is a partnership program, it is a grant program, matching grant program for $26 million. It is not a huge amount of money, you know, for the entire country, but it is a one-shot deal so that if the tribes and we need some help within our tribe to go out and, you know, get the people to fill out the forms, or if the Haitian community wants to get, you know it can be nonprofit groups, it can be governmental groups. They can request a grant, and they say all these excuses. Census Bureau, we are not into the grant making business. Okay. Well, let the Commerce Department do it, Commerce Department which oversees, of course, the Census Bureau. They give grants all the time, let them do it. What is wrong with it? What is the harm of it? This is what we find out in field hearings in Phoenix and in Florida, and they fought us on it and fought us on it, and they finally reluctantly said it is not even worth the trouble.

Mr. HAYWORTH. Well, my friend from Florida has cleared up one mystery. There are many citizens around this country that really wondered about the function of the Commerce Department to begin with. So at least now we know that the Commerce Department is the Cabinet level agency that has authority over the census.

So, that is important to know, that there is that very important and vital function, but my colleague from Florida is quite right. I can recall in our hearing in Phoenix and in our visit to the Gila River Indian community and meeting with the school kids and the citizens of the health clinic and those who are involved in the tribal council that here are people who appreciate the notion of self government and sovereignty who are willing to count and willing to meet those challenges and eager to do so. And then you have the situation like just occurred in the committee where actually one has to pull teeth with the minority side to move to reasonable, rational positions to bring about the desired goal of a full count or at least what should be the desired goal of a full count.

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Mr. MILLER of Florida. There is one bill that the minority did support and this is one that the gentlewoman from Florida (Mrs. MEEK) was pushing and I was supportive of, and this is something that came out in the hearings in

Phoenix also with the tribal leaders, is to be able to hire the people go out and do the knocking on doors and helping count those who do not fill out their forms and get them back in. We need to get local people to do that work.

Who better than to get the native Indian to go out on their reservation and do their counting and knock on doors? They are the ones who are going to trust their friends and neighbors. In some cases these people may be on some type of welfare-type benefit, a medicaid program or something like that and these are temporary jobs, only going to be around for a few months and so to get them to be able to work those jobs temporarily without losing those benefits would be very desirable.

So the gentlewoman from Florida (Mrs. MEEK) introduced legislation which, of course, I cosponsored and we passed yesterday, and I have to give credit to the gentlewoman from Florida (Mrs. MEEK) for pushing this legislation, the Democrats.

There are a lot of people who have concerns about this because as the gentleman who is on the Committee on Ways and Means knows, welfare reform which was passed in 1996 gave the States the power. So the real problem we are having with this is, and the people are challenging us on it the most is, we are taking away power from the States. Let them decide. The States, I would assume, are willing to do it.

The question is, do we mandate it out of Washington? The fact is, the gentlewoman from Florida (Mrs. MEEK) did this, and I went along with it, we pushed it and luckily we got it and hopefully we can get it passed by the House. If not, we can get a sense of Congress to push it along and get the States to do it because it is good public policy and we should all agree that we want the local native Indians on their reservation. They do not want to go to the next reservation necessarily, and they are not going from their reservations to the Haitian community in Miami either. That is one good thing we hopefully will get out of this.

Mr. HAYWORTH. As we discovered in working with Native American groups and other concerned constituencies in the field hearings in Phoenix, we have many Indian communities. While some enjoy an economic boom and take advantage of new economic opportunities, I was meeting earlier today with a group of high school students who came to see me from the Close-up Foundation, from the Navajo Nation and understand, Mr. Speaker, that unemployment on the sovereign Navajo nation, an area in geographic size almost the size of the State of West Virginia, transcending the boundaries of four of our sovereign states, unemployment on the reservations can top and exceed 50 percent in some cases. So jobs, be they temporary, are welcome and indeed there would be a lot of people.

This is one of the topics we addressed today, what happens for economic empowerment because as we all know and as I remarked to the Navajo Tribal Council when I was honored to address that assembly in Window Rock, Arizona, the Navajo Nation capital, the greatest social program in the world is a job.

Mr. MILLER of Florida. Right.

Mr. HAYWORTH. To have this opportunity, I salute the gentlewoman from Florida (Mrs. MEEK) and while there may be some questions of jurisdiction and some details to iron out with the Nation's governors and the respective States and the whole notion of TATNF, Temporary Assistance to Needy Families, and what we are doing here, if we can vet those concerns and make a workable proposition come out, well, then this is to be welcomed. Let us seize on this aspect. Salute our colleague, the gentlewoman from Florida, from the other side of the aisle and say that example should be followed because it is inevitable that we may not agree on every jot and tittle of policy but that is the example of true bipartisanship, to work together to try to solve a problem, not to try a maneuver for political advantage or to say we are going to ignore the rulings of the Supreme Court and the Constitution somehow does not count. So my friend is right to give credit where credit is due and that should be an example of true bipartisanship and civility.

I look forward to working with the gentleman to try to iron out some of these problems of jurisdiction.

Mr. MILLER of Florida. I appreciate that. Our visit to Arizona was very enlightening because every area is different in this country. The gentleman's district is very different from the district of the gentlewoman from Florida (Mrs. MEEK), and again the gentleman's district is going to be very different from my district in southwest Florida where we have lots of retirees and beautiful beaches along the Gulf of Mexico and a different environment.

The gentleman has desert. We have beautiful beaches and mangroves and some swamps in our area, too. We have to be able to understand the diversity of our great country, and that applies to the census. I learned a lot, such as every Indian on the reservation does not have a mailbox. They do not have a street. The streets are not even named, as explained, in some areas. It is just dirt paths off into these reservations, but everybody needs to be counted.

There is no excuse for people not to be counted. People do not trust the Federal Government, as we well know. So we have got to build up trust in the system. Each of us, as leaders, we have to be part of that process but, of course, the administration in their procedures they are going through now are breaking down that trust factor.

We do share a common goal that we want everybody to be counted. There is the problem of the differential undercount and we should do everything we can, and that is the reason we have introduced legislation. I do not know why they would oppose making it available in languages for people that are undercounted. Why do they not want to let people that are blind and need braille make it available in braille? They say, no, it is too much trouble.

This is a huge effort. This is going to be $6 billion or so total being spent. It is a giant undertaking, and the bottom goal that we should all share, and I think we all do share, is get the best count possible. Every person living in this great country counts and we need to put the resources into it. This Republican Congress, for the past couple of years, has put more money and resources in the census than the President has asked. We are willing to put those resources in there because we want it done right, and that is so fundamental. The administration is just playing games.

Mr. HAYWORTH. It is interesting because it evokes another visit to the political dictionary and the lexicon of terms that we find in vogue in our Nation's capital. We hear a lot of talk about compassion. When we stop and think about it, Mr. Speaker, how best can we define compassion? We hear a lot of rhetoric on the left about it.

I think a lot of us would view compassion with two words; an attitude rather than a definition. True compassion means everybody counts. So if everybody counts, why not count everybody? Why not live up to the standards of our constitution in Article I Section 2? Why not follow the decision of our Supreme Court? Why not employ true compassion and make sure everybody counts by counting everybody?

Mr. MILLER of Florida. I completely agree. That is a great way, as we conclude this discussion this evening, to explain what we are really trying to accomplish, is just count everyone because everyone counts in this great country.

There is no excuse for somebody not being counted. We need to build trust with all segments of our population and commit the resources it takes to do that, because that magical date of April 1 of 2000 is when we need to get everybody counted, about 270 million people in this great country, a huge undertaking.

They say it is the largest nonmilitary undertaking and mobilization in American history that will be taking place next year and we need to put all the resources we can into it. I am looking forward to the complete count.

I appreciate the gentleman joining me here this evening to have a chance to discuss this critical issue.

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 Ms. NORTON) to revise and extend their remarks and include extraneous material:)

Mr. BLUMENAUER, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. FALEOMAVAEGA, for 5 minutes, today.

(The following Members (at the request of Mr. FOSSELLA) to revise and extend their remarks and include extraneous material:)

Mr. ROYCE, for 5 minutes, today.

Mr. FLETCHER, for 5 minutes, today.

Mr. DEMINT, for 5 minutes, today.

Mr. FOSSELLA, for 5 minutes, today.

Mr. WALSH, for 5 minutes, today.

Mr. KASICH, for 5 minutes, today.

Mr. SCHAFFER, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mrs. CLAYTON, for 5 minutes, today.

Mr. SHERMAN, for 5 minutes, today.

BILL 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, a bill of the House of the following title:

On March 17, 1999:

H.R. 540. To amend title XIX of the Social Security Act to prohibit transfers or discharges of residents of nursing facilities as a result of a voluntary withdrawal from participation in the Medicaid Program.

ADJOURNMENT

Mr. HAYWORTH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 8 minutes p.m.), under its previous order, the House adjourned until Monday, March 22, 1999, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1102. A letter from the Secretary of Defense, transmitting the 1999 Department of Defense Annual Report to the President and the Congress, pursuant to 10 U.S.C. 113 (c) and (e); to the Committee on Armed Services.

1103. A letter from the Secretary of Defense, transmitting Notification of intent to obligate funds for test projects for inclusion in the Fiscal Year 1999 Foreign Comparative Testing (FCT) Program, pursuant to 10 U.S.C. 2350a(g); to the Committee on Armed Services.

1104. A letter from the General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Uniform Financial Reporting Standards for HUD Housing Programs; Technical Amendment [Docket No. FR–4321–F–05] (RIN: 2501–AC49) received February 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

1105. A letter from the General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Home Equity Conversion Mortgages; Consumer Protection Measures Against Excessive Fees [Docket No. FR–4306–F–02] (RIN: 2502–AH10) received February 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

1106. A letter from the Assistant to the Board, Federal Reserve Board of Govenors, transmitting the Board's final rule—Risk-Based Capital Standards: Construction Loans on Presold Residential Properties; Junior Liens on 1- to 4-Family Residential Properties; and Investments in Mutual Funds [Regulation Y; Docket No. R–0948] received February 25, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

1107. A letter from the Assistant to the Board, Federal Reserve Board of Governors, transmitting the Board's final rule—Risk-Based Capital Standards: Construction Loans on Presold Residential Properties; Junior Liens on 1- to 4-Family Residential Properties; and Investments in Mutual Funds. Leverage Capital Standards; Tier 1 Leverage Ratio (RIN: 3064–AB 96) received February 26, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

1108. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Vehicle Certification; Contents of Certification Labels for Multipurpose Passenger Vehicles and Light Duty Trucks [Docket No. NHTSA–99–5047] (RIN: 2127–AG65) received February 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1109. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; State of Delaware—Transportation Conformity Regulation [DE036–1018a; FRL–6303–4] received February 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1110. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Amendment to National Standards of Performance for Steel Plants: Electric Arc Furnaces Constructed After October 21, 1974, and On or Before August 17, 1983, and Electric Arc Furnaces Constructed After August 17, 1983 [AD–FRL–6234–8] (RIN: 2060–AH95) received February 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1111. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Delaware; Definitions of VOCs and Exempt Compounds [DE041–1019a; FRL–6238–7] received March 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1112. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; State of Colorado; Greeley Carbon Monoxide Redesignation to Attainment, Designation of Areas for Air Quality Planning Purposes, and Approval of a Related Revision [CO–001–0029a; FRL–6236–7] received March 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1113. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—NRC Inspection Manual—received February 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1114. A letter from the Secretary of Energy, transmitting the Strategic Petroleum Reserve Plan Amendment No. 5, which allows the Department of Energy to use all the authorities under the Act to acquire oil for the Strategic Petroleum Reserve, including federal royalty oil; to the Committee on Commerce.

1115. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Frequently Asked Questions About the Statement of the Commission Regarding Disclosure of Year 2000 Issues and Consequences to Public Companies—received March 1, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1116. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Exemption of the Securities of the Kingdom of Belgium under the Securities Exchange Act of 1934 for Purposes of Trading Futures Contracts on Those Securities [Release No. 34–41116, International Series Release No. 1186, File No. S7–15–98] (RIN: 3235–AH46) received March 1, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1117. A letter from the Director, Office of Congressional Affairs, U.S. Nuclear Regulatory Commission, transmitting the Commission's final rule—Changes To Quality Assurance Programs (RIN: 3150–AG–20) received February 26, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1118. A letter from the Director, Defense Security Cooperation Agency, transmitting a copy of Transmittal No. 99–0A, which relates to the Department of the Army's proposed enhancements or upgrades from the level of sensitivity of technology or capability of defense article(s) previously sold to Singapore, pursuant to 22 U.S.C. 2776(b)(5); to the Committee on International Relations.

1119. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

1120. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule—Bureau for International Narcotics and Law Enforcement Affairs; Prohibition on Assistance to Drug Traffickers [Public Notice 2840] received February 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

1121. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the FY 1998 Annual Report on U.S. Government Assistance to and Cooperative Activities with the New Independent States of the Former Soviet Union; to the Committee on International Relations.

1122. A letter from the Executive Director, Committee For Purchase From People Who Are Blind or Severely Disabled, transmitting the Committee's final rule—Additions and Deletions—received February 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

1123. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Prevailing Rate Systems; Abolishment of the Marion, Indiana, Nonappropriated Fund Wage Area (RIN: 3206–AH60) received March 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

1124. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Prevailing Rate Systems;

Abolishment of the Marion, Indiana, Nonappropriated Fund Wage Area (RIN: 3206–AH60) received March 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

1125. A letter from the Secretary of the Interior, transmitting notification of the opening in the position of Special Trustee for American Indians; to the Committee on Government Reform.

1126. A letter from the Deputy Associate Director for Royalty Management, Department of the Interior, transmitting notification of proposed refunds of offshore lease revenues where a refund or recoupment is appropriate, pursuant to 43 U.S.C. 1339(b); to the Committee on Resources.

1127. A letter from the Assistant Secretary for Fish and Wildlife Parks, Department of the Interior, transmitting the Department's final rule—Migratory bird hunting; Regulations to increase harvest of Mid-continent light geese (RIN: 1018–AF25) received February 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1128. A letter from the Director, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Taking of Marine Mammals Incidental to Commercial Fishing Operations; Pacific Offshore Cetacean Take Reduction Plan Regulations [Docket No. 9901040001–9001–01; I.D. 111398D] (RIN: 0648–AM05) received February 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1129. A letter from the Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Trip Limit Reduction [Docket No. 961204340–7087–02; I.D. 020999F] received February 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1130. A letter from the Director, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Taking of Marine Mammals Incidental to Commercial Fishing Operations; Pacific Offshore Cetacean Take Reduction Plan Regulations; Technical Amendment [Docket No. 970129015–8123–06; I.D. 042798B] (RIN: 0648–AI84) received February 26, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1131. A letter from the Director, National Oceanic and Atmospheric Administration, transmitting a report on the Apportionment of Regional Fishery Management Council (RFMC) Membership in 1998 prepared by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce; to the Committee on Resources.

1132. A letter from the Rules Administrator, Department of Justice, transmitting the Department's final rule—Classification and Program Review: Team Meetings [BOP–1068–F] (RIN: 1120–AA64) received March 4, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

1133. A letter from the Rules Administrator, Department of Justice, transmitting the Department's final rule—Birth Control, Pregnancy, Child Placement and Abortion [BOP–1030–F] (RIN: 1120–AA31) received March 4, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

1134. A letter from the Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, transmitting the Service's final rule—Interim Designation of Acceptable Receipts for Employment Eligibility Verification [INS No. 1947–98] (RIN: 1115–AE94) received February 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

1135. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Uniform Relocation Assistance and Real Property Acquisition Regulations for Federal and Federally Assisted Programs [FHWA Docket No. FHWA–98–3379] (RIN: 2125–AE34) received February 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1136. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Transportation Equity Act for the 21st Century; Implementation Guidance for the Interstate Highway Reconstruction/Rehabilitation Pilot Program; Solicitation for Candidate Proposals—received February 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1137. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Textron Lycoming Model O–540–F1B5 Reciprocating Engines [Docket No. 98–ANE–73–AD; Amendment 39–11019; AD 99–03–05] (RIN: 2120–AA64) received February 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1138. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model DHC–7 Series Airplanes [Docket No. 98–NM–295–AD; Amendment 39–11021; AD 99–03–07] (RIN: 2120–AA64) received February 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1139. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Short Brothers Model SD3–60 SHERPA Series Airplanes [Docket No. 98–NM–289–AD; Amendment 39–11020; AD 99–03–06] (RIN: 2120–AA64) received February 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1140. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Raytheon Aircraft Company Beech Model 60 Airplanes [Docket No. 98–CE–126–AD; Amendment 39–11024; AD 99–03–11] (RIN: 2120–AA64) received February 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1141. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737–600, –700, –700IGW, and –800 Series Airplanes [Docket No. 98–NM–362–AD; Amendment 39–11022; AD 99–03–08] (RIN: 2120–AA64) received February 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1142. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Allison Engine Company, Inc. AE 2100A, AE 2100C, and AE 2100D3 Series Turboprop Engines [Docket No. 98–ANE–83–AD; Amendment 39–11023; AD 99–03–09] (RIN: 2120–AA64) received February 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1143. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29454; Amdt. No. 1911] received February 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1144. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29455; Amdt. No. 1912] received February 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1145. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Linden, NJ [Airspace Docket No. 98–AEA–46] received February 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1146. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Oroville, CA [Airspace Docket No. 98–AWP–10] received February 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1147. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Metropolitan Oakland International Airport, California; Correction [Airspace Docket No. 98–AWP–22] received February 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1148. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class D Airspace; Anchorage, Elmendorf Air Force Base (AFB) Airport, AK Establishment of Class E Airspace; Anchorage, Elmendorf AFB Airport, AK [Airspace Docket No. 98–AAL–23] received February 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1149. A letter from the Chief, Office of Regulations and Administrative Law, Department of Transportation, transmitting the Department's final rule—Conformance of the Western Rivers Marking System with the United States Aids to Navigation System [USCG–1999–5036] (RIN: 2115–AF14) received March 2, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1150. A letter from the Chief, Office of Regulations and Administrative Law, Department of Transportation, transmitting the Department's final rule—Drawbridge Operating Regulation; Bayou Chico, FL [CGD08–99–006] (RIN: 2115–AE47) received March 2, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1151. A letter from the Chairman, Federal Maritime Commission, transmitting the Commission's final rule—Miscellaneous Amedments To Rules Of Practice and Procedure [Docket No. 98–21] received February 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1152. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Differential Earnings Rate for Mutual Life Insurance Companies [Notice 99–13] received February 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1153. A letter from the Director, Defense Security Assistance Agency, transmitting a report on deliveries under Section 540 of P.L. 104–107 to the Government of Bosnia-Herzegovina, pursuant to Public Law 104–107 section 540(c); jointly to the Committees on International Relations and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. STUMP: Committee on Veterans' Affairs. H.R. 70. A bill to amend title 38, United States Code, to enact into law eligibility requirements for burial in Arlington National Cemetery, and for other purposes (Rept. 106–70). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. LANTOS (for himself, Mr. GILMAN, Mr. GEJDENSON, Mr. ABERCROMBIE, Mr. ACKERMAN, Ms. BERKLEY, Mr. BERMAN, Mr. BLUNT, Mr. BURTON of Indiana, Mrs. CAPPS, Mr. CARDIN, Mr. CROWLEY, Mr. DEUTSCH, Mr. DIAZ-BALART, Mr. DIXON, Mr. DREIER, Mr. ENGEL, Mr. FALEOMAVAEGA, Mr. FOLEY, Mr. FORBES, Mr. FRANK of Massachusetts, Mr. FRANKS of New Jersey, Mr. FROST, Ms. GRANGER, Mr. GREEN of Texas, Mr. HASTINGS of Florida, Mr. HAYWORTH, Mr. HOEFFEL, Mr. HOLDEN, Mr. HORN, Mr. HOYER, Mrs. KELLY, Ms. KILPATRICK, Mr. LAZIO, Mr. LEVIN, Mr. LEWIS of California, Mr. LOBIONDO, Mrs. LOWEY, Mrs. MALONEY of New York, Mr. MASCARA, Mrs. MCCARTHY of New York, Mr. MCGOVERN, Mr. MCNULTY, Mr. MEEHAN, Mrs. MEEK of Florida, Mr. MENENDEZ, Mr. MOORE, Mrs. MORELLA, Mr. NADLER, Mr. PALLONE, Mr. PITTS, Mr. PORTER, Mr. RANGEL, Mr. RODRIGUEZ, Ms. ROS-LEHTINEN, Mr. SALMON, Mr. SAXTON, Mr. SESSIONS, Mr. SHERMAN, Mr. SHOWS, Mr. SMITH of New Jersey, Mr. STUMP, Mr. SWEENEY, Mr. TALENT, Mr. TANCREDO, Mr. THOMPSON of Mississippi, Mr. WAXMAN, Mr. WEINER, Mr. WEXLER, Mr. BRADY of Pennsylvania, Mr. BENTSEN, Mr. BRYANT, Mr. HINCHEY, and Mr. ROTHMAN):

H.R. 1175. A bill to locate and secure the return of Zachary Baumel, an American citizen, and other Israeli soldiers missing in action; to the Committee on International Relations.

By Mr. WELLER (for himself, Mr. BENTSEN, and Mr. NEY):

H.R. 1176. A bill to amend the Internal Revenue Code of 1986 to require pension plans to provide adequate notice to individuals whose future benefit accruals are being significantly reduced, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, 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. CHABOT (for himself, Mr. RILEY, Mr. PAUL, Mr. COBURN, Mr. FRANK of Massachusetts, and Mr. BURTON of Indiana):

H.R. 1177. A bill to amend the Internal Revenue Code of 1986 to allow health insurance premiums to be fully deductible, whether or not a taxpayer itemizes deductions; to the Committee on Ways and Means.

By Mr. COBURN:

H.R. 1178. A bill to amend section 922 of chapter 44 of title 18, United States Code, to protect the rights of citizens under the Second Amendment to the Constitution of the United States; to the Committee on the Judiciary, 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. PAUL:

H.R. 1179. A bill to restore the second amendment rights of all Americans; to the Committee on the Judiciary.

By Mr. LAZIO (for himself, Mr. WAXMAN, Mr. BLILEY, Mr. DINGELL, Mrs. JOHNSON of Connecticut, Mr. MATSUI, Mr. BILIRAKIS, Mr. BROWN of Ohio, Mr. RAMSTAD, Mr. CARDIN, Mr. GREENWOOD, Ms. BALDWIN, Mr. CAMP, Mr. STARK, Mr. PICKERING, Mr. PALLONE, Mr. FOLEY, Mr. LEVIN, Mr. BILBRAY, Mr. TANNER, Mrs. MORELLA, Mr. DOGGETT, Mr. HORN, Mr. MURTHA, Mr. UPTON, Mr. STRICKLAND, Mrs. KELLY, Mr. HOEFFEL, Mr. BOEHLERT, Mr. BOUCHER, Mr. KOLBE, Ms. MCCARTHY of Missouri, Mr. FRELINGHUYSEN, Mr. MARKEY, Mr. BARRETT of Wisconsin, Mr. GORDON, Mr. RUSH, Mr. WYNN, Mr. MEEHAN, Mr. DELAHUNT, Mr. BARCIA, Mr. GREEN of Texas, Mr. KLINK, and Mr. JEFFERSON):

H.R. 1180. A bill to amend the Social Security Act to expand the availability of health care coverage for working individuals with disabilities, to establish a Ticket to Work and Self-Sufficiency Program in the Social Security Administration to provide such individuals with meaningful opportunities to work, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAUL:

H.R. 1181. A bill to lift the trade embargo on Cuba, and for other purposes; to the Committee on International Relations, and in addition to the Committees on Ways and Means, Commerce, and Government Reform, 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. STUMP (for himself, Mr. SPENCE, Mr. SMITH of New Jersey, Mr. QUINN, Mr. EVERETT, Mr. HAYWORTH, Mrs. CHENOWETH, Mr. LAHOOD, Mr. HANSEN, Mr. MCKEON, Mr. GIBBONS, Mr. TALENT, and Mr. BILIRAKIS):

H.R. 1182. A bill to amend title 38, United States Code, to expand and improve the Montgomery GI Bill by creating an enhanced educational assistance program for enlistments or reenlistments of four years active duty service, and by eliminating the reduction in pay for basic educational benefits; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, 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. SENSENBRENNER (for himself, Mr. BROWN of California, Mrs. MORELLA, Mr. GREEN of Wisconsin, Mr. COOK, Mrs. BIGGERT, and Mr. KUYKENDALL):

H.R. 1183. A bill to amend the Fastener Quality Act to strengthen the protection against the sale of mismarked, misrepresented, and counterfeit fasteners and eliminate unnecessary requirements, and for other purposes; to the Committee on Science, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of Michigan (for himself and Mrs. MORELLA):

H.R. 1184. A bill to authorize appropriations for carrying out the Earthquake Hazards Reduction Act of 1977 for fiscal years 2000 and 2001, and for other purposes; to the Committee on Science, and in addition to the Committee on Resources, 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. DEFAZIO:

H.R. 1185. A bill to modify the requirements for paying Federal timber sale receipts; to the Committee on Agriculture, and in addition to the Committee on Resources, 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. BLUMENAUER (for himself and Mr. GILCHREST):

H.R. 1186. A bill to direct the Secretary of the Army to include primary flood damages avoided as benefits for cost-benefit analyses for Federal nonstructural flood damage reduction projects, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mrs. JOHNSON of Connecticut (for herself, Mr. BROWN of Ohio, Mr. UPTON, Mrs. THURMAN, Mr. SERRANO, Mr. MCCRERY, Mr. KLECZKA, Ms. DUNN, Mr. COYNE, Mr. ENGLISH, Mr. MATSUI, Mr. FOLEY, Mr. NEAL of Massachusetts, Mr. NUSSLE, Mr. TANNER, Mr. PORTMAN, Mr. MCNULTY, Mr. TAUZIN, Mr. WAXMAN, Mr. LAZIO, Mr. TOWNS, Mr. PICKERING, Ms. ESHOO, Mr. BOUCHER, Ms. DEGETTE, Mr. GREEN of Texas, Mr. PALLONE, Mr. SAWYER, Mr. STRICKLAND, Ms. PRYCE of Ohio, Mr. FROST, Mr. SESSIONS, Mr. HALL of Ohio, Ms. SLAUGHTER, Mr. ACKERMAN, Mr. ALLEN, Mr. BAIRD, Mr. BAKER, Mr. BALDACCI, Mr. BARCIA, Mr. BENTSEN, Ms. BERKLEY, Mr. BISHOP, Mr. BOEHLERT, Mr. BONIOR, Mr. BORSKI, Ms. BROWN of Florida, Mr. BROWN of California, Mr. CANADY of Florida, Mr. CLAY, Ms. DANNER, Mr. DEFAZIO, Mr. DELAHUNT, Ms. DELAURO, Mr. EHLERS, Mr. FARR of California, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. GEJDENSON, Mr. GIBBONS, Mr. GILLMOR, Mr. GONZALEZ, Mr. GRAHAM, Mr. GUTIERREZ, Mr. HILLEARY, Mr. HILLIARD, Mr. HINCHEY, Mr. HOEFFEL, Mr. ISTOOK, Mr. JENKINS, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. KAPTUR, Mrs. KELLY, Mr. KENNEDY of Rhode Island, Mr. KIND, Mr. KING, Mr. KUCINICH, Mr. LAFALCE, Mr. LAMPSON, Mr. LARSON, Mr. LEACH, Mr. LUCAS of Oklahoma, Mr. LUCAS of Kentucky, Mrs. MALONEY of New York, Mr. MALONEY of Connecticut, Mr. MASCARA, Mrs. MCCARTHY of New York, Mr. MCGOVERN, Mr. GEORGE MILLER of California, Mrs. MORELLA, Mr. NADLER, Mr. NEY, Mr. OBERSTAR, Mr. OLVER, Mr. ORTIZ, Mr. PAUL, Mr. PAYNE, Mr. PETERSON of Pennsylvania, Mr. POMEROY, Mr. PRICE of North Carolina, Ms. RIVERS, Mr. RODRIGUEZ, Ms. ROYBAL-ALLARD, Mr. SABO, Mr. SANDERS, Mr. SANDLIN, Mr. SCHAFFER, Mr. SHAYS, Mr. SHOWS, Mr. SIMPSON, Ms. STABENOW, Mrs. TAUSCHER, Mr. TAYLOR of North Carolina, Mr. THUNE, Mr. VENTO, Mr. WALSH, Mr. WAMP,

Mr. WATKINS, Mr. WATT of North Carolina, Mr. WEYGAND, Mr. WISE, and Mr. CAMP):

H.R. 1187. A bill to amend title XVIII of the Social Security Act to provide for coverage under part B of the Medicare Program of medical nutrition therapy services furnished by registered dietitions and nutrition professionals; 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. ACKERMAN (for himself, Ms. BROWN of Florida, Mrs. CLAYTON, Mr. COSTELLO, Mr. CROWLEY, Mr. GREEN of Texas, Mr. HINCHEY, Ms. JACKSON-LEE of Texas, Mr. LANTOS, Ms. NORTON, Mr. PAUL, Ms. ROS-LEHTINEN, Mr. SANDLIN, Mr. TOWNS, Mr. TRAFICANT, and Mr. WEINER):

H.R. 1188. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for the payment of tuition and related expenses for postsecondary education; to the Committee on Ways and Means.

By Mr. COBLE (for himself and Mr. BERMAN):

H.R. 1189. A bill to make technical corrections in title 17, United States Code, and other laws; to the Committee on the Judiciary.

By Mr. GREENWOOD (for himself, Mr. KLINK, Mr. UPTON, Mr. DINGELL, Mr. GILLMOR, Mr. STUPAK, Mr. PETERSON of Pennsylvania, Mr. SAWYER, Mr. SHERWOOD, Mr. BARRETT of Wisconsin, Mr. BUYER, Mr. BROWN of Ohio, Mr. WOLF, Mr. VISCLOSKY, Mr. BONIOR, Mr. GILCHREST, Mr. MINGE, Mr. SOUDER, Mr. BARCIA, Mr. GOODLING, Mr. PICKETT, Mr. KANJORSKI, Mr. HOLDEN, Mr. HOEFFEL, Mr. DOYLE, Mr. TRAFICANT, Mr. KILDEE, Mr. KLECZKA, Mr. LEACH, Mr. BURTON of Indiana, Mr. RUSH, Mr. TAYLOR of Mississippi, Mr. BORSKI, Ms. RIVERS, Mr. MASCARA, Mr. COYNE, Mr. PASTOR, Mr. STRICKLAND, Mr. LEVIN, Mr. HOSTETTLER, Ms. STABENOW, Mr. PEASE, Mr. WELDON of Pennsylvania, Ms. BALDWIN, Mr. GREEN of Texas, Mr. PITTS, Mr. KUCINICH, Ms. KILPATRICK, and Mr. MARKEY):

H.R. 1190. A bill to impose certain limitations on the receipt of out-of-State municipal solid waste, to authorize State and local controls over the flow of municipal solid waste, and for other purposes; to the Committee on Commerce.

By Mr. DAVIS of Illinois:

H.R. 1191. A bill to designate certain facilities of the United States Postal Service in Chicago, Illinois; to the Committee on Government Reform.

By Mr. HEFLEY (for himself, Mr. TAYLOR of North Carolina, Mr. SKEEN, Mr. NORWOOD, Mr. BONILLA, Mr. PAUL, Mr. CANADY of Florida, Mr. ISTOOK, Mr. SCHAFFER, Mr. GRAHAM, Mr. SAM JOHNSON of Texas, Mr. HANSEN, and Mr. NETHERCUTT):

H.R. 1192. A bill to amend the Occupational Safety and Health Act of 1970; to the Committee on Education and the Workforce.

By Mr. WALSH (for himself, Mr. BILIRAKIS, Mr. WAXMAN, Mr. DEAL of Georgia, Mr. COBURN, Mr. UPTON, Mr. ACKERMAN, Ms. KILPATRICK, Mrs. KELLY, Mr. SHOWS, Mrs. MORELLA, Mr. MCHUGH, Mr. DUNCAN, Mr. SHERMAN, Mr. MCNULTY, Mr. FROST, Mrs. MALONEY of New York, Mr. BALDACCI, Mr. BERMAN, Mr. WEYGAND, Mr. QUINN, Mr. FRELINGHUYSEN, Mr. KLECZKA, Mr. OLVER, Mr. FOSSELLA, Ms. DELAURO, Mr. GEJDENSON, Mr. LEWIS of Georgia, Mr. YOUNG of Alaska, Mr. PASTOR, Mr. DIXON, Mrs. JOHNSON of Connecticut, Mr. FALEOMAVAEGA, Mr. POMEROY, Ms. ROS-LEHTINEN, Mr. ENGLISH, Mr. FARR of California, Mr. STRICKLAND, Mr. PAYNE, Mr. DOYLE, Ms. SCHAKOWSKY, Mr. WEXLER, Mr. ROTHMAN, Ms. SLAUGHTER, Mrs. CAPPS, and Mr. FOLEY):

H.R. 1193. A bill to establish programs regarding early detection, diagnosis, and interventions for newborns and infants with hearing loss; to the Committee on Commerce.

By Mr. LEWIS of Kentucky (for himself, Mr. NUSSLE, Ms. PRYCE of Ohio, Mr. TERRY, Mrs. MINK of Hawaii, Mr. SHOWS, Mr. HAYWORTH, Mr. BEREUTER, Mr. BOUCHER, Mrs. MYRICK, Mr. RAMSTAD, Mr. BURTON of Indiana, Mr. MCCRERY, Mr. HEFLEY, Mr. MARTINEZ, Mr. SCHAFFER, Mr. PAYNE, Mr. DELAY, Mrs. NORTHUP, Mrs. CAPPS, Mr. MCINNIS, and Mr. BLILEY):

H.R. 1194. A bill to amend the Internal Revenue Code of 1986 to provide that the exclusion from gross income for foster care payments shall also apply to payments by qualified placement agencies, and for other purposes; to the Committee on Ways and Means.

By Mr. MCCRERY (for himself, Mr. TANNER, Mr. FOLEY, Mr. FARR of California, Mr. ABERCROMBIE, Mr. TALENT, Mr. RAMSTAD, and Ms. DUNN):

H.R. 1195. A bill to amend the Internal Revenue Code of 1986 to increase the deduction for meal and entertainment expenses of small businesses; to the Committee on Ways and Means.

By Mr. GEORGE MILLER of California (for himself, Mrs. JOHNSON of Connecticut, Mr. MATSUI, and Mr. ENGLISH):

H.R. 1196. A bill to amend the Internal Revenue Code of 1986 to repeal the 60-month limitation on the amount of education loan interest which is allowable as a deduction; to the Committee on Ways and Means.

By Ms. NORTON:

H.R. 1197. A bill to amend the District of Columbia Home Rule Act to provide the District of Columbia with autonomy over its budgets; to the Committee on Government Reform.

H.R. 1198. A bill to amend the District of Columbia Home Rule Act to eliminate Congressional review of newly-passed District laws; to the Committee on Government Reform, and in addition to the Committee on Rules, 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. POMBO:

H.R. 1199. A bill to prohibit the expenditure of funds from the Land and Water Conservation Fund for the creation of new National Wildlife Refuges without specific authorization from Congress pursuant to a recommendation from the United States Fish and Wildlife Service to create the refuge; to the Committee on Resources.

By Mr. MCDERMOTT (for himself, Mr. CONYERS, Mr. SANDERS, Mr. NADLER, Mr. HINCHEY, Mr. SERRANO, Mr. FATTAH, Mr. OLVER, and Mr. COYNE):

H.R. 1200. A bill to provide for health care for every American and to control the cost and enhance the quality of the health care system; to the Committee on Commerce, and in addition to the Committees on Ways and Means, Government Reform, and Armed Services, 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. REGULA:

H.R. 1201. A bill to provide for a private right of action in the case of injury from the importation of certain dumped and subsidized merchandise; to the Committee on Ways and Means, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BROWN of California (for himself, Mr. GOSS, Mr. BLAGOJEVICH, Ms. PELOSI, Mr. CAMPBELL, Mr. FARR of California, Mr. SHERMAN, Mr. GEORGE MILLER of California, Mr. NEAL of Massachusetts, Mr. BERMAN, Mrs. MORELLA, Mr. HALL of Ohio, Ms. HOOLEY of Oregon, Mr. FRANK of Massachusetts, Mr. LANTOS, Ms. SCHAKOWSKY, Mr. WYNN, Mr. MORAN of Virginia, Mr. SMITH of New Jersey, Mr. FILNER, Mr. LEACH, Mr. DEUTSCH, Mr. PORTER, Mr. WEXLER, Mr. WAXMAN, Ms. KILPATRICK, Mr. GEJDENSON, Mr. STARK, Mr. DEFAZIO, Mr. PASCRELL, Mr. DIXON, Mr. BENTSEN, Mrs. MALONEY of New York, Mr. BLUMENAUER, Mr. DELAHUNT, Mr. SHAYS, Mr. MARKEY, Mr. TIERNEY, Mr. CASTLE, Mr. LAZIO, Mr. BEREUTER, Ms. RIVERS, Mr. BARRETT of Wisconsin, Mr. BONIOR, Ms. WOOLSEY, Mr. FRANKS of New Jersey, Mr. OLVER, Mr. PALLONE, Mr. MCGOVERN, and Mr. GILMAN):

H.R. 1202. A bill to amend title 18, United States Code, to prohibit interstate-connected conduct relating to exotic animals; to the Committee on the Judiciary.

By Mr. SAXTON:

H.R. 1203. A bill to encourage the International Monetary Fund to fully implement transparency and efficiency policies; to the Committee on Banking and Financial Services.

By Mr. STENHOLM (for himself and Mr. WATKINS):

H.R. 1204. A bill to amend the Internal Revenue Code of 1986 to impose a tax on the importation of crude oil and petroleum products; to the Committee on Ways and Means.

By Mr. STUPAK (for himself, Mr. BROWN of Ohio, Mr. QUINN, Mr. BARRETT of Wisconsin, Mr. KUCINICH, Mrs. THURMAN, Mr. BONIOR, Ms. KILPATRICK, Ms. STABENOW, Ms. RIVERS, Mr. MARKEY, Mr. HOLDEN, Mr. LUTHER, and Mr. KIND):

H.R. 1205. A bill to prohibit oil and gas drilling in the Great Lakes; to the Committee on Resources.

By Mr. TERRY (for himself and Mr. LUCAS of Oklahoma):

H.R. 1206. A bill to transfer the impact aid program to the Department of the Treasury and to provide for the procurement of services by nongovernmental personnel for the performance of the functions of the impact aid program; to the Committee on Education and the Workforce.

By Mr. VENTO (for himself, Mr. RAHALL, Mr. HINCHEY, Mr. FARR of California, and Mr. GEORGE MILLER of California):

H.R. 1207. A bill to prohibit the United States Government from entering into certain agreements or arrangements related to public lands without the express prior approval of Congress; to the Committee on Resources.

H.R. 1208. A bill to amend title 31, United States Code, to require the provision of a written prompt payment policy to each subcontractor under a Federal contract and to require a clause in each subcontract under a Federal contract that outlines the provisions

of the prompt payment statute and other related information; to the Committee on Government Reform.

H.R. 1209. A bill to amend the Small Business Act to provide a penalty for the failure by a Federal contractor to subcontract with small businesses as described in its subcontracting plan, and for other purposes; to the Committee on Small Business.

H.R. 1210. A bill to provide for continued compensation for Federal employees when funds are not otherwise available due to a lapse in appropriations; to the Committee on Government Reform, and in addition to the Committee on Appropriations, 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. DINGELL (for himself, Mr. GEPHARDT, Mr. DELAY, Mr. BONIOR, Mr. HYDE, Mr. FROST, Mr. COSTELLO, Mr. EVANS, Mr. SHOWS, Mr. MOORE, Mr. HILL of Indiana, Mr. MALONEY of Connecticut, Mr. JENKINS, Mr. ROMERO-BARCELO, Mr. MCKEON, Mr. FRANK of Massachusetts, Mr. BERMAN, Mr. ENGEL, Mr. ENGLISH, Mr. TALENT, Mr. MCCRERY, Mr. FILNER, Mr. KILDEE, Mr. SPRATT, Mr. BAIRD, Mr. BROWN of Ohio, Mr. TRAFICANT, Mr. BOUCHER, Mr. BLAGOJEVICH, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JOHN, Ms. KILPATRICK, Mr. FARR of California, Mr. CROWLEY, Ms. LOFGREN, Mr. DICKEY, Mr. FOSSELLA, Mr. BATEMAN, Mr. BUYER, Mr. RAHALL, Mr. COYNE, Mr. BALDACCI, Mr. GREEN of Texas, Mrs. CAPPS, Mr. NEY, Mr. CLYBURN, and Mr. LUTHER):

H. Con. Res. 60. Concurrent resolution expressing the sense of the Congress that a series of commemorative postage stamps should be issued honoring veterans service organizations across the United States; to the Committee on Government Reform.

By Mr. CAMPBELL:

H. Con. Res. 61. Concurrent resolution expressing the sense of the Congress that all Chinese people, including the people of Taiwan, deserve to be represented in international institutions; to the Committee on International Relations.

By Mrs. CUBIN:

H. Con. Res. 62. Concurrent resolution expressing the sense of Congress regarding the guaranteed coverage of chiropractic services under the MedicareChoice program; 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. HASTINGS of Washington (for himself, Mr. NETHERCUTT, Mr. WALDEN of Oregon, Mrs. CHENOWETH, Mr. SIMPSON, Mr. YOUNG of Alaska, Mr. HANSEN, Mr. POMBO, Mr. RADANOVICH, Mr. SKEEN, and Mr. DOOLITTLE):

H. Con. Res. 63. Concurrent resolution expressing the sense of the Congress opposing removal of dams on the Columbia and Snake Rivers for fishery restoration purposes; to the Committee on Resources, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. MILLENDER-MCDONALD (for herself, Mr. LAZIO, Mr. COBURN, Mr. BLILEY, Mr. BILIRAKIS, Mr. DINGELL, Mr. BROWN of Ohio, Mr. BARRETT of Wisconsin, Mr. GREEN of Texas, Mrs. CAPPS, Mr. WYNN, Mr. PALLONE, Mr. WAXMAN, Ms. DEGETTE, Ms. ESHOO, Mr. NORWOOD, Mr. UPTON, Mr. PICKERING, Mr. GREENWOOD, Mrs. MALONEY of New York, Mrs. KELLY, Ms. GRANGER, Ms. KILPATRICK, Mr. FILNER, Mrs. MINK of Hawaii, Ms. JACKSON-LEE of Texas, Mr. GUTIERREZ, Mr. FROST, Mr. SHERMAN, Mr. SMITH of Washington, Mr. MEEHAN, Mr. SANDERS, Mr. SPRATT, Mr. HORN, Ms. DELAURO, Mr. CLEMENT, Mr. ABERCROMBIE, Ms. PELOSI, Ms. LEE, Mr. BALDACCI, Ms. STABENOW, Mrs. CHRISTENSEN, Mr. CRAMER, Mr. SHOWS, Mr. JEFFERSON, Mr. BENTSEN, Mrs. MORELLA, Mr. GEORGE MILLER of California, Mr. KUYKENDALL, Mr. FOLEY, Mr. HINCHEY, Mr. BORSKI, Mr. LAMPSON, Mr. NEAL of Massachusetts, Mr. SMITH of New Jersey, Mr. BOSWELL, Mr. SERRANO, Mr. CROWLEY, Mr. WELDON of Florida, Mr. WEYGAND, Mr. WATKINS, Mr. RILEY, Mr. ROMERO-BARCELO, Mr. CONDIT, Ms. RIVERS, Mr. MCNULTY, Mr. TRAFICANT, Mr. SPENCE, Ms. CARSON, Mr. RYUN of Kansas, Ms. NORTON, Mrs. NAPOLITANO, Mr. RODRIGUEZ, Mr. MCHUGH, Mr. NEY, Mr. YOUNG of Alaska, Mr. NADLER, Mr. BACHUS, Ms. LOFGREN, Mrs. MYRICK, Mrs. LOWEY, Mrs. CLAYTON, Mr. DAVIS of Illinois, Mr. LARGENT, Mrs. MEEK of Florida, Ms. WOOLSEY, Mrs. MCCARTHY of New York, Mr. LANTOS, Mrs. ROUKEMA, Mr. MATSUI, Mr. THOMPSON of California, Ms. ROS-LEHTINEN, Ms. ROYBAL-ALLARD, Mr. FORD, Mr. FALEOMAVAEGA, Mrs. BIGGERT, Mr. BONIOR, Mr. SANDLIN, Mr. CUMMINGS, Mr. CALVERT, Mr. FRANK of Massachusetts, Mr. SHADEGG, and Mr. BOEHLERT):

H. Con. Res. 64. Concurrent resolution recognizing the severity of the issue of cervical health, and for other purposes; to the Committee on Commerce.

By Mr. RODRIGUEZ (for himself and Mr. ORTIZ):

H. Con. Res. 65. Concurrent resolution encouraging the people of the United States to reflect upon and celebrate Tejano music and other forms of Latin music, and for other purposes; to the Committee on Education and the Workforce.

By Mr. WELDON of Florida (for himself, Mr. ADERHOLT, Mr. BARRETT of Nebraska, Mr. BOYD, Mr. LAMPSON, Mr. KUCINICH, Mr. TALENT, and Mr. WEXLER):

H. Con. Res. 66. Concurrent resolution expressing a declaration of space leadership; to the Committee on Science, and in addition to the Committee on Armed Services, 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. TURNER (for himself, Mr. STENHOLM, Mr. BAIRD, Mr. BERRY, Mr. SHOWS, Mr. BOYD, Mr. THOMPSON of California, Mr. TANNER, Mrs. MALONEY of New York, Mrs. TAUSCHER, Mr. HOLDEN, Ms. DANNER, Mr. MOORE, Mr. LEVIN, Mr. UDALL of New Mexico, Mr. UDALL of Colorado, Mr. WU, and Ms. BERKLEY):

H. Res. 122. A resolution providing for consideration of the bill (H.R. 417) to amend the Federal Election Campaign Act of 1971 to reform the financing of campaigns for elections for Federal office, and for other purposes; to the Committee on Rules.

By Mr. CALLAHAN:

H. Res. 123. A resolution recognizing and honoring the crewmembers of the U.S.S. ALABAMA (BB–60) and the U.S.S. ALABAMA Crewmen's Association; to the Committee on Armed Services.

By Mr. DAVIS of Illinois (for himself, Mr. MEEKS of New York, Mr. GEPHARDT, Mr. PAYNE, Mr. FATTAH, Mrs. CLAYTON, Ms. KILPATRICK, Mr. HILLIARD, Mr. OWENS, Ms. JACKSON-LEE of Texas, Mr. HASTINGS of Washington, Mr. FORD, Mr. CLAY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JEFFERSON, Ms. CARSON, Mr. JACKSON of Illinois, Mr. CLYBURN, Ms. WATERS, Mr. CONYERS, Mrs. MEEK of Florida, Ms. BROWN of Florida, Mr. THOMPSON of Mississippi, Mr. CUMMINGS, Mr. HINCHEY, Ms. NORTON, Ms. LEE, Ms. MCKINNEY, Mr. WYNN, Mrs. CHRISTENSEN, Ms. MILLENDER-MCDONALD, Mr. GEORGE MILLER of California, Mr. TOWNS, Mr. MCDERMOTT, Mr. DIXON, Mr. WATT of North Carolina, Mr. BONIOR, Mr. LEWIS of Georgia, Mrs. MINK of Hawaii, Mr. SCOTT, Ms. DEGETTE, Mr. RUSH, Mr. WAXMAN, and Mr. RANGEL):

H. Res. 124. A resolution condemning acts of police brutality and use of excessive force throughout the country; 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. 8: Mr. CANADY of Florida, Mr. POMBO, Mr. ROGERS, Mr. WELDON of Florida, Mr. BAIRD, Mr. ANDREWS, Mr. ISAKSON, Mr. GRAHAM, Mr. RYUN of Kansas, Mr. MORAN of Kansas, and Mrs. FOWLER.

H.R. 14: Mr. MCKEON, Mrs. EMERSON, Mr. TERRY, Mr. PACKARD, Mr. SHAYS, and Mr. TANCREDO.

H.R. 25: Mr. LAFALCE, Mr. GILMAN, Mrs. MALONEY of New York, Mr. MEEHAN, and Mr. MARTINEZ.

H.R. 53: Mr. GREEN of Texas.

H.R. 70: Mr. GALLEGLY and Mr. SIMPSON.

H.R. 72: Mr. HANSEN.

H.R. 82: Mr. RAHALL, Mr. GOODE, and Mr. BONIOR.

H.R. 116: Mr. GORDON and Mr. WATT of North Carolina.

H.R. 142: Mr. SOUDER, Mr. CANADY of Florida, Mr. RYAN of Wisconsin, and Mr. SHADEGG.

H.R. 166: Mr. KNOLLENBERG.

H.R. 170: Mr. GEJDENSON, Mr. BOUCHER, Mr. KING, Mr. BLILEY, Mr. EHRLICH, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. ROTHMAN, Mr. FORD, Mr. SCARBOROUGH, Mr. BRYANT, Mr. HOLT, and Ms. BERKLEY.

H.R. 175: Mr. WICKER, Mr. HILLEARY, Mr. EVERETT, Mrs. KELLY, Mr. QUINN, Mr. CALVERT, Mr. BLUMENAUER, Mr. FORD, Mr. BONILLA, Mr. JONES of North Carolina, Mr. HINCHEY, Mr. HINOJOSA, Ms. STABENOW, Mr. SISISKY, Mr. LEWIS of Kentucky, Mr. PICKETT, Mr. WATT of North Carolina, Mr. DICKEY, Mr. LUCAS of Kentucky, Mr. LUTHER, Mr. GARY MILLER of California, Mrs. MALONEY of New York, Mr. MALONEY of Connecticut, Ms. WOOLSEY, and Ms. BERKLEY.

H.R. 179: Ms. BERKLEY.

H.R. 198: Mrs. NORTHRUP and Mr. MCKEON.

H.R. 218: Mr. POMBO and Mr. COBLE.

H.R. 228: Mr. WISE.

H.R. 275: Mr. WOLF.

H.R. 289: Mrs. ROS-LEHTINEN.

H.R. 315: Ms. BROWN of Florida.

H.R. 351: Mr. TERRY, Mr. BOEHLERT, Mr. REYNOLDS, Mr. CALLAHAN, and Mr. GREEN of Texas.

H.R. 355: Mrs. NAPOLITANO, Mr. HYDE, Mr. GALLEGLY, Ms. BROWN of Florida, and Mr. DIAZ-BALART.

H.R. 357: Mr. KLECZKA, Mr. MARTINEZ and Ms. BERKLEY.

H.R. 390: Mr. ACKERMAN, Mr. RANGEL, Mr. DEUTSCH, Mr. PALLONE, Mr. MALONEY of Connecticut, and Mr. VENTO.

H.R. 405: Mr. PHELPS and Mr. RUSH.

H.R. 412: Mr. ROGERS.

H.R. 417: Mr. SANDERS, Ms. BERKLEY, and Mr. CAMPBELL.

H.R. 430: Ms. LOFGREN, Mr. REYES, and Mr. EWING.

H.R. 483: Ms. BERKLEY.

H.R. 531: Mr. OBERSTAR, Mr. LEWIS of Kentucky, Mr. DEMINT, Mr. TAYLOR of North Carolina, and Mr. FOLEY.

H.R. 541: Mr. KLECZKA, Ms. BERKLEY, and Mr. CAPUANO.

H.R. 555: Mr. FROST, Mr. MCDERMOTT, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. JONES of Ohio, and Mr. BARRETT of Wisconsin.

H.R. 557: Mr. HUTCHINSON.

H.R. 568: Mr. EVANS.

H.R. 570: Mr. HOSTETTLER and Mr. PAUL.

H.R. 571: Mr. PICKERING.

H.R. 573: Ms. BERKLEY, Mrs. ROUKEMA, Mrs. NAPOLITANO, Mrs. CAPPS, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. TURNER, Mr. CARDIN, Mr. THOMPSON of California, Mr. HALL of Texas, Mr. TANNER, Mrs. WILSON, Mr. FRANKS of New Jersey, Mr. BERMAN, Mr. SESSIONS, Mr. BLUNT, Ms. VELAZQUEZ, Ms. PRYCE of Ohio, Ms. ROS-LEHTINEN, Mr. WATKINS, Mr. ARCHER, Mr. ORTIZ, Mr. LAZIO, Mr. HOLT, and Mr. METCALF.

H.R. 582: Mrs. MINK of Hawaii.

H.R. 583: Mr. BRYANT and Mrs. MORELLA.

H.R. 597: Mr. HOEFFEL, Mr. BECERRA, Mr. BILIRAKIS, and Ms. BERKLEY.

H.R. 601: Mr. GALLEGLY and Mr. DIAZ-BALART.

H.R. 608: Mr. SWEENEY.

H.R. 614: Mr. PHELPS and Mr. PETERSON of Minnesota.

H.R. 621: Mr. BARRETT of Wisconsin and Mr. THORNBERRY.

H.R. 639: Mr. WELDON of Florida.

H.R. 640: Mr. FILNER.

H.R. 654: Mr. UPTON.

H.R. 664: Mr. WEINER, Mr. DEFAZIO, Mr. BROWN of California, Ms. BROWN of Florida, Mr. BRADY of Pennsylvania, Mr. SISISKY, Ms. EDDIE BERNICE JOHNSON of Texas, and Ms. BERKLEY.

H.R. 688: Mrs. MYRICK, Mr. EVERETT, Mr. LINDER, Mr. ADERHOLT, and Mr. NETHERCUTT.

H.R. 728: Mr. DEAL of Georgia and Mr. SHOWS.

H.R. 735: Mr. CALVERT.

H.R. 742: Mr. BROWN of Ohio, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. FROST, Mr. HINCHEY, Mrs. MINK of Hawaii, Mr. TURNER, and Mr. UNDERWOOD.

H.R. 749: Mr. BURTON of Indiana and Mr. COX.

H.R. 750: Ms. DEGETTE.

H.R. 756: Mr. PETRI and Mr. GRAHAM.

H.R. 771: Mr. HASTINGS of Florida and Mr. GIBBONS.

H.R. 773: Mr. DAVIS of Florida, Mr. CUMMINGS, and Mrs. THURMAN.

H.R. 777: Mr. CLYBURN.

H.R. 785: Mr. LATOURETTE, Mrs. MORELLA, Mr. FOLEY, Mr. NETHERCUTT, and Mr. SHOWS.

H.R. 789: Mr. KENNEDY of Rhode Island and Mr. BLILEY.

H.R. 804: Mrs. KELLY, Mr. BARRETT of Nebraska, and Mr. FOLEY.

H.R. 809: Ms. GRANGER, Mr. UNDERWOOD, Ms. NORTON, and Mr. FROST.

H.R. 833: Mr. BARR of Georgia, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KLECZKA, Mrs. NORTHUP, and Mr. PASTOR.

H.R. 835: Mr. POMBO, Mr. MOORE, Ms. SANCHEZ, Mr. HOEFFEL, and Mr. GILLMOR.

H.R. 838: Mr. KIND, Mr. PAUL, Mr. WEYGAND, Mr. THORNBERRY, Mr. UNDERWOOD, Mr. DOOLEY of California, Mr. SNYDER, Ms. VELÁZQUEZ, Mr. BLAGOJEVICH, Mr. GREEN of Texas, and Mr. FORD.

H.R. 842: Mr. RADANOVICH and Mr. HAYES.

H.R. 845: Mr. BONIOR, Mr. SANDERS, Mr. GREEN of Texas, and Mr. SANDLIN.

H.R. 852: Mr. LEWIS of Kentucky, Mr. HOSTETTLER, Mr. ADERHOLT, Mr. HINCHEY, Mr. ENGLISH, Mr. WYNN, Mr. HASTINGS of Washington, Mr. EWING, Mr. BEREUTER, Mr. QUINN, Mr. BROWN of California, and Mr. CHAMBLISS.

H.R. 860: Mr. WATT of North Carolina.

H.R. 864: Mr. KENNEDY of Rhode Island, Mr. HILLEARY, Mr. ROTHMAN, Mr. SKEEN, Mr. EVERETT, Mr. HINCHEY, Mr. MCKEON, Mr. BISHOP, Mr. BONIOR, Mr. SABO, Mr. POMEROY, Ms. DEGETTE, Mr. JONES of North Carolina Mr. LEWIS of Kentucky, Mr. SISISKY, Mr. MOAKLEY, and Mr. HINOJOSA.

H.R. 870: Mr. TANCREDO, Mr. SHOWS, Mr. CALLAHAN, and Mr. PAUL.

H.R. 876: Mr. TERRY, Mr. TIAHRT, and Mr. PAUL.

H.R. 883: Mr. HAYES, Mr. DREIER, Mr. SHERWOOD, Mrs. NORTHUP, Mr. UPTON, Mr. BUYER, and Mr. BATEMAN.

H.R. 886: Mr. WATT of North Carolina.

H.R. 888: Mr. QUINN, Mr. FRANKS of New Jersey, Mr. INSLEE, Mr. OBERSTAR, Mr. MCGOVERN, and Mr. VENTO.

H.R. 948: Mr. BLUNT.

H.R. 950: Mr. BONIOR and Ms. RIVERS.

H.R. 961: Ms. DANNER, Mr. GEORGE MILLER of California, Mr. FILNER, Mr. SANDLIN, Mr. ROMERO-BARCELO, Mr. MCNULTY, Mr. FROST, and Mr. CROWLEY

H.R. 963: Mr. KILDEE, Mr. JACKSON of Illinois, Mr. UNDERWOOD, Mr. NETHERCUTT, Mr. INSLEE, and Mr. KIND.

H.R. 980: Mr. LEWIS of Georgia, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. COOKSEY, Mr. BENTSEN, Mr. BURTON of Indiana, Mr. SAM JOHNSON of Texas, Mr. HILLIARD, Ms. KAPTUR, Mr. TERRY, Mr. SENSENBRENNER, Mr. SOUDER, Mr. CROWLEY, Mrs. NAPOLITANO, and Ms. BERKLEY.

H.R. 1006: Mr. WATKINS.

H.R. 1008: Mr. BAKER and Mr. ACKERMAN.

H.R. 1043: Mr. VENTO.

H.R. 1046: Mr. TERRY, Mr. LOBIONDO, Mr. FROST, and Mr. KLECZKA.

H.R. 1050: Ms. WOOLSEY.

H.R. 1053: Ms. KILPATRICK.

H.R. 1070: Mr. WEXLER, Mr. ALLEN, Mr. GREEN of Texas, Mr. CUMMINGS, and Mrs. THURMAN.

H.R. 1074: Mr. TAUZIN, Mr. UPTON, Mr. TERRY, and Mr. TALENT.

H.R. 1075: Mr. DEUTSCH, Mr. SANDLIN, and Mr. BLUMENAUER.

H.R. 1076: Mr. SANDLIN, Mr. GONZALEZ, and Mr. BLUMENAUER.

H.R. 1082: Mr. PASTOR, Mr. EVANS, Ms. RIVERS, and Mr. LAMPSON.

H.R. 1083: Mr. PRICE of North Carolina, Mr. HASTINGS of Washington, and Mr. MALONEY of Connecticut.

H.R. 1091: Mr. THOMAS, Mr. CRANE, Mr. MCCRERY, Mr. ENGLISH, Mr. HAYWORTH, Mr. SHOWS, and Mr. POMBO.

H.R. 1092: Mr. BROWN of California, Mr. GARY MILLER of California, Mr. FARR of California, Mr. GALLEGLY, Mrs. THURMAN, Mr. MCKEON, and Mr. GONZALEZ.

H.R. 1093: Mrs. KELLY, Mr. SCOTT, Mr. MENENDEZ, Mr. LEVIN, Mr. HINCHEY, Mrs. MALONEY of New York, Ms. PELOSI, Mr. DIXON, Mr. MATSUI, Mr. CUMMINGS, Ms. BALDWIN, Mr. MEEHAN, Mr. JEFFERSON, Mr. INSLEE, Mr. HASTINGS of Florida, Mr. TERRY, Mr. MCHUGH, Mr. BILBRAY, Mr. MINGE, Mr. MCNULTY, Mr. LUCAS of Kentucky, Mr. WISE, Mr. BENTSEN, Mr. ANDREWS, Mr. RODRIGUEZ, Ms. MCKINNEY, Mr. WHITFIELD, Mr. BISHOP, Mr. HOLT, Mr. HUNTER, Ms. HOOLEY of Oregon, Mr. LEWIS of Kentucky, Mr. LEACH, Mr. PHELPS, and Mr. SMITH of Washington.

H.R. 1096: Mrs. CAPPS and Mr. MALONEY of Connecticut.

H.R. 1102: Mr. FROST.

H.R. 1106: Mr. BISHOP.

H.R. 1111: Mr. BLUNT, Mr. LAHOOD, Mr. GILMAN, Mr. HOBSON, Mrs. BIGGERT, and Mr. SESSIONS.

H.R. 1116: Mr. YOUNG of Alaska, Mr. BARCIA, Mr. MCCRERY, Ms. GRANGER, Mr. HILL of Montana, Mr. PETERSON of Pennsylvania and Mr. SHOWS.

H.R. 1130: Mr. BRADY of Pennsylvania

H.R. 1139: Mr. DAVIS of Illinois, Mr. FRANK of Massachusetts, Mrs. JONES of Ohio, Mr. KIND, Mr. MARTINEZ, Mr. PASTOR, Mr. REYES, Mr. SABO, Mr. SNYDER, Mr. STARK, Mr. TOWNS, and Ms. WATERS.

H.R. 1159: Mr. GREEN of Texas.

H.R. 1168: Mr. BROWN of Ohio, Ms. HOOLEY of Oregon, Ms. MCCARTHY of Missouri, Mr. COSTELLO, Mr. MALONEY of Connecticut, Mr. BLAGOJEVICH, and Mr. PASTOR.

H.J. Res. 25: Mr. TIAHRT, Mr. STUMP, Mr. NORWOOD, and Mr. CROWLEY.

H.J. Res. 33: Mr. SCARBOROUGH, Mr. LUTHER, Mr. HILLIARD, Ms. BERKLEY, and Mr. ISAKSON.

H. Con. Res. 8: Mr. WOLF.

H. Con. Res. 22: Mr. EHRLICH, Mr. SHERMAN, Mr. DOOLITTLE, and Mr. WEXLER.

H. Con. Res. 31: Mr. MARKEY, Mr. OWENS, and Mr. WEYGAND.

H. Con. Res. 39: Mr. ISTOOK, Mr. BONILLA, and Mr. COMBEST.

H. Con. Res. 43: Mr. CALVERT.

H. Con. Res. 51: Mr. SNYDER, Mrs. NAPOLITANO, and Mr. LUTHER.

H. Res. 20: Mr. GARY MILLER of California.

H. Res. 35: Mr. LOBIONDO, Mr. DAVIS of Florida, Mr. VENTO, Mr. PAYNE, Ms. RIVERS, Mr. GREEN of Texas, and Ms. JACKSON-LEE of Texas.

H. Res. 41: Mr. BRYANT, Mr. CROWLEY, and Mr. NEAL of Massachusetts.

H. Res. 59: Mr. WISE and Mrs. ROUKEMA.

H. Res. 60: Mrs. CLAYTON, Mr. DIXON, Mrs. THURMAN, Mr. JACKSON of Illinois, Mrs. JONES of Ohio, and Mr. FROST.

H. Res. 93: Ms. JACKSON-LEE of Texas and Mr. FALEOMAVAEGA.

H. Res. 97: Mr. RUSH and Ms. NORTON.

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PROCEEDINGS AND DEBATES OF THE 106th CONGRESS, FIRST SESSION

Vol. 145 WASHINGTON, THURSDAY, MARCH 18, 1999 No. 43

Senate

The Senate met at 9:30 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Today's prayer will be offered by our guest chaplain, Dr. Gordon Reed, Sardinia Presbyterian Church, Sardinia, SC.

PRAYER

Dr. Gordon Reed offered the following prayer:

May we pray?

Almighty God, God of fathers before us, it is by Your grace and gracious hand that we have been given this land of freedom and plenty. And we humbly pray that we may prove ourselves to be a people who acknowledge You and Your goodness, and who are eager to do justly, love mercy, and to walk humbly with our God. Bless this dear land we love with honorable and upright leaders in government, industry, education, and public life.

Save us from all of our enemies and foes who would conquer and destroy us. Save us from internal strife, discord, and confusion, from pride and arrogance, and from moral disintegration. Teach us to love and respect each other, who come from such diverse backgrounds, that we may truly be one Nation under God.

We especially pray for these to whom we have entrusted the authority and power of government. Grant them wisdom, courage, and the humility to confess that all authority comes from above. May their deliberations and decisions be guided by Your almighty hand and tempered with charity toward one another. May they ever be mindful that ''sin is a reproach to any people, but righteousness exalts a nation.''

In our times of prosperity, fill us with gratitude. In our times of want and trouble, fill us with trust. And when we must endure Your chastening hand because of our waywardness, give to us a spirit of true repentance and humility. Grant us peace within and enable us to be peacemakers among the nations of this world. We ask this in the name of and by the authority of the Prince of Peace. Amen

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR FISCAL YEAR 1999

The PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of S. 544, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 544) making emergency supplemental appropriations and rescissions for recovery from natural disasters, and foreign assistance, for the fiscal year ending September 30, 1999, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Specter amendment No. 77, to permit the Secretary of Health and Human Services to waive recoupment of Federal government medicaid claims to tobacco-related State settlements if a State uses a portion of those funds for programs to reduce the use of tobacco products, to improve the public health, and to assist in the economic diversification of tobacco farming communities.

The PRESIDING OFFICER (Mr. SESSIONS). Under the previous order, there will now be 90 minutes remaining on the Specter amendment, No. 77, to be equally divided.

The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, before proceeding with this amendment, I have been asked to make this statement on behalf of the majority leader.

This morning, the Senate will immediately resume consideration of the supplemental appropriations bill. Under the order, there will be 90 additional minutes for debate on the pending Specter amendment, No. 77.

All Senators are, therefore, notified that the first vote this morning will be at approximately 11 a.m., if all debate is used. Following that vote, additional amendments are expected, and Senators should anticipate rollcall votes throughout today's session. Any Senators intending to offer amendments to this legislation are encouraged to notify the managers so that they can be scheduled for consideration.

I thank my colleagues for their attention.

AMENDMENT NO. 77

Mr. SPECTER. Mr. President, I found on my desk this morning a ''Dear Colleague'' letter entitled, ''Oppose the Specter-Harkin Amendment That Seizes $123 Billion in State Funds.''

Instead of outlining the provisions of the Specter-Harkin amendment, I would just refer my colleagues to this ''Dear Colleague'' letter signed by the opponents, and tell them that the amendment is exactly contrary to what is in this ''Dear Colleague'' letter, so that by reading the letter, they can just conclude the opposite, and they will have a statement of what the pending amendment is.

Before dealing in detail with the ''Dear Colleague'' letter, or this misstatement, permit me to outline in very general terms that the pending amendment has been offered by the chairmen and ranking members of the two Senate committees which are charged with authorization of appropriations for the Department of Health and Human Services. Senator JEFFORDS, the chairman of the authorizing committee, and Senator KENNEDY, the ranking member, are cosponsors of the amendment which has been offered by Senator HARKIN, the ranking member on the appropriations subcommittee which has the responsibility for appropriations for the Department of Health and Human Services, and the subcommittee which I have the honor to Chair.

We must survey—the four of us in our positions as chairmen and ranking members—the health needs of America in a very, very constrained budget. We have seen the budget resolution, which

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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has come out of Budget Committee, and the limitations on discretionary funding. Our subcommittee has the responsibility for funding not only the Department of Health and Human Services, but also the Department of Education and the Department of Labor, where so many vital programs for worker safety are involved.

So our responsibility is a very heavy one. As we have observed, the settlement with the States is in excess of some $200 billion over a 25-year period. The thought immediately came to mind that these funds, which have been obtained from settlements on tobacco issues, could be used and should be used in very large part, frankly, if not entirely, for health purposes.

In the Appropriations Committee meeting, an amendment was offered by the distinguished Senator from Texas, Senator HUTCHISON, to have the Federal Government relinquish all claims to these funds, and have these funds paid entirely to the State governments.

I can understand the popularity of this kind of an amendment.

It is backed by all 50 Governors; it would be shocking if it weren't. It is backed by all 50 State legislatures; it would be shocking if it weren't. It is backed by all State attorneys general; again, it would be shocking if it were not.

I support the proposition that there ought to be minimal strings, minimal requirements mandated by the Federal Government, especially in the context where we mandate requirements and do not fund them.

Last week, we passed the Ed-Flex bill to give flexibility to the States. But I submit to you that it is fundamentally different to say that where there are Federal appropriations for a specific purpose, there ought to be latitude for State governments and local governments to figure out how to spend those funds, contrasted with saying that all of $200 billion-plus ought to go to the States to spend as they choose, when some States have already made an announcement that they intend to use these funds, at least in part, for highway construction or for debt retirement.

When a settlement is reached on matters of this sort by State governments and officials representing the States, those funds realistically are impressed with the trust, where the claims are brought because of damages due to public health, due to tobacco. There is a specific purpose that the lawsuits were started, and that was to redress public claims on these important areas. Even without a Federal direction limiting, in some way, or articulating a portion of these funds to go for medical purposes, it is my legal judgment that those funds are impressed with the trust. I would not be surprised to see that, if the State governments undertake spending on items far afield, they may face a class action or taxpayer suits or people who have been injured by tobacco seeking to impress that trust.

We had a hearing in the appropriations subcommittee this Monday. Our subcommittee took up the issue on an emergency basis to try to see if we could find some area for resolution. We heard testimony from the Governor of Kentucky and the attorneys general of Pennsylvania, Texas, and Iowa. Those four witnesses all emphasized the desirability of having some resolution of this issue so that they could make plans for their budgets.

I agree with that proposition. A very forceful letter was filed by the Secretary of Health and Human Services, Donna Shalala, strenuously objecting to having the money paid over to the States, because the Federal law gives her the authority to make an allocation as to how much of those funds should be deducted from the Federal obligation to the States on Medicaid.

The States have the obligation under Federal law to sue to collect on claims that Medicaid has. And the States have the authority—and exercise the authority—to release the tobacco companies from liability to the Federal Government. That is provided for under existing Federal law. So for those who say that the Federal Government can bring lawsuits, it simply is not so, because those claims have all been released.

It may be, Mr. President, that we are in an area where largely, if not entirely, the States will recognize the duty to use these settlement proceeds for tobacco-related purposes. The distinguished attorney general of Pennsylvania, Mike Fisher, who testified on Monday, outlined a program for the use by Pennsylvania of $11.3 billion. I believe that, in conjunction with our distinguished Governor Tom Ridge, there will be a program to use these funds for tobacco-related purposes. But it is not sufficient to say that States may recognize this obligation, because States may not recognize the obligation, as we have already seen from preliminary indications of spending these funds on unrelated purposes—debt reduction and highway construction.

In a ''Dear Colleague'' letter that has been circulated today, which I referred to earlier, the statement is made:

> The Specter-Harkin amendment will require every Governor—each year—for the next 25 years to submit a plan to Washington asking for permission on how to spend fifty percent of the State's own money.

That is flatly wrong.

It is true that there is a 20-percent requirement for smoking cessation education to try to dissuade youngsters from smoking and a 30-percent requirement on medical plans. But there is no need for Governors to submit a plan to Washington asking for permission on how to spend that money, that 50 percent. That is a matter where the Governors only have to tell the Department of Health and Human Services how the money was spent after in fact it is spent. They don't have to submit a plan, and they don't have to ask for prior authorization.

The ''Dear Colleague'' letter further says:

> This is a classic ''Washington Knows Best'' policy, an unprecedented Federal power grab.

In a sense, it is complimentary to call it an ''unprecedented Federal power grab.'' Considering all the Federal power grabs that have been recorded historically, this is really a gentle nudge to the States, saying that here we have funds realized from a tobacco settlement with a statement of policy that 50 percent ought to be used for a specific purpose.

On the 50 percent, it is actually on the low side. The facts show that some 50 percent of the funds involved here come from Medicaid, so that the percentage could have been substantially higher.

So, Mr. President, it is my hope that we will have a statement of congressional policy on this vote today which will, in a very gentle way, without regulations, without the requirement of submitting the plan to Washington, simply say to the Governors that at least 50 percent ought to be used for tobacco-related purposes, such as education to discourage children from smoking, where we see a very high rate of juvenile smoking and overwhelming statistics of deaths resulting from juvenile smoking—where we have a reasonable amount allocated for that educational purpose, and a reasonable amount—some 30 percent—allocated not only for public health measures but also for aiding smoking cessation.

Mr. President, I ask unanimous consent that a letter supporting my amendment from the American Lung Association dated March 17, 1999, and a letter of support from the Campaign for Tobacco-Free Kids dated March 18, 1999, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AMERICAN LUNG ASSOCIATION,
March 17, 1999.

Hon. ARLEN SPECTER,
U.S. Senate, Washington, DC.

DEAR SENATOR SPECTER: The American Lung Association is pleased to support the legislation you are introducing with Senator Harkin that requires states spend the federal share of tobacco settlement funds on tobacco and health purposes. The American Lung Association is a strong supporter of the Medicaid program. However, if the decision is made to forego the federal share of the Medicaid recovery, legislation like your proposal must be enacted to ensure that the funds are spent on tobacco control, prevention and cessation activities and health programs. It would be extremely shortsighted not to use these resources to reduce the cause of the disease that led to the need for the recovery in the first place.

We favor your approach and the similar proposal by Senators Kennedy and Lautenberg (S. 584) because they require tobacco settlement dollars to be invested in tobacco control and improving the public health.

Effective tobacco education, prevention and cessation programs will help reduce the horrible toll tobacco takes on American families. Reducing tobacco use also will help reduce the enormous cost to taxpayers that tobacco-related disease imposes. Investing

funds in the public health programs will improve the health of millions of Americans. We also support efforts to help tobacco growing communities diversify their economies.

To ensure their efficacy, the American Lung Association supports rigorous federal review, evaluation and oversight of tobacco control programs. Congress should contain Medicaid costs and promote public health by affirming the authority of the Food and Drug Administration to regulate tobacco products, implementing a vigorous national advertising and education program to counter the tobacco industry's marketing efforts and by enacting other policies and programs to reduce tobacco use.

The American Lung Association looks forward to working with you to enact strong legislation to combat the addiction, disease and death caused by tobacco.

Sincerely,

FRAN DU MELLE,
Deputy Managing Director.

CAMPAIGN FOR TOBACCO-FREE KIDS—NATIONAL CENTER FOR TOBACCO-FREE KIDS,
Washington, DC, March 18, 1999.

Hon. ARLEN SPECTER,
U.S. Senate, Washington, DC.

DEAR SENATOR SPECTER: The Campaign for Tobacco-Free Kids fully supports your amendment to the supplemental appropriations bill to require states to spend 20 percent of the money they receive from their settlements with the tobacco companies on comprehensive programs to prevent tobacco use. The Federal government has a legitimate claim to a share of the settlement money and should condition its waiver of the federal share on states funding effective tobacco prevention programs.

Investing in tobacco prevention will save lives and money. the evidence continues to build that statewide tobacco prevention strategies are effective in reducing tobacco use. Several states already have tobacco prevention campaigns and have reduced overall smoking levels within their borders at a faster rate than elsewhere in the country. And while youth smoking rates have risen dramatically nationwide, they have decreased or increased much more slowly in these states. Just this week, results were released showing decreases in teen smoking in Florida less than a year after that state's comprehensive tobacco program was launched.

In addition to saving lives, decreasing tobacco use will save money. Public and private direct expenditures to treat health problems caused by smoking annually total more than $70 billion. Aggressive tobacco prevention initiatives in every state would reduce these costs for federal and state governments as well as for businesses and individuals. Requiring the states to devote resources to solving the tobacco problem will save federal dollars in the future.

We heartily endorse your efforts to ensure that funds from the tobacco settlement are used to address the reason for the lawsuits in the first place—reducing the number one preventable cause of death in this country. Thank you for standing up for America's kids.

Sincerely,

MATTHEW L. MYERS,
Executive Vice President and General Counsel.

Mr. SPECTER. Mr. President, how much time has been consumed?

The PRESIDING OFFICER. The Senator has spoken for 12 minutes.

Mr. SPECTER. I thank the Senator.

Does the Senator from Hawaii, who was on the floor first, seek recognition on this issue?

Mr. AKAKA. Mr. President, I would like to speak on the emergency supplemental and rescissions bill.

Mr. SPECTER. Mr. President, in that case, I yield 5 minutes to the Senator from Rhode Island on this amendment.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. REED. Mr. President, I thank the Senator from Pennsylvania for yielding the time, and I also commend him and Senator HARKIN for their amendment to this supplemental bill. They have done something that I think is incredibly important, and that is to provide some emphasis on smoking cessation and also public health in the use of the funds from the tobacco settlements that the States are beginning to receive.

The amendment by Senator SPECTER and Senator HARKIN strikes a very reasonable balance between the desires of the Governors to use these funds and also the willingness of the Federal Government to forgo its share of the tobacco settlement, and also the need to ensure that we do have in place significant tobacco prevention activities, as well as being able to meet other public health priorities. This amendment reserves 25 percent of the overall settlement to these priorities—smoking cessation and public health—and allows 75 percent of the funds to be spent at the discretion of the States. I think this is an appropriate way to deal with the proceeds of the tobacco settlement.

When we consider the fact that the basis of these claims rested upon Medicaid spending by the States, and we also consider the significant contribution the Federal Government makes to the Medicaid Program, it is not unrealistic—in fact, it is entirely appropriate—that we would be able to, and should be able to, lay out some broad guidelines as to the use of a small portion of the settlement funds. I can't think of any more appropriate topic of concern at every level of government than the reduction of smoking in this society.

Let's step back a minute. This process of suing the tobacco companies, this process that led to the settlements, is not about getting some money for new highways or new types of programs at the State level. It started with the realization that smoking is the most dangerous public health problem in this country and we have to take concerted steps to do that. The suits resulted in a settlement, financially, but it won't result in the effective eradication, elimination, or reduction of smoking unless we apply those proceeds to smoking cessation programs and other public health initiatives that are critical to the health and welfare of this country.

We know that each day more than 3,000 young people become regular smokers. We also know that 90 percent of those who are long-term smokers began before they were 18 years old. So there is a critical need for more and more efforts particularly targeted at youngsters to ensure that they do not start the habit of smoking, and by requiring a certain portion, a rather small portion, of the proceeds of these settlements to that end is, again, not only sensible but it is compelled by the crisis we face in the public health area of smoking in the United States.

One of the other things that we must also recognize is that this settlement represents a concession, an acknowledgement by the tobacco industry that their marketing practices were sinister, that they targeted young people, and that, in fact, their product causes disease and death. And in that context we have to respond with some of these funds to recognize the public health impact of smoking overall. On both the law and the logic, it seems to me entirely appropriate that this amendment should not only be debated but passed.

I think we have to recognize, too, that what the amendment proposes is not some type of grandiose Federal program. It simply directs the Governors and the legislatures in their own way, form, and fashion to use these funds for very broad programmatic initiatives in public health which encompass such things as smoking cessation.

So this is not an overwhelming usurpation of State and local prerogatives by the Federal Government; it is a common way to deal with problems that got us here in the first place, the fact that smoking, particularly youthful smoking, is one of the major public health crises in this country.

I believe Senator SPECTER and Senator HARKIN have balanced and complemented the way in which States are using these funds.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. REED. Their efforts are complementing what States are doing. Our Lieutenant Governor, Bernard Jackvony, is proposing this initiative.

I hope we can all stand behind this amendment, and I thank the Senator for yielding me time.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I have two speakers on the amendment, but I know Senator AKAKA wants to speak on the bill. I would like to ask him if he could take 5 minutes—and then let us get back to the amendment—equally divided from Senator SPECTER's side and my side.

Mr. AKAKA. Mr. President, I thank my friend from Texas for yielding me this time. I want her to know that I will be speaking on the emergency supplemental and rescissions bill.

Mrs. HUTCHISON. I understand that the Senator was not aware we had set aside this time by unanimous consent for the amendment. So I am happy to give him 5 minutes equally divided between Senator SPECTER's side and my side, if he will do that, and then allow us to go back to the amendment under

the current unanimous consent agreement. Is that acceptable?

Mr. AKAKA. I certainly would accept that, and I thank my friend from Texas.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. AKAKA. Mr. President, I rise to express my concern on the FY 1999 emergency supplemental and rescissions bill. I support disaster relief for Central America and the Caribbean, emergency relief for America's farmers in crisis, and aid to Jordan to implement the Wye River agreement. It is important that these priorities be funded.

My concern is that one of the budget offsets to pay for this bill pits these important foreign and domestic needs against the needs of the country's poorest families—something that Hawaii's poorest families can ill afford. This supplemental bill seeks to defer $350 million in funding from ''unobligated balances'' under the Temporary Assistance for Needy Families (TANF) Program until fiscal year 2001. The language in the bill requires deferral of portions of states' unobligated TANF funds.

The deferral is based on the states' share of total unobligated funds. Preliminary estimates show this means Hawaii would not be able to spend about $800,000 of its TANF funds until fiscal year 2001.

It is my understanding that my friend from Alaska, chairman of the Appropriations Committee, Senator STEVENS, is working to find a different offset so that the $350 million in TANF funds will not have to be deferred. I strongly encourage him in these efforts and urge that this be done.

In the meantime, we all know that TANF replaced the Aid to Families with Dependent Children welfare program in 1996. I am a critic of the TANF Program for failing to provide an adequate safety net for low-income families. However, I am adamant that full funding must continue to go to the states to assist welfare families and their children. No part of it should be deferred to offset supplemental spending.

The term ''unobligated,'' may seem self-explanatory. Anyone may think that a $350 million deferral of unobligated funds under the bill would apply to funds that have simply not been spent under this program. Proponents would argue that welfare rolls have fallen so far that this money is not needed by states, which is why it remains unobligated. However, Mr. President, we know that funding decisions by state and local governments take time. Transfers of expenditures must go through a process. States often commit funding to counties and local governments that is not transferred immediately, so the amount is not taken off the states' books.

The fact is many states rely heavily on these unobligated funds and have already committed them for a wide variety of uses, such as distribution to counties and local agencies, ''rainy day'' funds for contingencies such as economic downturns that swell the rolls and leave states without enough money until the next federal payment, transfers into child care and social services activities, or other basic expenses to help low-income families become self-sufficient.

My state of Hawaii continues to plan uses for all available funds to provide child care services to our TANF families so that they can be given a chance to continue at their jobs and make it work. Hawaii is doing this the right way, instead of simply looking at the numbers and acting to drop welfare recipients off their rolls. Hawaii is truly ''teaching them to fish,'' so that they truly achieve self sufficiency.

Deferring release of TANF funds for a number of years and using the $350 million for emergency spending violates the agreement made when TANF was passed. I have a letter here from Governor of Hawaii, Benjamin Cayetano, dated March 12th, that describes the agreement between Governors, Congress, and the administration that the entitlement nature of the old AFDC Program would be replaced with a set amount of funding to states under TANF. I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MARCH 12, 1999.

Hon. DANIEL AKAKA,
U.S. Senate, Hart Office Building,
Washington, DC.

DEAR SENATOR AKAKA: I am writing you today to express concern about information I have received which predicts Congress will attempt to cut the funding for the Temporary Assistance for Needy Families (TANF) Program this year. My concern is that there was an agreement between the Governors, Congress, and the Administration that the entitlement nature of the Aid to Families with Dependent Children (AFDC) Program would disappear in favor of a set amount of funding in block grant form under TANF.

The funding under TANF is not overly generous. If fact, in Hawaii, we have not experienced a decrease in the welfare population and every dollar is needed.

I have been told that Congress may be viewing unspent TANF allocations as a surplus that could be used to fund other initiatives. This is being discussed even though child poverty has increased since the passage of Welfare Reform.

While I cannot speak for other States, I can assure you we are trying very hard to assist welfare recipients to become employed and self-sufficient. It appears many States may have tightened their eligibility criteria, but have not been successful in getting welfare recipients employed. If this is the case, the States will be needing their TANF allocation to address the continuing hardships of these families.

I hope you will agree that the TANF funding needs to be safeguarded to provide States with the necessary resources to assist welfare families. Thank you for your attention to this matter. Your strong support is greatly appreciated.

With warmest personal regards,
Aloha,

BENJAMIN J. CAYETANO.

Mr. AKAKA. To use TANF funding as an offset abrogates this agreement. I hope my colleagues, the appropriators, are working to keep this agreement intact. Hawaii and other states need this money to assist poor families.

And of all states, Hawaii needs assistance the most.

Mr. President, our Nation is enjoying the longest peacetime expansion in American history—yet Hawaii is not benefiting from this expansion. While the country is enjoying the lowest unemployment in nearly 30 years and tremendous job creation, Hawaii is losing jobs and its people are having a difficult time finding work at a living wage. Our unemployment rate is at 5.7 percent as of November 1998—well above the country's average of 4.3 percent. Bankruptcy filings increased more than 30 percent form 1997 to 1998. Retail sales fell 7 percent from $16.3 billion in 1997 to $15.2 billion in 1998. These are some recent economic indicators. Hawaii has been suffering from an economic downturn for most of this decade. As if this were not enough, my state has had to endure the worst of all states from the economic crisis in Asia. The Aloha State welcomed 11 percent fewer tourists from Japan and other parts of Asia in 1998. If anything should be slated for emergency funding, Hawaii should.

With all of this need, you can see why $800,000 in TANF funding means a lot to my state. The number of families in Hawaii receiving assistance under this program has increased since the new law was passed. According to the Hawaii Department of Human Services, as of January, 1999, 16,575 single-parent families and 7,119 two-parent families were on the rolls, for a total of 23,694 families receiving assistance. This represents an increase of more than 2,000 families since 1995 when the number of families receiving assistance was 21,480. Hawaii's numbers have increased because of the tough economic conditions we are now enduring.

Hawaii needs every bit of our TANF funding to make sure that our poor families continue to be self-sufficient. This is stated in the letter I submitted earlier from Governor Cayetano. We have not put our unobligated balances aside for a rainy day fund because we do not have enough of it—we need to use every dollar we have for caseloads now.

Once again, I urge my colleagues on the Appropriations Committee and the gentleman from Alaska, Chairman STEVENS, to continue working to find another $350 million offset for this emergency supplemental bill, rather than defer much-needed TANF funds.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. AKAKA. I thank the Chair. I thank the Senator from Texas for yielding me time.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, will the Senator from Texas yield me 5 minutes at this point?

Mrs. HUTCHISON. Mr. President, I yield 5 minutes to the Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington is recognized for 5 minutes.

Mr. GORTON. Mr. President, one of the ways in which the Congress of the United States has been the bane of every Governor and State legislator in the United States of America is its constant willingness to impose unfunded mandates on States and on local communities. We constantly pass laws that tell States and local communities what they are to do, but we rarely pass appropriations sufficient to cover the costs of carrying out those duties.

Just last week we debated the overwhelming unfunded mandate that is included in our rules relating to the education of special needs students, and, in fact, we moved, at least slightly, in the direction of funding some portion of those unfunded mandates. Here, on the other hand, we have the exact mirror image of an unfunded mandate originally imposed by the Congress of the United States. Here we are asked, in this amendment, to decide that billions of dollars recovered by almost every State in the Union in tobacco litigation against tobacco companies will be appropriated, effectively, by the Federal Government, unless the States agree on the way in which we think that money ought to be spent.

Mr. President, 50 percent of all recoveries that the States have made, pursuant to this amendment, must be spent in accordance with this amendment, and detailed regulations are promulgated by the Federal Government for every State in the country. Every Governor will have to make a new application every year for 25 years and meet these requirements or will, in effect, lose an amount of money equal to 50 percent to 100 percent of the money that State has already recovered in an action in which the United States of America was not a party at all.

That is fundamentally unfair. It makes an assumption, an unwarranted assumption, that these were Medicaid claims that were presented by the States of the United States. My attorney general, the attorney general of the State of Washington, Christine Gregoire, one of the three or four leaders of this effort, brought and prosecuted a case through much of the trial period, before it was ultimately settled, without the slightest mention of Medicaid. There were all kinds of fraud and contract and tort claims connected with this litigation, quite independent of Medicaid claims on the part of the various States of the United States of America. Last year, this body spent weeks debating whether or not we should control the settlements that the States were making. We ultimately abandoned that effort and left it entirely to the States.

As a consequence, we have absolutely no right, at this point, to tell the States how they are to spend their money. Many are already engaged in extensive and sometimes successful antismoking efforts. Many have priorities that are different than the priorities here in the U.S. Senate. But if Members of the U.S. Senate want to control the spending in their own States, money that their own States have recovered, they should run for the State legislature, not for the Senate of the United States.

The position taken by the Senator from Texas and her companion, the Senator from Florida, a position that was accepted by the Senate Appropriations Committee, is the right and just position. This money was recovered by the States, this money belongs to the States, and the spending of this money should be determined by each of the 50 States of the United States of America.

It is no more difficult than that. It is as simple as that. We have already imposed too many unfunded mandates on the States by our substantive legislation here. Let's not do essentially the same thing by telling States that money they have already recovered has to be spent on our priorities, rather than their own. Support the position of the Senator from Texas and Florida. Reject this amendment.

The PRESIDING OFFICER (Mr. BENNETT). The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I yield 10 minutes to my distinguished colleague from Iowa, Senator HARKIN.

Mr. HARKIN. Mr. President, again I thank my friend and my colleague and my leader, Senator SPECTER, for bringing forth this amendment, which is common sense and which goes to the heart of what the smoking problem in America is all about. It is about health.

I might just say, at the outset, really the provision in the supplemental bill we are talking about should not even be on the supplemental. It is not an appropriations measure. It more appropriately ought to be in the Finance Committee, but it was slipped in as a rider on the appropriations bill, the amendment offered by the Senator from Texas, Senator HUTCHISON.

What Senator HUTCHISON's amendment says is all the money already recouped by the States in their settlement with the tobacco companies should be kept by the States and they can do with it whatever they want to do with it. That is all right as far at the State's money goes.

I have no problem with that. But that also includes the Federal share of Medicaid. As I have continually pointed out, under the Social Security Act the States are required to go after recoupments in Medicaid from third parties. In fact, they are the only ones who can sue for third party recoupment. The Federal Government is preempted from doing that. Only the States can do that. So they act as an agent for the Federal Government and recoup them. Keep in mind, the law states, regarding any money recouped by the States for Medicaid, the Federal portion has to be returned to the Federal Government.

We have to keep in mind what we are talking about here. Are we talking about the fact that the tobacco companies didn't build a number of highways in Texas? Or that they did not build prisons in Alabama? Or they did not build a sports arena in Michigan—or on and on and on? No. That is not why these lawsuits were brought. They were brought because tobacco is the biggest killer we have in America today. You add up alcohol, accident, suicide, homicide, AIDS, illegal drugs, fires—add them all up and tobacco kills more a year than all of these combined.

What has this tobacco debate been about, that we have been here for years and years on end debating? That is what it is about. Tobacco is hooking young people, getting them addicted. And the tobacco companies have lied and lied and lied, year after year, and covered up, and fought with powerful money and powerful interests here in Washington to keep us from doing what we need to do to protect the public health. That is what it is all about.

Now, the CDC estimates that smoking among high school students has risen 32 percent since 1991—32 percent. The tobacco companies say they are going to cut down on their advertising to kids and stuff. If they really want to do that, get rid of the Marlboro Man. You don't see the Marlboro Man disappearing, do you? No, he is still out there. And the Virginia Slims and all that kind of stuff is still out there; the Marlboro gear—that is all out there. They are still hooking kids.

Tobacco, an estimated $50 billion a year in health care costs alone, and a big portion of that is borne by the Federal taxpayers who finance over half the costs of Medicaid.

Again, to repeat for emphasis' sake, what does the Specter amendment do? It only would require the States to use 20 percent of the total settlement to reduce tobacco use and 30 percent for public health programs or tobacco farmer assistance, helping some of our tobacco farmers, and we would then waive the Federal claim to the tobacco settlement funds. We do not dictate what the States spend their money on. If the States want to take their portion and build a sports arena, that is up to the voters of that State. I can tell you if it happened in my State, I would be on the side of any other taxpayers in my State, suing the Governor or anybody else who was spending the money that way, because I think that money is held in trust for the very purposes which I just enumerated, and that is to cut down on smoking and to help the public health.

CBO estimates the Federal share would be about $14 billion over 5 years.

Others are saying that the Federal Government had no role in these lawsuits. I just covered that.

Under the Social Security Act, it is the responsibility of the States to recover any costs and, in fact, the law states that only the States can file such suits.

I want to correct something that was said last night by my colleague from Alabama, Senator SESSIONS. He claimed that only one State had filed suit to recover tobacco-related Medicaid costs. Sorry. That is wrong. In fact, the following States had Medicaid claims in their lawsuits: Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Florida, Hawaii, Iowa, Illinois, Indiana, Kansas, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, New Jersey, New Mexico, New York, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Dakota, Texas, Utah, Washington and Wisconsin—all had Medicaid claims in their lawsuits.

I think this is really the crux of it—whether or not a State included a Medicaid claim isn't the issue. The fact is every State that settled in November of 1998, and that included all 50 States and the territories, even those that did not include a Medicaid claim in their suit, waived their right to recover tobacco-related Medicaid costs in the future. Why do you think that was put in the settlement? If, in fact, the lawsuits were not about Medicaid, why do you think that the tobacco companies came in and insisted, as a condition of the settlement, that the States had to waive their right for any future suits based on Medicaid? It is curious. If that is not what this was all about, why did they put that in there? Because the tobacco companies, smart lawyers that they have got, knew this is what it is about. It is about health care. It is about hooking kids on smoking.

They could see that the States are going to get all this money. What do the States want to do with it? They want to reduce debt. They want to build prisons and highways. They want to reduce taxes.

How many are going to use it to cut down on what the tobacco companies are most afraid of? What they are afraid of is losing young people who would not be smoking, who won't take up the habit. That is what they are afraid of. That is why they put it in there. Not only did the settlement waive the right of the States forever to sue to recoup for Medicaid, it waives our rights, the Federal Government's rights to sue. Why? Because under the Social Security law, only the States can sue for recoupment under third parties. When they waive their right, they waive our rights. The States, in making this deal with the tobacco companies, have effectively taken away the right of the Federal Government to go into court and to go after tobacco companies to get the Federal taxpayers' share of the money for the health care costs of Medicaid. That is what it is about.

The provision put in by the Senator from Texas says let them have it. Let the States have all this money. If they want to build highways, let them build them. I tell my colleagues, I know where the tobacco lobby is on this one. The tobacco lobby is foursquare for this provision in the bill, because they do not want States spending money to cut down on teen smoking. Some States will. I compliment and commend the Governor of my own State of Iowa who has said that they will use a large portion of this for education, intervention, cutting down on youth smoking. How much, I do not know, a large portion of it.

Again, this is a bipartisan, commonsense amendment. For the life of me, I do not know why anyone would oppose it, unless it is under some theory that we can't tell the States what to do with this money. I don't want to tell the States what to do with their money, but when the Federal taxpayers provide over 50 percent of Medicaid monies to the States and we are paying 50 billion bucks a year in health-related costs and much of that through Medicaid, then I think we have a right and an obligation to say that some portion of that money that is Federal money ought to go for health-related purposes.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HARKIN. Mr. President, I ask unanimous consent for 3 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. For example, in Maine, I am told the Governor wants to use it for a tax cut. In Michigan, the Governor wants to use the settlement for college scholarships; no funds for tobacco prevention. The Nevada Governor wants it for college scholarships. New Hampshire's Governor wants the money for education; no proposal on tobacco. In New York, the Governor wants to spend 75 percent for debt relief. In South Dakota, the Governor wants money for prisoners, nothing on tobacco. In Rhode Island, the Governor wants money to cut the car tax. That is all well and good, but that is not what this is about.

I say to my friends, we have a statement of policy from the Executive Office of the President which says, referring to the emergency supplemental bill, S. 554:

> Were the bill to be presented to the President with the Senate Committee's proposed offsets and several objectionable riders discussed below, the President's senior advisers would recommend that he veto the bill.

One of the provisions:

> A provision that would completely relinquish the Federal taxpayers' share of the Medicaid-related claims in the comprehensive State tobacco settlement without any commitment whatsoever by the States to use those funds to stop youth smoking. Federal taxpayers paid more than half, an average of 57 percent of Medicaid smoking-related expenditures. The Administration believes that the States should retain those funds but should make a commitment that the Federal share of the settlement's proceeds will be spent on shared national and State priorities: to reduce youth smoking, protect tobacco farmers, improve public health and assist children.

So there we have it. If this amendment stays in there untouched, the President's senior advisors will recommend a veto.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I want to thank my Scottish cousin, Senator GRAHAM, for letting me go first so I can go back to the Budget Committee.

I am very happy to be here and join both Senator GRAHAM of Florida and my colleague from Texas in strongly opposing this amendment.

The idea that the Federal Government is trying to seize $18.9 billion from the States to spend in Washington, DC, when we had nothing to do with their settlement and when we were in the process of trying to impose our own taxes and, in fact, when the President has in his budget the imposition of new taxes on tobacco, is absolutely outrageous.

The amazing thing is the President proposes taking the money away from the States and then giving them a bunch of money, but then telling them how to spend it.

This amendment is the height of absurdity. In my State, this amendment would tell Texas that we have to spend $4 billion on smoker cessation. We could literally hire thousands of people and have a personal trainer for each person who are chewing tobacco or dipping snuff. Why should the Federal Government have the right to tell the States how to spend this money?

I suggest our colleagues read the tenth amendment of the Constitution—powers not specifically delegated to the Federal Government are reserved to the several States and to the people.

This amendment is an outrageous power grab. Where we in Washington, the day before yesterday, were trying to be the school board for all America, now we are trying to tell the States how to get people to stop smoking, when we have done a very poor job of it in the Federal Government. We are trying to tell the States how to spend their money. Somewhere this has got to stop. My suggestion to our colleagues is, if you want to run the schools in America, quit the Senate and go run for the school board.

If you want to be a State legislator, leave the Senate and run for the State senate or the State house or run for Governor. Our job is not to tell the States how to spend their money.

This is an outrageous amendment. I just cannot understand the logic of this, other than the belief that only we know what is best. The idea that we on the floor of the Senate will tell Texas how they have to spend $4 billion over this period is absolutely absurd—that Texas has to file a report every year

with Health and Human Services, and then they have to approve how Texas is spending its own money that the Federal Government had nothing to do with, had no part in claiming, no role in the settlement. In fact, in the President's budget this year where he tries to reclaim this money, he is talking about imposing a tobacco tax. Are we going to let the States tell us how to spend that money? I think not.

I congratulate my colleague from Texas. This is an amendment that deserves to be defeated overwhelmingly. I hope 80 or 90 of our fellow Senators will vote against this amendment. Again, if you want to tell Texas how to spend its money, quit the Senate, move to Texas, establish residence, run for the State legislature; if you can get elected, go at it. But do not get elected from another State and come here and try to tell our State or any other State how to spend its money.

The Federal Government needs to butt out. We have plenty of our own problems to deal with here. Social Security is going broke, Medicare is going broke quicker, and what are we doing? The day before yesterday, we were trying to run all the schools in the country as a national school board. Today we are trying to spend money in every State to tell them how to deal with their tobacco settlements.

It seems to me we are running away from real problems that we ought to be solving and trying to find somebody else's problems to solve where we don't have any responsibility if things go bad.

Again, I congratulate my colleague from Texas. I congratulate the Senator from Florida. I thank him for letting me come in and speak at this time. I yield the floor.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. If the Senator will withhold, does the Senator from Texas yield to the Senator from Florida?

Mrs. HUTCHISON. I yield 10 minutes to my colleague.

Mr. GRAHAM. Mr. President, I thank my colleague and Teutonic cousin for his kind remarks and for his comments against this misguided amendment.

First, I strongly support the original purpose of this legislation, which is to provide relief to our neighbors in the Central American countries and the Caribbean which were so devastated last year by a series of hurricanes.

I had the opportunity to visit Honduras, Nicaragua, El Salvador, and Dominican Republic which were primarily affected by those hurricanes and can testify that the need is great and that the humanitarian assistance which the United States has already provided, and which this legislation will allow us to continue, has been of immeasurable value and has added to the strength of the relationship between the United States and those affected countries.

I also strongly support the tobacco recoupment amendment which was added in the Appropriations Committee by my colleague, the Senator from Texas. In addition to the wisdom of the amendment, there is a sense of urgency to move forward with this. Many State legislatures are meeting as we meet this week. Many of those legislatures are well along toward their adjournment date. Many of those States are awaiting our action on this issue to make a determination as to what is the most appropriate way to utilize funds that have been secured through the tobacco settlement for purposes that will benefit their citizens.

We need to resolve this issue and resolve it in a way that has been suggested by the amendment recommended by the Appropriations Committee, which is that the Federal Government keep its hands off this money which has been secured solely as a result of the actions of the States.

Let me give a brief history of this issue, with particular focus on the State of Florida, which was one of the first four States to secure an individual settlement with the tobacco industry.

Under the leadership of our departed friend and colleague, Lawton Chiles, the Florida Legislature amended its law to allow a specific statute to be passed, under which the State brought litigation against the tobacco industry. At the time that occurred, Governor Chiles wrote a letter to Attorney General Janet Reno suggesting that the Federal Government join in the lawsuit—not join in the lawsuit as it relates to any specific claim, such as the Medicaid claim, but, rather, join in the lawsuit to advance Federal interests that were at stake. I will talk later about what those Federal interests are.

This is the letter—and I quote it in part—dated June 6, 1995, which was sent from the Attorney General to the Governor of Florida:

> DEAR GOVERNOR CHILES: Thank you for your letter concerning the possibility of the Department of Justice participating in the State of Florida's lawsuit against cigarette manufacturers. As you know, similar suits have been filed by the States of Mississippi, Minnesota and West Virginia. At my request, the Department's Civil Division has been monitoring the tobacco litigation. Thus far, we have not been persuaded that participation would be advisable. We will continue to actively monitor these cases, however, and will reconsider this decision should circumstances persuade us otherwise in this regard.

There were no subsequent reconsiderations, and the Federal Government essentially said, ''We will stand apart from these States' efforts.'' Stand apart until the States, having spent enormous amounts of money, effort, and political resources now have secured a settlement.

At this point, the Federal Government wishes to invite itself back into this litigation by, in the President's budget proposal, taking half the money and having the Federal Government spend it or, in this amendment proposal, having the Federal Government serve as the parent for the States and tell them how to spend their tobacco settlement money.

The assumption of this legislation started with another letter from Washington which went to the States which stated, in effect, that the Federal Health Care Financing Administration was going to initiate an administrative collection procedure under an arcane provision of the Social Security statute—specifically, 1903(D)(3)—in which it would recoup a substantial portion of the States' settlements.

The specific language which was relied upon by the Federal Health Care Financing Administration is the language which states:

> The pro rata share to which the United States is equitably entitled, as determined by the Secretary, of the net amount recovered during any quarter by the State or any political subdivision thereof with respect to medical assistance furnished under the State plan. . . .

Mr. President, I argue that that statute, which is the basis of the Federal efforts to recoup, is inapplicable to the tobacco litigation. What that statute was intended to do was, in the case where a State had, for instance, overpaid a provider and subsequently received a repayment, that a portion of that repayment that was related to the percentage of the Federal Medicaid share under the State Medicaid plan would go back to the Federal Government.

This was not recovered pursuant to any State health care plan. It was recovered based on litigation brought by the States on a variety of claims against the Federal Government. And that is the first of two fundamental erroneous assumptions behind this amendment. And that first assumption is that 100 percent of the collections that the States have made were as a result of the Medicaid claims; and, therefore, that the Federal Government can legitimately assume the right to control its share or 50 percent of those funds. That assumption is just fundamentally incorrect.

First, Florida's causes of action included a violation of the State's RICO statute, the Racketeer-Influenced and Corrupt Organizations statute. Fourteen other States filed a similar RICO claim. Remedies available to the States under RICO statutes are enormous: disgorgement of profits and treble damages. I argue that these claims far exceed any money damages available under the Medicaid claim.

Twenty-eight States filed claims under violations of consumer protection laws. Remedies include significant monetary penalties per violation—per sale of each pack of cigarettes—plus disgorgement of profits. For instance, the Missouri remedy allows for a penalty of $1,000 per pack of cigarettes sold. The Oregon remedy was up to $25,000 per violation, which could have potentially totaled billions of dollars.

Thirteen States filed under public nuisance. In Iowa, the remedy requested was equal to not the profits made through cigarette sales, but the price of cigarettes sold in each year involved.

Twenty States filed antitrust claims. Available remedies again include disgorgement of profits and treble damages.

In three States, the courts dismissed the Medicaid claims—Indiana, Iowa, and West Virginia. So those States' claims could not have included a Medicaid component because it had been rejected by the courts prior to the settlement.

Further, the State of Florida, which did have a Medicaid claim among all of its other claims, estimates that at most only 10 percent of its entire settlement could have been attributed to Medicaid.

I ask the Senator from Texas if I can have an additional 5 minutes.

The PRESIDING OFFICER (Mr. SANTORUM). Does the Senator from Texas yield an additional 5 minutes?

Mrs. HUTCHISON. I am happy to yield an additional 5 minutes to the Senator from Florida. If he can take any less than that, we have other Members signed up for the time. Thank you.

Mr. GRAHAM. So Mr. President, the first assumption that all this money was generated by Medicaid claims is fundamentally inaccurate.

The second assumption, which is that unless Washington acts the States will fritter this money away, is a fundamental assault against the principles of Federalism: That we are a Nation in which political power is divided between the States and the Federal Government, and that we have a respectful appreciation of the responsibility of our State partners.

In the case of the State of Florida, through the use of the initial tobacco settlement money, 250,000 children who previously did not have financing for health care now have that financing. That was proposed by former Governor Lawton Chiles. Current Governor Jeb Bush has suggested the establishment of an endowment so that these funds would be protected in perpetuity and the interest earnings from that endowment would be used for a variety of children's and seniors' programs. That not only indicates the care with which the States are using, but the fact that it is a bipartisan issue, the appropriate use of these funds.

Let us face it, those State officials, those Governors, those State legislators are just as much accountable to the voters as we are. And should they act in a way that the voters consider to be inappropriate, they will suffer the consequences of those actions.

Mr. HARKIN. Will the Senator yield?

Mr. GRAHAM. Let me complete my final comments, and then I will yield.

Mr. HARKIN. OK.

Mr. GRAHAM. Mr. President, what we have at stake here is that the Federal Government is dealing with the wrong issue at the wrong time. It is time for the Federal Government to move on. The way in which the Federal Government should move on is by pursuing its own litigation against the tobacco industry rather than trying to steal a portion of the State settlement.

I was, therefore, very pleased that the President, in his State of the Union Message, indicated that it was the intention of the Federal Government to pursue precisely such a course of action.

Let me say, Mr. President, that for those of us, like Senator HARKIN and others, who joined last year in an effort to craft a bipartisan tobacco bill, we recognize that the most significant way in which we will reduce teenage smoking is to increase the price of cigarettes. Every other technique to reduce teenage smoking pales in comparison with increasing the price. The Centers for Disease Control has estimated that for every 10-percent increase in the price of cigarettes, there will be a 7-percent reduction in smoking by teenagers.

The Federal Government's potential claims against the tobacco industry are much greater than the States. The Medicare Program is much larger than Medicaid. The Federal Government has all the array of antitrust and RICO claims which the States so successfully pursued.

What we need to be encouraging the administration to do is to aggressively carry out the direction of the President to effectively bring action against the tobacco industry. And those will be the funds that will be 100 percent under the control of the Federal Government for the purposes that it considers most appropriate.

My own feeling is that we ought to use a substantial share of those Federally derived funds from successful litigation against the tobacco industry to add to the solvency of the Medicare trust fund, and then to use a portion of those to assist in financing what the American people desperately want, which is a prescription drug benefit, a major share of which will go to dealing with the illnesses generated by tobacco use.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. GRAHAM. So Mr. President, I appreciate the leadership that the Senator from Texas has provided. I appreciate her generosity and time. I urge the defeat of this amendment.

Mr. MCCAIN. Mr. President, I rise today in support of this amendment offered to earmark a portion of the tobacco settlement proceeds for health and anti-smoking programs. The use of the money for these purposes goes to the very heart of my support for the global settlement a year ago and my reason for sponsoring a bill to implement the settlement.

It was never my intention or understanding that this money would be used for building roads, prisons, or to simply inflate the government's coffers. It was my understanding and intent that the money would be used primarily to fight the evils of the tobacco industry and to keep 3,000 kids a day from starting to smoke.

I am also a strong proponent of states' rights. In considering this amendment, it is my understanding that no federal approvals are required, but only that reports be filed demonstrating that the funds are being used in programs designed to achieve the public health goals of the litigation. This information is important for Congress and the Administration to have so that we can continue to evaluate the need for federal legislation addressing any issues not covered by the settlement agreement. If the states are successful in achieving what the litigation and settlement set out to achieve, then there will be no need for additional action. If not, we can revisit the issues.

I do not perceive this amendment as requiring federal approval of all state spending or programs, but as an informational requirement. I am certainly open to further discussion on how to best ensure that the money is being spent as intended, to keep kids from smoking.

I hope that we will continue the dialogue on this very important issue and that we can reach consensus on how to ensure that the settlement funds are used to protect kids, if not today, then as the bill progresses to the House and conference.

Mr. KENNEDY. Mr. President, I am very concerned about a number of provisions in the supplemental appropriations bill.

First, I strongly oppose the offsets included in this bill, which will take money away from programs that help the most vulnerable Americans.

Before I discuss the specific offsets, let me begin with a reminder—emergency supplemental funds do not need to be offset. This is the law and it is grounded in the understanding that Congress needs to act expediently when disaster strikes. Emergencies are just that, emergencies, and they require swift action and the ability to release funds quickly. We do not need offsets to provide essential assistance to Central America, our farmers, or U.S. steel workers.

Nevertheless, a series of offsets have been proposed that will hurt the most vulnerable Americans, low-income children and families and immigrants. Included in their offset package, are proposals to defer $350 million in Temporary Assistance to Needy Funds (TANF), a $285 million cut in the Food Stamp Program, and a $25 million recision in INS programming which will reduce INS' ability to provide immigration benefits and services. A $40 million cut in INS border enforcement is also being proposed.

Taking from one poor, vulnerable community to pay for the needs of another is unacceptable. We must draw the line here to prevent the raiding programs that help poor children and families.

In 1996, when the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) was passed, Congress gave states the authority and flexibility to design their own unique

programs to help low-income families move from welfare-to-work. The TANF program provides fixed block grants to the states totaling approximately $16.5 billion annually. TANF is a new program that supports a wide array of services. States are using their funds to assist needy families, strengthen job preparation, and promote self-sufficiency. Across the country, states and social service agencies are developing and implementing the best strategies to move their clients from welfare to self-sufficiency.

In addition to giving states the authority to develop their own assistance programs for low-income families, Congress also gave them the power to carry forward unobligated TANF funds for future use. States were expressly given the ability to tap into unspent funds at any point during the five-year block grant period, to optimize flexibility and meet their own unique needs and circumstances. In FY98, states obligated or spent 84% of the total federal funds received. Nineteen states have obligated 100% of their FY98 TANF funds.

The Republican Leadership seems to have confused ''unobligated'' with ''unneeded.'' Nothing could be further from the truth. There are a variety of reasons why some states have unobligated funds. Many states have specifically set aside part of their funds in a ''rainy day'' account. This reflects wise planning. The strong economy and low unemployment rates which we are currently enjoying may not last forever. These states will be prepared because they have set aside sufficient funds to protect themselves if the economy turns downward.

Other states have experienced large caseload declines but require further state legislative action to reprogram funds from cash assistance to other investments, such as child care and job training, which promote work and end dependency. Other states have proceeded slowly because they chose to engage in careful planning and needs assessment research before embarking on innovative new efforts to move people from welfare to work. Now, they are ready to utilize their funds, and now the feds are trying to take back these funds.

Let me also point out that unobligated funds are not surplus funds. These funds are essential to the overall success of welfare reform. Many of the families remaining on welfare face substantial barriers to employment including lack of educational and workforce skills, substance abuse, domestic violence, and disability. States anticipate that greater investments will be required if families are going to successfully transition from welfare-to-work. As an increasing number of families with infants and young children move into the work force, the need and competition for child care, particularly during evening hours, will continue to expand. Without assistance, many states will not be able to provide needed services to low-income families.

Now, just a few years after dramatically overhauling the welfare system, the Republican Leadership wants to take $350 million in unobligated TANF funds to offset some of the expenses incurred by the Emergency Supplemental Act. This is unacceptable. Congress told states to spend their money carefully, to engage in thoughtful long-term planning, and that they could keep their unobligated funds, and here we are two years later, changing the rules of the game.

The Republican Leadership also wants to take $252 million from the Food Stamp Program base appropriations level. Senate appropriators contend that these funds would otherwise be unspent. Once again, the Republicans are taking a short-sighted approach. First, assuming these funds are unspent, they are not unneeded. The current base appropriations level provides an important cushion to meet unanticipated need. Second, recently released statistics on hunger and undernutrition suggest that we need to reinvest in food assistance programming. Hunger is still an urgent problem. The recent decline in food stamp use from 28 million to under 19 million does not mean that hunger is no longer a significant concern. Just a few weeks ago the Urban Institute reported that one-third of America's children are in families grappling with hunger and food insecurity.

We cannot let this happen. We cannot take any more money from programs that help children and needy families. Furthermore, Congress must uphold its commitment to the states—federal money pledged to the states should not be taken away, especially when emergency funding is available without offsets.

Another disturbing aspect of the Supplemental is the inclusion of the Hutchinson Medicaid Amendment. This issue does not belong in an emergency appropriations bill. If approved, the long-term cost to Medicaid of this amendment would be approximately $140 billion. No serious consideration has been given to the enormous impact that could have on national health policy. Instead of being used to deter youth smoking and to improve the nation's health, the language in the Committee bill would permit states to use these federal Medicaid dollars to pave roads, to build prisons and stadiums, and to fund state tax cuts. Those are not appropriate uses for Medicaid dollars. Congress has a vital interest in how those federal dollars are used.

Fifty-seven cents of every Medicaid dollar spent by the states comes from the federal government. The cost of Medicaid expenditures to treat people suffering from smoking-induced disease was at the core of state lawsuits against the tobacco industry. While the federal government could legally demand that the states reimburse Washington from their settlements, I believe the states should be allowed to keep one hundred percent of the money. However, the federal share must be used by the states for programs that will advance the goals of protecting children and enhancing public health which were at the heart of the litigation and are consistent with the purposes of Medicaid. That would be an eminently fair and reasonable compromise of this contentious issue.

While there were a variety of claims made by the states against the tobacco industry, the Medicaid dollars used to treat tobacco-related illness constituted by far the largest claim monetarily, and it formed the basis for the national settlement. As part of that settlement, every state released the tobacco companies from federal Medicaid liability, as well as state Medicaid liability. Medicaid expenditures heavily influenced the distribution formula used to divide the national settlement amongst the states. In light of these undeniable facts, the dollars obtained by the states from their settlements cannot now be divorced from Medicaid. States are free to use the state share of their recoveries in any way they choose. However, Congress has a clear and compelling interest in how the federal share will be used.

States should be required to use half of the amount of money they receive from the tobacco industry each year (the federal share) to protect children and improve public health. At least thirty-five percent of the federal share would be spent on programs to deter youth smoking and to help smokers overcome their addiction. This would include a broad range of tobacco control initiatives, including school and community based tobacco use prevention programs, counter-advertising to discourage smoking, cessation programs, and enforcement of the ban on sale to minors. Three thousand children start smoking every day, and one thousand of them will die prematurely as a result of tobacco-induced disease. Prevention of youth smoking should be, without question, our highest priority for the use of these funds. Reducing youth smoking would, of course, result in a dramatic savings in future Medicaid expenditures. The state settlements provide the resources to dissuade millions of teenagers from smoking, to break the cycle of addiction and early death. We must seize that opportunity.

The remainder of the federal share should be used by states to fund health care and early learning initiatives which they select. States could either use the additional resources to supplement existing programs in these areas, or to fund creative new state initiatives to improve public health and promote child development.

Smoking has long been America's foremost preventable cause of disease and early death. It has consumed an enormous amount of the nation's health care resources. Finally, resources taken from the tobacco companies would be used to improve the nation's health. A state could, for example, use a portion of this money to help

senior citizens pay for prescription drugs, or to provide expanded health care services to the uninsured. Funds could be used to support community health centers, to reduce public health risks, or to make health insurance more affordable.

For years, the tobacco companies callously targeted children as future smokers. The financial success of the entire industry was based upon addicting kids when they were too young to appreciate the health risks of smoking. It is particularly appropriate that resources taken from this malignant industry be used to give our children a better start in life. States could use a portion of these funds to improve early learning opportunities for young children, or to expand child care services, or for other child development initiatives.

Congress has an overwhelming interest in how the federal share of these dollars is used. They are Medicaid dollars. They should not be used for road repair or building maintenance. They should be used by the states to create a healthier future for all our citizens, and particularly for our children.

These problems with the supplemental need to be fixed. Congress shouldn't let emergency assistance get bogged down by these extraneous provisions. A clean supplemental should be approved as quickly as possible so that this aid can go out quickly to those in greatest need.

Mr. GRASSLEY. Mr. President, I rise today to express my opposition to the amendment offered by Senators SPECTER and HARKIN that is based on a ''Washington Knows Best'' policy. Under this amendment, every Governor—each year—for the next 25 years would be required to submit a plan to Washington asking for permission on how to spend fifty percent of the state's own money. I'm voting ''no'' to this ''Washington Knows Best'' amendment.

My state of Iowa stands ready to receive $1.7 billion over the next 25 years for its share of this landmark settlement. Iowa began a thoughtful process years ago to establish a framework to guide the state on how to utilize these new resources should the state succeed with its case against the tobacco industry. Two years ago, after much state and local deliberation, the Iowa Legislature passed laws establishing a governing framework. Now that success has come for Iowa, it is prepared. Among top priorities for the use of these new funds are increased medical assistance and programs to reduce teen smoking. Furthermore, Iowa's Governor Vilsack enthusiastically advocates a number of new initiatives for combating teen smoking, including an initiative to spend $17.7 million of its settlement money on tobacco prevention and control programs. I am confident in the leadership of our Governor and State Legislature in deciding how to best spend its resources for the well-being of Iowans.

The states are entitled to the full amount of their settlement. Years ago, the states began to organize their case against the tobacco industry. They sought assistance from the federal government in their efforts, but received none. The states took on all the risk, and invested all of the time, money and energy. They have been rewarded for their commitment to the case with a landmark settlement. It is unfair for Congress, at this very late stage, to dip into the state's multi-billion dollar settlement. What's more, last year Congress made attempts at a federal settlement but failed. Congress is in no position to interfere with what the states have independently accomplished.

Mr. CRAIG. Mr. President, as a cosponsor of Senator HUTCHINSON'S bill to protect the states' claims on the funds from the settlement that they negotiated with the tobacco industry, I oppose the Harkin-Specter amendment.

I am not a lawyer, and maybe that's why I'm not particularly impressed by all the legal hairsplitting we've been hearing from the government's lawyers about their claim to these funds. But you don't have to be a lawyer to recognize unfairness when you see it.

In fact, I think my little granddaughter would recognize the story that's unfolding in Washington today: it's called the ''Little Red Hen.'' As my colleagues probably will recall, this story is about some people doing all the work and other people, who didn't lift a finger to help, wanting to share in the product of that work.

In this case, we have the states who initiated lawsuits against the tobacco industry, who took all the risks, who received no assistance from the federal government in making their claims, and who ultimately succeeded in negotiating the historic Master Settlement Agreement last November. Now that the work has been done by these 46 little red hens, and the other four who negotiated individual settlements, the federal government wants to sweep in and take over.

Mr. President, I do not think what we have here is an attempt to assert legal rights, but an attempt to assert control. Quite simple, the federal government wants to direct the spending of these funds by the states, despite the fact that this effort is likely to provoke more litigation, which in turn will only prevent the funds from being used to benefit the health or welfare of any state's residents. I do not think the federal government has the law on its side, and I know it doesn't have the equities or even common sense on its side.

At this point, I ask unanimous consent to have printed in the RECORD a letter from Idaho Attorney General Al Lance, objecting to the attempted money grab.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OFFICE OF THE ATTORNEY GENERAL,
Boise, ID, January 13, 1999.

Hon. LARRY CRAIG,
U.S. Senate, Washington, DC.

Re: Idaho tobacco settlement monies.

DEAR SENATOR CRAIG: You are no doubt aware that Idaho settled its lawsuit against the tobacco defendants. Under the settlement agreement, Idaho is set to receive annual payments totaling $711 million over the first 25 years of the settlement. Now that the settlement is complete, it is my understanding that the Clinton Administration intends to lay claim on a significant portion of settlement monies for its own use. This is wrong. I ask that you help Idaho protect itself from this money grab by supporting appropriate federal legislation.

Idaho was one of 40 states that filed suit against various tobacco defendants, alleging violations of various state statutes. In Idaho's complaint we sought reparation for damages incurred by the State, as well as civil penalties, costs, and fees as a result of the defendants' actions. We alleged as damages the increased Medicaid costs attributable to tobacco use, which Idaho has spent, as well as the increased insurance premiums attributable to smoking that the State has paid for its state employees. We sought civil penalties under our consumer protection laws.

Section 1903(d) of the Social Security Act provides that a State must allocate from the amount of any Medicaid-related recovery ''the pro-rata share to which the United States is equitably entitled.'' Relying upon this statute, it is our understanding that the Health Care Financing Administration will be taking the position that Idaho's settlement payments represent a credit applicable to Idaho's Medicaid program, regardless of whether the monies are received directly by the State's Medicaid program. This should not be so.

It is not equitable for the federal government to take the fruits of the states' efforts. This is particularly true in this case. Idaho filed its suit, took significant risks, and fought for significant changes in how the tobacco industry will market its products. What did the Clinton Administration do in this regard with the federal government's vast resources? Nothing.

I have great confidence that Idaho's Legislature will properly determine how Idaho's tobacco proceeds should be spent. I am sure you share that trust as well. That will not happen, however, if the federal government is allowed to take that money and spend it as it pleases. I ask for your assistance in making sure that does not happen.

Sincerely,

ALAN G. LANCE,
Attorney General.

Mr. CRAIG. I wholeheartedly agree with Attorney General Lance's confidence that the Idaho state legislature is quite capable of properly determining how Idaho's share of the tobacco settlement should be spent.

It is my strong hope that the Senate will defeat this amendment and allow my state's legislature, and those of the other 49 states, to make these decisions without interference.

Mrs. MURRAY. Mr. President, we have a difficult decision before us. I believe most, if not all of us, hope the states will do the right thing and spend the tobacco litigation money to stop underage smoking, reduce adult smoking, and provide critical public health services. I know I am unequivocally committed to those objectives and will

therefore support the Specter-Harkin amendment to ensure they do so.

That said, I want the states to have the greatest degree of flexibility and discretion in allocating these settlement funds to the health needs of their residents as possible. This amendment does just that. It broadly requires states to spend 20 percent of the settlement on programs to reduce the use of tobacco products, including enforcement, school education programs, and advertising campaigns. It also requires 30 percent to be spent on public health.

If we do not reduce smoking and stop at least some of the 3,000 new kids per day from smoking, the federal taxpayer will end up the loser. That is why we should have a voice in directing use of these funds. The Medicare Trust Fund is financially solvent only until 2009, so we need to do everything possible to reduce overall health care costs. If one state does not reduce the deadly impact of smoking, the federal taxpayers will foot the bill. So, all American taxpayers have a big stake in reducing smoking. They have the right to push all states to save their tax dollars by reducing health care costs.

Still, the Specter-Harkin amendment targets only a portion of settlement dollars; just that portion that could be attributed to the federal share of Medicaid. Because Medicaid is a federal-state partnership and the settlement includes claims arising out of this program, federal taxpayers have a valid claim to make in how those settlement dollars are spent.

I am proud of my home state of Washington. It has already made a commitment to public health and smoking reduction. The Specter-Harkin amendment only reinforces what my state has done. Once again Washington state is a leader on protecting public health and saving the premature death of five million of today's children. I have attached a letter I received from the Western Pacific Division of the American Cancer Society urging me to support this amendment for these very reasons, to support the ''health of our kids and our families.''

I also continue to support Senator HUTCHINSON's work to ensure the states receive the credit they deserve. They have scored a major victory for public health. The success of the Attorney's General in their settlement with the tobacco companies is unprecedented. I applaud them and especially Washington's Attorney General, Chris Gregoire, who has been a champion in this cause.

The federal government must not rely on the states to do all of its work for them. It is the responsibility of the federal government to recover Medicaid funds and I will urge the Administration to move forward with necessary litigation. The federal government must seek restitution from the tobacco companies for the years of lies and deception that have resulted in the premature deaths of millions of Americans. Smoking-related illnesses are still the number-one killer of Americans.

I am pleased Senators SPECTER and HARKIN could find the appropriate balance between the rights of the states to enjoy their well-deserved settlement funds and the rights of federal taxpayers to ensure those funds are spent to protect the public health and reduce their future tax obligations under Medicare and Medicaid by reducing the cost of tobacco-related illnesses.

The PRESIDING OFFICER. Who yields time?

Mrs. HUTCHISON. Parliamentary inquiry. How much time do I have left?

The PRESIDING OFFICER. The Senator has 13 minutes.

Mrs. HUTCHISON. Thank you, Mr. President.

Mr. HARKIN. Parliamentary inquiry. How much time do we have left?

The PRESIDING OFFICER. Ten minutes 11 seconds.

Mrs. HUTCHISON. Does the Senator from Iowa wish to go at this time? Because if not, Senator VOINOVICH was next in line for our side.

The PRESIDING OFFICER. Time is controlled by the Senator from Pennsylvania.

Who yields time?

Mrs. HUTCHISON. Mr. President, I yield up to 5 minutes to the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio is recognized for 5 minutes.

Mr. VOINOVICH. Mr. President, as a former Governor, I introduced my own tobacco recoupment legislation. I am pleased to be an original cosponsor of Senator HUTCHISON's and Senator GRAHAM's bipartisan legislation.

Under this settlement, the tobacco companies agreed to pay 46 States, including Ohio, $206 billion over 25 years. Four other States previously won a $40 billion settlement. Ohio was slated to receive $9.8 billion over 25 years, beginning with $400 million in 2000 and 2001.

I just want you to know that the Nation's Governors are adamantly opposed to imposing restrictions on State funding. I have distributed a letter from the chairman and vice chairman of the National Governors' Association. It will be on the desk of all of the Senators expressing their adamant opposition to the amendment.

Mr. President, I ask unanimous consent that letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL GOVERNORS' ASSOCIATION,
March 17, 1999.

Hon. TRENT LOTT,
Majority Leader, U.S. Senate,
The Capitol, Washington, DC.

Hon. THOMAS A. DASCHLE,
Minority Leader, U.S. Senate,
The Capitol, Washington, DC.

DEAR MAJORITY LEADER AND SENATOR DASCHLE: As the Senate moves forward with consideration of the Emergency Supplemental Appropriations bill, we write to inform you of the nation's Governors' strong support for language now included in the bill that would protect state tobacco settlement funds. In addition, we are adamantly opposed to any amendments that would restrict how states spend their tobacco settlement money. The settlement funds rightfully belong to the states, and states must be given the flexibility to tailor the spending of the tobacco funds to the needs of their citizens.

There is a proposal under consideration, the Harkin/Specter amendment, to require states to earmark 20 percent of the settlement funds for smoking cessation programs, and an additional 30 percent for health care programs. Governors are adamantly opposed to any restrictions on the tobacco settlement funds, but even more so to this proposal, because it obligates state tobacco settlement funds to federal programs or to specific state programs only if approved by the Secretary of HHS.

Furthermore, although the nation's Governors agree with the goal of substantially reducing smoking, we are strongly opposed to earmarks on smoking cessation on the basis that it represents unsound public policy. There are already four major initiatives that are going into effect to reduce smoking.

1. The price of tobacco products has already increased between 40 cents and 50 cents per pack. Additional price increases may come over time as companies attempt to hold profit margins and make settlement payments. These price increases will substantially reduce smoking over time.

2. The tobacco settlement agreement already contains two major programs funded at $1.7 billion over ten years dedicated to reducing smoking. $250 million over the next ten years will go towards creation of a national charitable foundation that will support the study of programs to reduce teen smoking and substance abuse and the prevention of diseases associated with tobacco use. An additional $1.45 billion over five years will go towards a National Public Education Fund to counter youth tobacco use and educate consumers about tobacco-related diseases. The fund may make grants to states and localities to carry out these purposes.

3. The settlement agreement has a significant number of restrictions on advertising and promotion. The settlement prohibits targeting youth in tobacco advertising, including a ban on the use of cartoon or other advertising images that may appeal to children. The settlement also prohibits most outdoor tobacco advertising, tobacco product placement in entertainment or sporting events, and the distribution and sale of apparel and merchandise with tobacco company logos. Further, the settlement places restrictions on industry lobbying against local, state, and federal laws. Over time, these restrictions on tobacco companies' ability to market their products to children and young adults will have a major impact on smoking.

4. States are already spending state funds on smoking cessation and will substantially increase funding as the effectiveness of programs becomes established. Many states have already invested years in program design, modification, and evaluation to determine the best ways to prevent youth from taking up cigarette smoking and helping youth and adults quit smoking. Governors and states are highly motivated to implement effective programs. We see the human and economic burdens of tobacco use every day in lost lives, lost wages and worker productivity, and medical expenditures for tobacco-related illnesses.

All of these initiatives are likely to substantially reduce tobacco consumption. It would be foolish to require large expenditures over the next 25 years to such programs without a good sense of how these initiatives will reduce the current level of

smoking. Any additional expenditures for smoking cessation must be carefully coordinated with these other four major policy initiatives as they will cause smoking behavior to shift dramatically. Furthermore, while there have been some studies on the effectiveness of alternative smoking cessation programs, the ''state of the art'' is such that we just do not know what types of programs are effective. States are still in the process of experimentation with effective methods of preventing and controlling tobacco use; there is no conclusive data that proves the efficacy of any particular approach.

Governors feel it would be wasteful, even counterproductive to mandate huge spending requirements on programs that may not be effective. Governors need the flexibility to target settlement funds for state programs that are proven to improve the health, welfare, and education of their citizens to ensure that the money is wisely spent. Furthermore, the federal government must maintain its fiscal commitment to vital health and human services programs, and not reduce funding in anticipation of increased state expenditures.

We strongly urge you to vote against the Harkin/Specter amendment and support flexibility for states to tailor the spending of the tobacco funds to the needs of their citizens.

Sincerely,

Gov. THOMAS R. CARPER,
Chairman, State of Delaware.
Gov. MICHAEL O. LEAVITT,
Vice Chairman, State of Utah.

Mr. VOINOVICH. The proposition is clearly unsupportable, for the following reasons:

First of all, States filed complaints that included a variety of claims—consumer protection, racketeering, antitrust, disgorgement of profits and civil penalties for isolations of State laws.

Medicaid was just one of the many issues in many cases. Furthermore, State-by-State allotments were determined by the overall health care costs in each State and not based on Medicaid expenditures—not based on Medicaid expenditures.

Medicaid was not even mentioned in some cases. As a matter of fact, in Ohio the Medicaid claim was thrown out of court. The Federal Government was invited to participate in the lawsuits, but the Federal Government declined. States bore the risk of initiating the suits and the burden of the unprecedented lawsuits against a well-financed industry. It was not until after the States prevailed that the Federal Government became interested.

The tobacco settlement negotiated between attorneys general and the tobacco companies is completely different from the agreement that failed to pass in the 105th Congress.

With the failure of that legislation, the States were forced to proceed with their own State-only lawsuit and settlement.

States must be given the flexibility to tailor their spending to the unique needs of their citizens. And States will spend their funding on a variety of local needs—health, education, welfare, smoking cessation programs.

Many Governors, through their state-of-the-State speeches or proposed legislation, have already committed publicly to spending these funds for the health and welfare needs of their citizens.

The majority of the Governors have already made commitments to create trust funds and escrow accounts that will ensure that the tobacco settlement funds are spent on health care services for children, assistance for growers in the States that will be affected, education, and smoking cessation.

Two major programs—this is really important—in the settlement are already dedicated to reducing teen smoking and educating the public about tobacco-related diseases. Two hundred and fifty million dollars will create a national charitable foundation to support the study of programs to reduce teen smoking and substance abuse and prevent diseases associated with tobacco use. An additional $1.5 billion will create a National Public Education Fund to counter youth tobacco use and educate consumers about tobacco-related diseases.

In addition, the settlement agreement has significant restrictions on advertising and promotion—such as bans on advertising and lobbying against local, State, and Federal laws—which will have an impact on youth smoking. In other words, the tobacco companies can no longer lobby against legislation that will deal with cessation of use of tobacco.

States are already spending State funds on smoking cessation. They don't need the Federal Government to put a mandate in place. There is simply no way that States can spend 20 percent of these funds on smoking cessation programs. These programs cannot absorb this level of funding. As smoking levels decline, as expected under the settlement, it will become impossible for States to spend this level of funding effectively.

This amendment forces States to spend an incredible—listen to this—$49 billion on just one objective: Denying them the ability to use these funds to best meet the needs of their citizens. The notion that the compassion and wisdom of Washington exceeds that of our State capitals is not only wrong, it is offensive. The Governors and the local government officials in this country care as much about smoking cessation as the Members of this Congress.

I will never forget during welfare reform the people who were telling us that we didn't care as much about people as the people in Washington. They said it would be a race to the bottom. The fact of the matter is, it is a race to the top.

Mr. President, I think we should overwhelmingly defeat this amendment. It is not appropriate for this piece of legislation.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. How much time remains?

The PRESIDING OFFICER. The Senator from Texas has 7 minutes 37 seconds.

Mrs. HUTCHISON. I yield Senator BROWNBACK up to 3 minutes.

The PRESIDING OFFICER. The Senator from Kansas is recognized for 3 minutes.

Mr. BROWNBACK. I thank the author of this amendment from Texas, as well as our colleague from Florida.

The idea that we would tell the States how to spend this money from this litigation is absolutely wrong. It is just wrong on its face. The people who are proposing it, I respect their motivation; they are trying to reach out and save lives and to stop these health problems. I think their motivation is appropriate, but the direction and the apportionment that is taking place on the States is the wrong way to do it.

In every State in the country that has been a part of this litigation, there is now ongoing a healthy and vigorous debate about how best to spend the tobacco settlement funds. It is happening in Kansas, my State. I am being contacted by the Kansas Legislature in very strong terms. ''Do you not think that we care about what happens to the people here? Do you not have enough problems in Washington to deal with, that you have to tell us what to do with this? We are the ones who brought this litigation forward.'' They are quite offended that we would try to direct them and tell them what to do with these funds that they pursued in litigation and that they need. They are offended as well because they think we don't believe they know what is best for Kansans.

I agree with them. I laud my colleague from Texas, Senator HUTCHISON, in what she is doing. I note, as well, that in Kansas in the debate and in the funding proposal that we have, 50 percent of all the funds to Kansas are going to children's health care program funds for prevention and cessation. We are putting in 50 percent which was enacted in the legislature. But we should not require them to go to HCFA after they have appropriated the money and see if they agree or see if they are going to have to do something different.

With almost unprecedented unanimity, every State Governor, Attorney General, and State legislature has directly backed the Hutchison-Graham language. In fact, in many cases it is the No. 1 Federal issue for the 106th Congress by a number of these groups. I applaud my colleague. The debate is happening at the right place now. We should not impose a ''Washington knows best'' approach.

Mrs. HUTCHISON. I yield up to 4 minutes to the Senator from Kentucky.

Mr. MCCONNELL. I thank the Senator from Texas for her outstanding leadership on this issue. As has been stated by all the speakers, basically this is an amendment to tell the States how to spend money that they achieve through a settlement with the tobacco industry. Not only money, but a huge amount of money—$40 billion—just on

tobacco use reduction advertising and programs.

To contrast that with the advertising budgets of private enterprise in this country, ''Advertising Age'' said U.S. companies spend a total of $208 billion on advertising all of their products last year. The top 100 advertisers spent a total of $58 billion last year. In California and New York, this would mean $5 billion worth of ads to each of those States; in Pennsylvania, $2.25 billion worth of ads; and in my State, $700 million worth of ads.

Mr. President, this would be one of the most massive advertising campaigns in the history of the country, probably the most massive in the history of the country—public or private. Because advertising rates in my home State are not particularly high, that could translate into over 1,000 days of nonstop TV commercials. That is almost 3 years. And we think political campaigns go on too long.

Contrast this with all Federal Government drug control spending of $16 billion. Members get the picture. If the Specter amendment were approved, we would have the Federal Government spending more money, by far, attacking a legal product than the Clinton administration currently spends in its war on drugs. There is $40 billion targeted at tobacco use, $16 billion against illegal drug use. It makes a person wonder if it would be better to simply pay America's 40 million smokers $1,000 apiece to quit. Send them $1,000 checks each, to quit. It would be a lot cheaper than what we have before the Senate.

As has been stated by other speakers, the National Governors' Association has strongly committed itself to supporting antitobacco programs in the respective States. The States know better how to spend this money and will do so efficiently through existing State mechanisms. If the Federal Government dictates how the States should spend the money and the mechanisms are not there, the States will have to create them—creating even more bureaucracy.

The final outrage is that this amendment requires the elected Governors of the States to report to Secretary Shalala on how they are going to spend their money. This is truly an egregious effort by the Federal Government to dictate to the States how they ought to spend money that they are entirely entitled to under any system of justice.

Let me repeat: This calls for a $40 billion advertising campaign against a legal product, yet the Federal Government currently spends only $16 billion in its illegal drug enforcement effort.

The Hutchison proposal is the correct one. This amendment should be defeated.

The PRESIDING OFFICER. The Senator from Pennsylvania has 10 minutes 11 seconds, and the Senator from Texas has 40 seconds.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. LOTT. Parliamentary inquiry. Rather than just waiting here, whose time is being used?

The PRESIDING OFFICER. The time of the Senator from Pennsylvania is running. If neither side is yielding time, time will have to be deducted equally between both sides.

Mrs. HUTCHISON. Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Unless the Senator gets unanimous consent, time will be deducted equally.

Mrs. HUTCHISON. I ask unanimous consent that my 40 seconds be reserved.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I yield 5 minutes to the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, I thank my chairman and friend from Pennsylvania for his leadership on this issue.

Again, let's cut through all the arguments, all the smoke and the haze, if you will. What is this about? It is about public health. It is about cutting down on youth smoking. That is what it is about.

Now, my friend from Florida—with whom I wanted to engage in a colloquy, but I understand he had to go to a committee meeting—pointed out that a lot of the States sued on different bases—RICO, racketeering, prices—but 32 States, including Florida, included Medicaid. As any good lawyer can tell you, it is the old ''spaghetti theory'' of suing. You just throw the spaghetti at the wall, and whatever sticks, that is what you go on. They just threw a bunch of stuff in there when they sued to recoup from the tobacco companies.

But it is interesting to note that, in the final settlement, the States waived their rights in the future to sue to reclaim any moneys under Medicaid. Why was that put in there? I will tell you why. Because the tobacco companies wanted it in there, because it not only precluded the States from suing, it precludes the Federal Government from recouping Federal shares of money for the health costs that we pay out in Medicaid to take care of people who are sick and dying of tobacco-related illnesses. That is what this is all about.

Some say we should not mandate to the States how to spend their money. We are not trying to do that. The basis of this is public health. At least a portion of the Federal moneys—not even all of it—ought to go to smoking cessation programs and for a variety of other public health programs.

The Senator from Pennsylvania knows as well as I do—we sit on the Appropriations Committee as chairman and ranking member—we have a lot of public health needs out there. We are getting shortchanged. I know States have needs for highways, bridges, sports arenas, prisons and things like that; but I daresay they did not bring these suits against the tobacco companies because the tobacco companies weren't building enough highways or sports arenas or prisons or anything else. What they brought it on was the health problems that tobacco companies are causing their people.

Well, I might also point out that, in the previous settlement with the Liggett tobacco company, some States did give back their portion of that settlement to the Federal Government, covering the Medicaid portions of those costs. I don't have the exact figures, but I believe Florida was one of those States—Florida, Louisiana, and Massachusetts were the three States that returned some of that money. So that is really what this is about.

I know the Governors have weighed in on this, both Democrats and Republicans. Well, I can understand their point. They are trying to get as much money as they can for their States; that is their responsibility. But it seems to me that we have to look at the national picture and what this is all about. It is about health care and cutting down on teen smoking. That is what this is really about.

To cut through all the smoke and haze, let us do our responsibility to the Federal taxpayers, to the Medicaid Program, and give some guidance and direction—not explicitly saying how the States have to spend it; let them use their wisdom—but give them guidance and direction and say that at least 20 percent has to be used for smoking cessation and 30 percent for a broad variety of other public health measures, including helping tobacco farmers switch from that crop to others. It is the only decent thing to do.

I reserve the time I have. How much time do I have?

The PRESIDING OFFICER. The Senator from Pennsylvania has 4 minutes 31 seconds.

Mr. HARKIN. I yield that back to the Senator from Pennsylvania.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. LOTT. Mr. President, since all time has been used, except for maybe 5 minutes—40 seconds for the opponents and 4½ minutes or so for the proponents—I would like to use leader time to state my position on this issue.

This morning I happened to be listening to one of the Washington, DC, all-news radio stations. There was an ad on there done by the Lieutenant Governor of Maryland, Kathleen Kennedy Townsend, speaking about the importance of tobacco cessation campaigns. Now, I wondered who paid for that, how that was being supported. Why was a Lieutenant Governor—a candidate for Governor—being used in this ad? It relates to this whole debate. I think probably the State of Maryland is paying for that campaign, or maybe it is a campaign unrelated to all this. But the point there is that there is already a lot being done, and there is going to be

a lot more done in the smoking cessation campaigns by the States.

Mr. President, this is a very fundamental argument. It goes to the heart of the broader question: Does the Federal Government have the great wisdom reposing here in the Secretary of HHS, or do States have a certain modicum of wisdom of their own?

Frankly, I trust the Governor of Pennsylvania and the legislature in Pennsylvania. I trust the Governors of Iowa and Illinois, and the legislature in Ohio, and in my own State, to make the best decision for the people in that State. There are those here who think the Federal Government has to review this, the Federal Government has the answer, the Federal Government must direct how this money is spent. I don't agree with that. That is the fundamental argument here on this issue and on a lot of others, as well.

First, a little history. How did this all begin? Well, whether you agree with it or not, or whether I like it or not, it began in my State of Mississippi. An attorney general developed this lawsuit and, to their credit, they did a fantastic job. The Federal Government wasn't involved. The Federal Government could not find a way to get involved. They did it. It was Mississippi, Florida, Texas, Washington State, all across the Nation. The States, through their attorneys general and their lawyers, did the job and they got settlements. They got the money. They won the issue.

Now, the Federal Government shows up and says, oh, by the way, give me that. The truth of the matter is, there are many people in this city who think all of that money, or somewhere between 50 and 77 percent of that money, should come to Washington, even though the Federal Government did nothing to win this settlement. They weren't a positive force. But they have the temerity to show up and say the law requires this or that and they want that money. I want to emphasize again that you are talking about a very substantial portion of that money.

Now, I want to submit for the RECORD—I don't know if there are already in the RECORD—a letter I received from the National Governors' Association, signed by Governor Carper of Delaware, a Democrat, and Michael Leavitt, the Republican Governor of Utah, addressed to Senator DASCHLE and myself.

I ask unanimous consent that this letter be printed in the RECORD, along with a letter I received from Secretary Shalala.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

NATIONAL GOVERNORS ASSOCIATION,
March 17, 1999.

Hon. TRENT LOTT,
Majority Leader,
U.S. Senate,
The Capitol,
Washington, DC.

Hon. THOMAS A. DASCHLE,
Minority Leader,
U.S. Senate,
The Capitol,
Washington, DC.

DEAR MAJORITY LEADER AND SENATOR DASCHLE: As the Senate moves forward with consideration of the Emergency Supplemental Appropriations bill, we write to inform you of the nation's Governors' strong support for language now included in the bill that would protect state tobacco settlement funds. In addition, we are adamantly opposed to any amendments that would restrict how states spend their tobacco settlement money. The settlement funds rightfully belong to the states, and states must be given the flexibility to tailor the spending of the tobacco funds to the needs of their citizens.

There is a proposal under consideration, the Harkin/Specter amendment, to require states to earmark 20 percent of the settlement funds for smoking cessation programs, and an additional 30 percent for health care programs. Governors are adamantly opposed to any restrictions on the tobacco settlement funds, but even more so to this proposal, because it obligates state tobacco settlement funds to Federal programs or to specific State programs only if approved by the Secretary of HHS.

Furthermore, although the Nation's Governors agree with the goal of substantially reducing smoking, we are strongly opposed to earmarks on smoking cessation of the basis that it represents unsound public policy. There are already four major initiatives that are going into effect to reduce smoking.

1. The price of tobacco products has already increased between 40 cents and 50 cents per pack. Additional price increases may come over time as companies attempt to hold profit margins and make settlement payments. These price increases will substantially reduce smoking over time.

2. The tobacco settlement agreement already contains two major programs funded at $1.7 billion over ten years dedicated to reducing smoking. $250 million over the next ten years will go towards creation of a national charitable foundation that will support the study of programs to reduce teen smoking and substance abuse and the prevention of diseases associated with tobacco use. An additional $1.45 billion over five years will go towards a National Public Education Fund to counter youth tobacco use and educate consumers about tobacco-related diseases. The fund may make grants to states and localities to carry out these purposes.

3. The settlement agreement has a significant number of restrictions on advertising and promotion. The settlement prohibits targeting youth in tobacco advertising, including a ban on the use of cartoon or other advertising images that may appeal to children. The settlement also prohibits most outdoor tobacco advertising, tobacco product placement in entertainment or sporting events, and the distribution and sale of apparel and merchandise with tobacco company logos. Further, the settlement places restrictions on industry lobbying against local, state, and federal laws. Over time, these restrictions on tobacco companies' ability to market their products to children and young adults will have a major impact on smoking.

4. States are already spending state funds on smoking cessation and will substantially increase funding as the effectiveness of programs becomes established. Many states have already invested years in program design, modification, and evaluation to determine the best ways to prevent youth from taking up cigarette smoking and helping youth and adults quit smoking. Governors and states are highly motivated to implement effective programs. We see the human and economic burdens of tobacco use every day in lost lives, lost wages and worker productivity, and medical expenditures for tobacco-related illnesses.

All of these initiatives are likely to substantially reduce tobacco consumption. It would be foolish to require large expenditures over the next 25 years to such programs without a good sense of how these initiatives will reduce the current level of smoking. Any additional expenditures for smoking cessation must be carefully coordinated with these other four major policy initiatives as they will cause smoking behavior to shift dramatically. Furthermore, while there have been some studies on the effectiveness of alternative smoking cessation programs, the ''state of the art'' is such that we just do not know what types of programs are effective. States are still in the process of experimentation with effective methods of preventing and controlling tobacco use; there is no conclusive data that proves the efficacy of any particular approach.

Governors feel it would be wasteful, even counterproductive to mandate huge spending requirements on programs that may not be effective. Governors need the flexibility to target settlement funds for state programs that are proven to improve the health, welfare, and education of their citizens to ensure that the money is wisely spent. Furthermore, the federal government must maintain its fiscal commitments to vital health and human services programs, and not reduce funding in anticipation of increased state expenditures.

We strongly urge you to vote against the Harkin/Specter amendment and support flexibility for states to tailor the spending of the tobacco funds to the needs of their citizens.

Sincerely,

GOV. THOMAS R. CARPER,
Chairman, State of Delaware.
GOV. MICHAEL O. LEAVITT,
Vice Chairman, State of Utah.

WASHINGTON, DC,
March 15, 1999.

Hon. TRENT LOTT,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR LOTT: I am writing to express the Administration's strong opposition to the provision approved by the Senate Appropriations Committee as part of the FY 1999 supplemental appropriations bill that would prohibit the Federal Government from recouping its share of Medicaid funds included in the states' recent settlement with the tobacco companies. The Administration is eager to work with the Congress and the states on an alternative approach that ensures that these funds are used to reduce youth smoking and for other shared state and national priorities.

Under the amendment approved by the committee, states would not have to spend a single penny of tobacco settlement funds to reduce youth smoking. The amendment also would have the practical effect of foreclosing any effort by the Federal Government to recoup tobacco-related Medicaid expenditures in the future, without any significant review and scrutiny of this important matter by the appropriate congressional authorizing committees.

Section 1903(d) of the Social Security Act specifically requires that the States reimburse the Federal Government for its pro-rata share of Medicaid-related expenses that are recovered from liability cases involving third parties. The Federal share of Medicaid expenses ranges from 50 percent to 77 percent, depending on the State. States routinely report third-party liability recoveries as required by law. In 1998, for example, states recovered some $642 million from third-party claims; the Federal share of these recoveries was $400 million. Over the last five years, Federal taxpayers recouped over $1.5 billion from such third-party recoveries.

Despite recent arguments by those who would cede the Federal share, there is considerable evidence that the State suits and their recoveries were very much based in Medicaid. In fact, in 1997, the States of Florida, Louisiana and Massachusetts reported the settlement with the Liggett Corporation as a third-party Medicaid recovery, and a portion of that settlement was recouped as the Federal share.

Some also have argued that the States are entitled to reap all the rewards of their litigation against the tobacco industry and that the Federal Government can always sue in the future to recover its share of Medicaid claims. This argument contradicts the law and the terms of the recent State settlement. As a matter of law, the Federal Government is not permitted to act as a plaintiff in Medicaid recoupment cases and was bound by the law to await the States' recovery of both the State and Federal shares of Medicaid claims. Further, by releasing the tobacco companies from all relevant claims that can be made against them subsequently by the States, the settlement effectively precludes the Federal Government from recovering its share of Medicaid claims in the future through the established statutory mechanism. The amendment included in the Senate supplemental appropriations bill will foreclose the one opportunity we have under current law to recover a portion of the billions of dollars that Federal taxpayers have paid to treat tobacco-related illness through the Medicaid program.

The President has made very clear the Administration's desire to work with Congress and the States to enact legislation that resolves the Federal claim in exchange for a commitment by the States to use that portion of the settlement for shared priorities which reduce youth smoking, protect tobacco farmers, assist children and promote public health. I would urge you to oppose efforts to relinquish the legitimate Federal claim to settlement funds until this important goal has been achieved.

Sincerely,

DONNA E. SHALALA,
Secretary of Health and Human Services.

Mr. LOTT. The Governors say:

. . . we are adamantly opposed to any amendments that would restrict how States spend their tobacco settlement money.

They point out that 20 percent of the settlement funds, under this amendment, would have to go for smoking cessation, and then another 30 percent for health care programs. But also what the States do has to be approved by the Secretary of Health and Human Services. Why? What do they have at HHS that the various States don't have, and why can't they decide on their own what is best for their people?

They say in their letter they are opposed to earmarks on smoking cessation on the basis that it represents unsound public policy.

They then go on to say that there are many things already being done. In fact, the settlement agreement contains two major programs funded at $1.7 billion over 10 years dedicated to reducing smoking, and $250 million over the next 10 years will go toward the creation of a national charitable foundation that will support the study of programs to reduce teen smoking. An additional $1.45 billion over 5 years will go toward the National Public Education Fund to counter youth tobacco use and educate consumers about tobacco-related diseases.

So there is a great deal already being done. There is a significant number of restrictions in the settlement with regard to advertising and promotion of smoking. The States are already, on their own, spending funds for the smoking cessation campaign.

The Governors need flexibility. That is what they say. In one State, perhaps, they need more money for smoking cessation. Fine. Perhaps they need more money for child health care. I think under this amendment that would be fine. But in another State perhaps they need it for HOPE scholarships, like Governor Engler in Michigan has been talking about. Or perhaps in another State, like my own, they want to use these funds for juvenile detention facilities, which, by the way, would be smoke-free. But there is a real need there. Let the States make those decisions.

Again, I want to point out that in the letter from Secretary Shalala she notes that the Federal share of Medicaid expenses ranges from 50 to 77 percent. And they don't want anything to happen here that would not allow them to come back around later and try to get more, or large, chunks of this money.

I think that is typical Federal Government arrogance: ''We have the solutions. We have the greater knowledge.'' I fundamentally reject that. I think the people closer to the problems are closer to the people, whether it is the farmers, or the children, or health care needs of the children in their States. I represent one of the poorest States in the Nation. We have tremendous needs for our children based on problems of poverty. We have needs across the board. We know what those needs are better than some all-powerful Federal Government.

So I just want to urge that this amendment be defeated.

I don't think, by the way, that every year for the next 25 years the States should have to submit their plan to the Department of Health and Human Services. Maybe the next Department will be headed by a Republican-appointed Secretary of HHS. ''Frankly, I don't care, my dear.'' I think the States can do this on their own. The Federal Government wants the money. Or, if they don't get the money, they want to control it.

That is one of the reasons I am glad to serve in the Senate today—so I can fight just such ideas as this, that the Federal Government has the answers and should have the control. We should reject this amendment and allow the States to do what is best for their people. They know what the needs are. They will provide the right decision.

I yield the floor.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER (Mr. ALLARD). The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, Senator KENNEDY has been tied up in committee. He has requested 1 minute. I am anxious to see how the distinguished Senator from Massachusetts will handle the single minute. I yield 1 minute to the Senator.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. I thank the Senator, and the Chair.

Mr. President, let me just add my voice in support of the Specter-Harkin amendment. Basically, as we all know, the States have waived the Federal Medicaid rights. So they understand that there are Federal interests. I think it is pretty understandable to all of us, because we understand how the Medicaid Program was established.

The really compelling interest that was successful in the States that brought about the settlement in the first place related to the health hazards that individuals were afflicted with. This seems to me to be an eminently fair and reasonable balance between the Federal interests and the State interests. It seems to be focused in the areas of health care, and also the prevention of smoking. I think that is basically what the families of this country want. It makes a good deal of common sense. It is consistent with what this whole battle has been about, and this is a well targeted, well thought out, and a very compelling amendment to be able to do so.

One of the most disturbing aspects of the Supplemental is the inclusion of the Hutchinson Medicaid Amendment. This issue does not belong in an emergency appropriations bill. If approved, the long-term cost to Medicaid of this amendment could be as high as $125 billion. No serious consideration has been given to the enormous impact that cost could have on national health policy. Instead of being used to deter youth smoking and to improve the nation's health, the language in the committee bill would permit states to use these federal Medicaid dollars to pave roads, to build prisons and stadiums, and to fund state tax cuts. Those are not appropriate uses for Medicaid dollars. Congress has a vital interest in how these federal dollars are used.

Fifty-seven cents of every Medicaid dollar spent by the states comes from the federal government. The cost of Medicaid expenditures to treat people suffering from smoking-induced disease was at the core of state lawsuits against the tobacco industry. While the

federal government could legally demand that the states reimburse Washington from their settlements, I believe the states should be allowed to keep one hundred percent of the money. However, the federal share must be used by the states for programs that will advance the goals of protecting children and enhancing public health which were at the heart of the litigation and are consistent with the purposes of Medicaid. That is what the Specter-Harkin amendment would accomplish. I am pleased to be an original cosponsor of it. It is a fair and reasonable compromise of this contentious issue.

While there were a variety of claims made by the states against the tobacco industry, the Medicaid dollars used to treat tobacco-related illness constituted by far the largest claim monetarily, and it formed the basis for the national settlement. As part of that settlement, every state released the tobacco companies from federal Medicaid liability, as well as state Medicaid liability. Medicaid expenditures heavily influenced the distribution formula used to divide the national settlement amongst the states. In light of these undeniable facts, the dollars obtained by the states from their settlements cannot now be divorced from Medicaid. States are free to use the state share of their recoveries in any way they choose. However, Congress has a clear and compelling interest in how the federal share will be used.

In exchange for a waiver of the federal claim, states should be required to use half of the amount of money they receive from the tobacco industry each year to protect children from tobacco and improve the nation's health. If the funds are used in that way, this investment will dramatically reduce future Medicaid expenditures.

Under the Specter amendment, at least twenty percent of a state's recovery would be spent on programs to deter youth smoking and to help smokers overcome their addiction. This would include a broad range of tobacco control initiatives, including school and community based tobacco use prevention programs, counter-advertising to discourage smoking, cessation programs, and enforcement of the ban on sale to minors. Three thousand children start smoking every day, and one thousand of them will die prematurely as a result of tobacco-induced disease. Prevention of youth smoking should be, without question, our highest priority for the use of these funds. The state settlements provide the resources to dissuade millions of teenagers from smoking, to break the cycle of addiction and early death. We must seize that opportunity.

An additional thirty percent would be used by states to fund health care and public health programs which they select. States could either use the additional resources to supplement existing programs in these areas, or to fund creative new state initiatives to improve health services.

Smoking has long been America's foremost preventable cause of disease and early death. It has consumed an enormous amount of the nation's health care resources. At long last, resources taken from the tobacco companies would be used to improve the nation's health. A state could, for example, use a portion of this money to help senior citizens pay for prescription drugs, or to provide expanded health care services to the uninsured. Funds could be used to support community health centers, to reduce public health risks, or to make health insurance more affordable.

For years, the tobacco companies callously targeted children as future smokers. The financial success of the entire industry was based upon addicting kids when they were too young to appreciate the health risks of smoking. It would be particularly appropriate for resources taken from this malignant industry to be used to give our children a healthier start in life.

Congress has an overwhelming interest in how the federal share of these dollars is used. They are Medicaid dollars. They should not be used for road repair or building maintenance. They should be used by the states to create a healthier future for all our citizens.

I thank the Senator from Pennsylvania for yielding this time.

Mr. SPECTER. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 3 minutes.

Mr. SPECTER. I yield myself 2 minutes.

Mr. President, in response to the comments by the distinguished majority leader on the obligation under this amendment to submit a plan, it is simply not so; States do not have to submit the plan to the Federal Government. All the States have to do is submit a ''report'' which shows how the funds ''have been spent.'' So there is no obligation to submit a plan.

When the distinguished majority leader talks about the temerity of the Federal Government, there is enough temerity on all sides to go around. But that is not the issue here. The States brought the lawsuits, because that is what the law requires, and the States have an obligation to abide by the decision of the Secretary of Health and Human Services, who makes the allocation.

Here we have litigation which has brought a settlement on tobacco-related causes. This is a modest approach on spending, indicating broad standards for State compliance, and only 50 percent related to tobacco. If no legislation were enacted on specifics, these funds would certainly be impressed with the trust.

When the majority leader talks about spending the funds for juvenile detention, that is very important. But that is simply not related to tobacco. When there is talk about using it for debt reduction of the States, that is very important. But it is not related to tobacco causes. These are funds produced from a tobacco settlement, and if the States do not use these funds in this way, my legal judgment is that these funds are impressed with a trust enforceable by any citizen of the State. But this is an accommodation which will allow a reasonable amount of the moneys to be used for tobacco-related purposes.

I reserve the remainder of my time.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I believe that this amendment is the worst of all worlds. It would require every State every year for 25 years to submit a plan about how it is going to spend its own money. What happens if a State legislature is not in session and the Secretary of HHS says, ''I don't think your plan meets my standards for tobacco cessation or health programs,'' and the State legislature is then in the position of losing Medicaid funds and having to call a special session to either change its programs to meet the requirements of the Secretary of HHS, or take the hit, or not serve its own people under Medicaid?

Mr. President, this is State money, it is not Federal money. There is no relationship between Medicaid in many of these State lawsuits.

I hope my colleagues will reject this amendment.

The PRESIDING OFFICER. The Senator from Pennsylvania has 1 minute.

Mr. SPECTER. Mr. President, in conclusion—the most popular words of any speech—this proposal is a very modest approach on a multibillion-dollar—$200 billion—settlement that has been brought by the chairmen and ranking members of the committees in the Senate charged with allocating funds for Health and Human Services. There is no plan which has to be submitted by the Governors. That is repeated again and again. All the Governors have to do is say how they will spend the money. I agree with the principle of leaving maximum flexibility to the States when we make allocations. But this is for a generalized purpose, and that is all we are asking for here. In light of the very substantial budgetary shortfalls, this money ought to be used, at least in part, 50 percent for the purposes of solving the problems caused by tobacco.

I yield the remainder of my time.

Mrs. HUTCHISON. Mr. President, I move to table the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas to lay on the table the amendment of the Senator from Pennsylvania. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 71, nays 29, as follows:

[Rollcall Vote No. 53 Leg.]

YEAS—71

Abraham	Fitzgerald	Lott
Allard	Frist	Lugar
Ashcroft	Gorton	Mack
Bayh	Graham	McConnell
Bennett	Gramm	Moynihan
Biden	Grams	Nickles
Bingaman	Grassley	Robb
Bond	Gregg	Roberts
Brownback	Hagel	Rockefeller
Bryan	Hatch	Roth
Bunning	Helms	Santorum
Burns	Hollings	Schumer
Campbell	Hutchinson	Sessions
Cochran	Hutchison	Shelby
Collins	Inhofe	Smith (NH)
Conrad	Inouye	Smith (OR)
Coverdell	Johnson	Snowe
Craig	Kerrey	Thomas
Crapo	Kerry	Thompson
Domenici	Kyl	Thurmond
Dorgan	Leahy	Torricelli
Edwards	Levin	Voinovich
Enzi	Lieberman	Warner
Feinstein	Lincoln	

NAYS—29

Akaka	Durbin	Murkowski
Baucus	Feingold	Murray
Boxer	Harkin	Reed
Breaux	Jeffords	Reid
Byrd	Kennedy	Sarbanes
Chafee	Kohl	Specter
Cleland	Landrieu	Stevens
Daschle	Lautenberg	Wellstone
DeWine	McCain	Wyden
Dodd	Mikulski	

The motion to lay on the table the amendment (No. 77) was agreed to.

Mr. MURKOWSKI. Mr. President, I move to reconsider the vote.

Mrs. HUTCHISON. Mr. President, I move lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MURKOWSKI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection?

Mr. MURKOWSKI. Mr. President, it is not my intention to object, but there is a matter to clear up with the leadership, if I may have 30 seconds.

Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MURKOWSKI. My preference is to continue the quorum call. I understand it has been agreed to by my colleague.

The PRESIDING OFFICER. The clerk will continue to call the roll.

The legislative clerk continued with the call of the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, the Senator from Texas, Mrs. HUTCHISON, is recognized to offer an amendment relative to Kosovo.

Mr. STEVENS. Mr. President, I ask unanimous consent that that matter be set aside and that the Senator from Arkansas be recognized for up to 15 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. LINCOLN. I thank the Senator from Alaska.

NATIONAL WOMEN'S HISTORY MONTH

Mrs. LINCOLN. Mr. President, I rise today to pay tribute to National Women's History Month. I am proud to have the privilege of being the youngest woman ever elected to serve in this great body. And I want to use the occasion of Women's History Month to recognize just a few women from Arkansas who are paving roads for others to follow. I want to thank the many women who have blazed trails for years before me in order to secure a more prominent role for women of all professions, race, or faiths. In my home state of Arkansas, there are many such examples of women who deserve notoriety.

Judge Bernice Kizer of Fort Smith was one of the first 5 women to enroll in the University of Arkansas Law School. After a brief time in private practice, she was elected to represent Sebastian County in our state legislature. During her tenure in the Arkansas General Assembly, Judge Kizer had the distinction of being appointed the first woman chairman of any legislative committee and the first woman member of the Legislative Council. She served in that capacity for 14 years, and then returned home to Sebastian County to become the first woman elected a judge in my home state of Arkansas. Judge Kizer's accomplishments are even more monumental when you understand that over the course of her 33 year career in public service, she was elected by Arkansans on 10 separate occasions without ever accepting one single campaign contribution. At the age of 83, Judge Kizer still serves as an active member of the Sebastian County Democratic Party. Judge Kizer paved the way for so many Arkansas women who are now involved in either the legislative or judicial branches of our government. On the Arkansas Supreme Court, Justice Annabelle Clinton Imber holds one of the courts seven seats. Secretary of State Sharon Priest and State Treasurer Jimmie Lou Fisher serve as two of Arkansas' constitutional officers. Today, Arkansas has 20 women who serve in our legislature.

Community service and philanthropy are two vital components of life in many of the small rural communities in Arkansas and women have helped lead the way to improve our quality of life. My home State of Arkansas ranks third in the nation for philanthropic giving. The gifts given to the people of Arkansas have consisted of civic centers, art centers, and classroom equipment just to name a few by women like Helen Walton, Bess Stephens, and Bernice Jones. These gifts have had a significant impact on the lives of all of the areas residents. Whether it be insuring a warm meal to a hungry child in the early morning or after school activities, these women have looked beyond their own world and reached out to others in need. My mother has always told me that the kindest thing you can do for someone is to do something nice for their children. And as a young mother, believing that to be true, I am grateful to these and all community activists who take the time to care for the less fortunate.

Numerous Arkansas women have ventured into previously uncharted territories and established themselves as leaders in the business communities. These women, like Patti Upton, founder of Aromatique, Inc. have served as an inspiration to our state's growing number of young women who want to pursue business careers. Patti, who began this home fragrance endeavor in her kitchen in 1982, has turned a personal hobby into an inspiring professional growth opportunity. As the current President and CEO of what has become one of the nation's leading home fragrance companies, Patti has most recently begun to share her success with the rest of the State. Under her leadership, Aromatique created a line of products that include potpourri, candles, soaps and other products that are appropriately named ''The Natural State.'' All proceeds from this product line go to support the Arkansas Nature Conservancy and recently Aromatique surpassed the million dollar mark for contributions back to this civic organization.

Arkansas is the home of other women who have had dramatic effects in the business world. Diane Heuter is President and CEO of St. Vincent Health System and Julia Peck Mobley is CEO of Commercial National Bank in Texarkana.

Mr. President, I am so proud to be able to stand here today in this historic Chamber and proclaim my full support and participation in National Women's History Month. There is no doubt that women across this Nation have made very significant contributions to our lives. Sometimes those contributions are subtle and some times they are significant, but none the less worthy of recognition. Let us celebrate the invention of bullet proof vests, fire escapes, or wind shield wipers, all of which can be credited to women in our history, as ways to promote and encourage women of future generations to rise to the level of success that I have spoken of here today. From this great Chamber, to State legislative chambers, from the boardroom to the classroom, from corporate headquarters to local Head Start, women make a difference.

I am grateful for the opportunity afforded to me by those who have gone before me, and I hope in my tenure in the United States Senate to pave the way for many more young women from the great State of Arkansas.

I yield back the remainder of my time. Thank you, Mr. President.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR FISCAL YEAR 1999

The Senate continued with the consideration of the bill.

Mr. STEVENS. Mr. President, I ask unanimous consent that the matter of the order governing the amendment of the Senator from Texas be set aside so that I may offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 80

(Purpose: To defer section 8 assistance for expiring contracts until October 1, 1999)

Mr. STEVENS. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS] proposes an amendment numbered 80.

Inset on page 43, after line 15:

''PUBLIC AND INDIAN HOUSING

''HOUSING CERTIFICATE FUND

''(DEFERRAL)

''Of the funds made available under this heading in Public Law 105–276 for use in connection with expiring or terminating section 8 contracts, $350,000,000 shall not become available until October 1, 1999.''.

On page 42, strike beginning with line 10 through the end of line 21.

Mr. STEVENS. Mr. President, this is an amendment that deals with the provision in the bill that was reported from the committee that deferred spending from the temporary assistance to needy families account.

This will defer, instead, monies from the section 8 fund of HUD. There is approximately $1.2 billion in that account. This will defer for 1 year the use of $350 million in that account. It replaces the TANF amendment in the bill. Under that amendment, we deferred until 2001 the availability of funds which are transferred to the States.

Because of the misunderstanding about that fund, I want to explain why we use that fund in the first place. I am once again alarmed over the misinformation that has been spread by some people in that entity, that agency, to try and make it look like somehow or other we took monies away from States or any specific State.

In the first place, these grant awards are made quarterly. Actual cash outlays are made, but they are not transferred to the States until the States make expenditures in their TANF programs, the Temporary Assistance to Needy Families. In other words, the States first make the payments, and we pay it back. Some people, in the House in particular, have said this a way that the States can use this money for a piggy bank. In no way can they take this money and put it into another bank account and draw interest on it if they comply with the law. That is one report I have heard—that we are preventing States from taking the money to put it into their own accounts.

We checked and we found that there was between $3 billion and $3.5 billion at the close of fiscal year 1998 in this fund. There are two quarters that have not even been distributed yet of this fiscal year 1999. And it is clear that the States have spent some money, and there is plenty of money to meet the States' expenditures and their requests for reimbursement of those expenditures. But this is not a fund that the States can come to willy-nilly and transfer the funds to their accounts.

Secondly, Mr. President, we deferred this money from obligation in this fiscal year—really until 2001, October 1, 2001.

The States would not—the bill that was reported from the committee—lose any of their funds. We, pursuant to the entitlement that was authorized, agreed that Federal funds, taxpayers' funds, in the amount of $16.5 billion, from 1997 through 2002, would be placed in this account, to be available to reimburse States for the expenditures they made for Assistance to Needy Families.

Nothing in what the Appropriations Committee did harmed that program at all. But because by October 1 another $16.5 billion would have been added to $3 billion to $3.5 billion in that account—and there has never been a drawdown at the rate that would make those funds needed within that period of time.

This is not a rainy day fund. We have been told that some people have said that States take these monies and put them in a rainy day fund to use at a later date. But the law says they can only get them to reimburse expenditures. If the administration is allowing this fund to be used as a rainy day account or a piggy bank account, it is wrong.

We have had so many calls from so many States, including my own. And I see the Senator from New York is here, and I know that they have been besieged because of their population base. Of course, they are eligible for more money from this account, more than anyone other than California. But it depends on how much they spend before they can get it back.

We made the decision to offset this bill. This is the first time we have offset totally a supplemental emergency bill. I have said to our committee, we ought to offset emergency funds with prior appropriated emergency funds and nonemergency funds with nonemergency prior appropriated funds. I think we are going to have a little discussion about that here on the floor.

But clearly what we have done, Mr. President, is we have used this bill to reprogram prior appropriated funds. These funds that were appropriated to the TANF account are sitting there waiting for the States to spend money and then come and ask for it to be repaid. The process is so rapid that the administration has not paid the first two quarters of this year yet. So this is not something we have interfered with by deferring money until the second fiscal year. Because, as I said, this account would get $16.5 billion credited to it on October 1.

What we have done is, in order to avoid this controversy—and we do not need a controversy on this bill. We need to get it done. This bill, in my opinion, is a very important bill. It will provide money for assistance because of a great natural disaster in a neighboring country in this hemisphere. The President asked us to declare that an emergency. We have taken the declaration of emergency through as far as the outlay categories are concerned, because it is very difficult to score under the budget process outlays that come from emergency accounts.

We have not taken an emergency declaration through on those things that we believe are nonemergency in terms of the authorization process. So by that I mean, I fail to understand how we should extend the concept of emergency appropriations to natural disasters off our shores. We should be able to find the money, if we want to be good humanitarian members of this hemisphere, to assist our neighbors.

I believe we should assist them. But I do not believe we should use the laws that were intended to demand taxpayers' funds immediately to meet natural disasters or declared emergencies by the President of the United States within the boundaries of our United States.

So Mr. President, I offer this amendment in the spirit of compromise, to try and take away this battle that I saw coming over the use of TANF funds. No one supports the concepts of this Temporary Assistance to Needy Families. We all know it replaced the old Aid to Families with Dependent Children, the AFDC program, that assisted so many States, including mine for so many years.

But this now is a block grant program that works in conjunction with the welfare-to-work concepts, and that is very vital for the States. We know that. And I think the fear that was engendered in those States that somehow or other we might not keep the commitment that was made, that if they make those expenditures we would repay them according to the formula under the law that was passed in 1996, the Welfare Reform Act, is unfortunate and wrong.

I hope that someone in the administration is listening. One of these days I will find some way to tweak the nose of the people who keep doing this, because they did it in the terms of border guards last week, and now they are doing it in terms of the States themselves in terms of the comments that have been made that somehow or other we were taking money that the States were entitled to; we were deferring money that they were entitled to,

which they would never get under the process of the law anyway until the time we deferred the expenditures.

As a matter of fact, some people on this side of the aisle have argued with me to say this is not a full offset because I know that I am offsetting the expenditures under this bill against a fund that would never be expended this year. That is partially true. That is why we have declared an emergency, as far as the outlays, and we have admitted that, and we have said that is the only way we can do it. But we need to do it. I hope, in particular, my new friend from New York will understand that we are doing this to meet his objections and others, and we do so in the spirit of compromise.

Thank you, Mr. President.

Mr. SCHUMER addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Thank you, Mr. President.

First, I want to, on behalf of Senator MOYNIHAN and myself, thank Chairman STEVENS, as well as Senator BYRD, for their assistance in removing the $350 million offset from the TANF, Temporary Assistance for Needy Families, account, which would have deferred the funds until 2002.

Mr. President, I and many others in New York feared that this offset set us off on the wrong course, that it would run counter to the intention of the welfare reform bill which allowed States to set aside TANF funds for use at a later date when welfare rolls would rise, such as during a future recession.

My State, as the chairman knows, was particularly affected. The State was the source of nearly a quarter, about $80 million, of the $350 million that was offset. So I am pleased that the alternative offset would shift some HUD funds from one fiscal year to the next, funds that never would have been used. We have checked with both the administration as well as our side on Housing and on Banking and on Appropriations, and they agree with that.

I say to the chairman that I appreciate very much the spirit of compromise in which this was offered. I understand his view and I will bring that message back to our State. The people of New York will now be breathing a sigh of relief that this has been replaced.

I also thank the Senator from Pennsylvania, Mr. SANTORUM, who worked with me on this. He found his State in a similar position as ours. At least for my first foray into the Senate legislative process, it has been a bipartisan and productive effort. For that, I very much thank the chairman for his understanding of our needs and yield back the remainder of my time.

Mr. STEVENS. Mr. President, I am going to ask for adoption of the amendment but I will not move to reconsider because there may be some who want to discuss this, too. I will make a motion to reconsider this later today. May I reserve the right to make that later today?

The PRESIDING OFFICER. That motion can be made today or any of the next 2 following days.

Mr. STEVENS. I shall make it this afternoon, and I ask for the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 80) was agreed to.

AMENDMENT NO. 81

(Purpose: To set forth restrictions on deployment of United States Armed Forces in Kosovo)

Mrs. HUTCHISON. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON] proposes an amendment numbered 81.

Mr. STEVENS. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 58, between lines 15 and 16, insert the following:

TITLE ____ RESTRICTIONS ON DEPLOYMENT OF UNITED STATES ARMED FORCES IN KOSOVO

SEC. ___01. SHORT TITLE.

This title may be cited as the ''_____ Act of 1999''.

SEC. ___02. DEFINITION.

In this title, the term ''Yugoslavia'' means the so-called Federal Republic of Yugoslavia (Serbia and Montenegro).

SEC. ___03. FUNDING LIMITATION.

(a) LIMITATION.—None of the funds appropriated or otherwise made available to the Department of Defense, including funds appropriated for fiscal year 1999 and prior fiscal years, may be obligated or expended for any deployment of ground forces of the Armed Forces of the United States to Kosovo unless and until—

(1) the parties to the conflict in Kosovo have signed an agreement for the establishment of peace in Kosovo;

(2) the President has transmitted to Congress the report provided for under section 8115 of Public Law 105–262 (112 Stat. 2327); and

(3) the President has transmitted to the Speaker of the House of Representatives and the President pro tempore of the Senate a report containing—

(A) a certification—

(i) that deployment of the Armed Forces of the United States to Kosovo is in the national security interests of the United States;

(ii) that—

(I) the President will submit to Congress an amended budget for the Department of Defense for fiscal year 2000 not later than 60 days after the commencement of the deployment of the Armed Forces of the United States to Kosovo that includes an amount sufficient for such deployment; and

(II) such amended budget will provide for an increase in the total amount for the major functional budget category 050 (relating to National Defense) for fiscal year 2000 by at least the total amount proposed for the deployment of the Armed Forces of the United States to Kosovo (as compared to the amount provided for fiscal year 2000 for major functional budget category 050 (relating to National Defense) in the budget that the President submitted to Congress February 1, 1999); and

(iii) that—

(I) not later than 120 days after the commencement of the deployment of the Armed Forces of the United States to Kosovo, forces of the Armed Forces of the United States will be withdrawn from on-going military operations in locations where maintaining the current level of the Armed Forces of the United States (as of the date of certification) is no longer considered vital to the national security interests of the United States; and

(II) each such withdrawal will be undertaken only after consultation with the Majority Leader of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives, and the Minority Leader of the House of Representatives;

(B) an explanation of the reasons why the deployment of the Armed Forces of the United States to Kosovo is in the national security interests of the United States;

(C) the total number of the United States military personnel that are to be deployed in Kosovo and the number of personnel to be committed to the direct support of the international peacekeeping operation in Kosovo, including ground troops, air support, logistics support, and intelligence support;

(D) the percentage that the total number of personnel of the United States Armed Forces specified in subparagraph (C) bears to the total number of the military personnel of all NATO nations participating in the international peacekeeping operation in Kosovo;

(E) a description of the responsibilities of the United States military force participating in the international peacekeeping operation to enforce any provision of the Kosovo peace agreement; and

(F) a clear identification of the benchmarks for the withdrawal of the Armed Forces of the United States from Kosovo, together with a description of those benchmarks and the estimated dates by which those benchmarks can and will be achieved.

(b) CONSULTATION.—

(1) IN GENERAL.—Prior to the conduct of any air operations by the Armed Forces of the United States against Yugoslavia, the President shall consult with the joint congressional leadership and the chairmen and ranking minority members of the appropriate congressional committees with respect to those operations.

(2) DEFINITIONS.—In this subsection:

(A) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(i) the Committee on Appropriations, the Committee on Armed Services, the Committee on International Relations, and the Permanent Select Committee on Intelligence of the House of Representatives; and

(ii) the Committee on Appropriations, the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate.

(B) JOINT CONGRESSIONAL LEADERSHIP.—The term ''joint congressional leadership'' means—

(i) the Speaker of the House of Representatives and the Majority Leader and the Minority Leader of the House of Representatives; and

(ii) the Majority Leader and the Minority Leader of the Senate.

SEC. ___04. REPORT ON PROGRESS TOWARD MEETING BENCHMARKS.

Thirty days after the date of enactment of this Act, and every 60 days thereafter, the President shall submit to Congress a detailed report on the benchmarks that are established to measure progress and determine the withdrawal of the Armed Forces of the United States from Kosovo. Each report shall include—

(1) a detailed description of the benchmarks for the withdrawal of the Armed Forces from Kosovo;

(2) the objective criteria for evaluating successful achievement of the benchmarks;

(3) an analysis of the progress made in achieving the benchmarks;

(4) a comparison of the current status on achieving the benchmarks with the progress described in the last report submitted under this section;

(5) the specific responsibilities assigned to the implementation force in assisting in the achievement of the benchmarks;

(6) the estimated timetable for achieving the benchmarks; and

(7) the status of plans and preparations for withdrawal of the implementing force once the objective criteria for achieving the benchmarks have been met.

SEC. ___05. STATUTORY CONSTRUCTION.

Nothing in this title restricts the authority of the President to protect the lives of United States citizens.

Mr. STEVENS. Mr. President, I ask unanimous consent the amendment now be laid aside and no call for regular order, except one made by myself or the mover of the amendment, the Senator from Texas, serve to bring back the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 82 THROUGH 88, EN BLOC

Mr. STEVENS. Mr. President, I have a package of amendments that have been cleared and I would like to say for the record what they are. They are:

An amendment by Senator MCCAIN to extend the Aviation Insurance Program through May 31, 1999.

An amendment by Senator GRASSLEY providing $1.4 million to expedite adjudication of civil monetary penalties by the Health and Human Services Appeal Board. It also provides for an offset for that amount of $1.4 million.

We have Senator SHELBY's amendment which makes a technical correction to title IV.

We have an amendment by Senator BYRD making a technical correction to the Emergency Steel Loan Guarantee Program in the bill.

An amendment by Senator FRIST and Senator THOMPSON providing $3.2 million for repairs to Jackson, TN, Army aviation facility damaged by a tornado in January. It also provides for an offset in the same amount.

An amendment by myself for a technical correction to the current year, 1999's Commerce-Justice-State bill, and provides for rules on the taking of Beluga whales.

I send these amendments to the desk and ask unanimous consent that they be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for himself, Mr. MCCAIN, Mr. GRASSLEY, Mr. SHELBY, Mr. BYRD, Mr. FRIST and Mr. THOMPSON, proposes amendments numbered 82 through 88, en bloc, as follows:

AMENDMENT NO. 82

(Purpose: To extend the aviation insurance program through May 31, 1999)

At the appropriate place, insert the following:

SEC. 17. EXTENSION OF AVIATION INSURANCE PROGRAM.

Section 44310 of title 49, United States Code, is amended by striking ''March 31, 1999.'' and inserting ''May 31, 1999.''.

AMENDMENT NO. 83

(Purpose: Expediting adjudication of civil monetary penalties by the Department of Health and Human Services Appeals Board)

On page 29, insert after line 10:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

OFFICE OF THE SECRETARY

GENERAL DEPARTMENTAL MANAGEMENT

For an additional amount for ''general departmental management'', $1,400,000, to reduce the backlog of pending nursing home appeals before the Departmental Appeals Board.

On page 42, line 8, strike $3,116,076,000 and insert $3,114,676,000

On page 42, line 9, strike $164,933,000 and insert $163,533,000.

Mr. GRASSLEY. Mr. President, I am offering this amendment to speed up adjudication, by the appeals board of the Department of Health and Human Services, of appeals from nursing facilities of civil monetary penalties levied by the Health Care Financing Administration (HCFA) for violations of standards established pursuant to the Nursing Home Reform Act of 1987. Currently, there is a substantial backlog of some 701 such cases. Delay in final adjudication of such cases subverts the purpose and effect of civil monetary penalties, delaying corrective action, and improvements in the quality of care offered by nursing facilities. Delays in adjudication of these cases also burdens nursing facilities through additional legal fees and the perpetuation of uncertainty caused by unresolved disputes.

The number of such cases filed each year by nursing facilities has increased each year since 1995, the year when regulations for the Nursing Home Reform Act's enforcement standards went into effect. Currently, as I noted earlier in my statement, there are 701 such cases pending.

Mr. President, the steady increase in appeals of civil monetary penalties since 1995 shows the effect of increased use, by the States and HCFA, of the enforcement regulations which went into effect in 1995. Nevertheless, in hearings I held in the Special Committee on Aging last July, the General Accounting Office reported that nursing facilities providing poor quality of care regularly escaped sanctions which could cause care to be improved. The pattern seemed to be that a facility would be sanctioned for poor quality of care, be required to attest in writing through a plan of correction that steps had been taken to improve care, and then be found deficient on the next visit from State officials. This pattern often continued for long periods of time. And when sanctions such as civil monetary penalties were levied by HCFA, the sanctioned facilities would appeal, causing lengthy delays in final resolution of the case.

One week before my July hearings, President Clinton launched a variety of new initiatives designed to improve the quality of care in nursing facilities. Among those new initiatives was one designed to eliminate paper compliance with quality standards and to proceed more quickly to sanctions for those homes with a history of poor care.

The upshot of oversight by the Special Committee on Aging and the Presidential initiatives is that there has been a substantial increase thus far in 1999 of appeals of civil monetary penalties by nursing facilities.

Certainly, facilities have the right to appeal sanctions levied by HCFA. But it is also important that appeals be heard and resolved in a reasonable amount of time. Delay subverts improvement in the quality of care in nursing facilities as real deficiencies go uncorrected. Delay also slows the development of precedents which would clarify outstanding issues. Slow development of such precedents encourages facilities and their legal representatives to file appeals because guidance as to the worthiness of an appeal is lacking. And, as the body of precedents becomes more complete, adjudication of cases becomes speedier.

The root problem has been that the departmental appeals board does not have sufficient resources to keep up with the increase in new cases, to say nothing of working off the current backlog of cases. I am given to understand that, at the present time about 25 new cases are filed with the appeals board each week. As will be clear from the table I am attaching to my statement, the number of cases decided each year has averaged around 23 for the last 3 years. Clearly, the board is swamped and needs help.

The President's budget for fiscal year 2000 proposes $2.8 million for the board. Were the Congress to provide those funds, it will certainly take time for the appeals board to gear up and begin to speed up adjudication of appeals.We can't wait to begin addressing this problem, Mr. President. The amendment I offer would provide $1.4 million to be made available through the supplemental appropriation we are now considering. I have not proposed to provide the full $2.8 million the President's budget proposes for the next fiscal year because the appeals board could not effectively spend that amount in what remains of the fiscal year. Therefore, I have essentially prorated that amount over the time remaining in this fiscal year.

AMENDMENT NO. 84

At the appropriate place in the bill, insert:

SEC. . TITLE 49 RECODIFICATION CORRECTION.—Effective December 31, 1998, section 4(k) of the Act of July 5, 1994 (Public Law 103–272, 108 Stat. 1370), as amended by section 7(a)(3)(D) of the Act of October 31, 1994 (Public Law 103–429, 108 Stat. 4329), is repealed.

AMENDMENT NO. 85

(Purpose: To make a technical correction)

On page 16, strike beginning with line 12 through page 23, line 8, and insert the following:

EMERGENCY STEEL LOAN GUARANTEE PROGRAM. (a) SHORT TITLE.—This section may be cited as the ''Emergency Steel Loan Guarantee Act of 1999''.

(b) CONGRESSIONAL FINDINGS.—Congress finds that—

(1) the United States steel industry has been severely harmed by a record surge of more than 40,000,000 tons of steel imports into the United States in 1998, caused by the world financial crisis;

(2) this surge in imports resulted in the loss of more than 10,000 steel worker jobs in 1998, and was the imminent cause of 3 bankruptcies by medium-sized steel companies, Acme Steel, Laclede Steel, and Geneva Steel;

(3) the crisis also forced almost all United States steel companies into—

(A) reduced volume, lower prices, and financial losses; and

(B) an inability to obtain credit for continued operations and reinvestment in facilities;

(4) the crisis also has affected the willingness of private banks and investment institutions to make loans to the U.S. steel industry for continued operation and reinvestment in facilities;

(5) these steel bankruptcies, job losses, and financial losses are also having serious negative effects on the tax base of cities, counties, and States, and on the essential health, education, and municipal services that these government entities provide to their citizens; and

(6) a strong steel industry is necessary to the adequate defense preparedness of the United States in order to have sufficient steel available to build the ships, tanks, planes, and armaments necessary for the national defense.

(c) DEFINITIONS.—For purposes of this section—

(1) the term ''Board'' means the Loan Guarantee Board established under subsection (e);

(2) the term ''Program'' means the Emergency Steel Guaranteed Loan Program established under subsection (d); and

(3) the term ''qualified steel company'' means any company that—

(A) is incorporated under the laws of any State;

(B) is engaged in the production and manufacture of a product defined by the American Iron and Steel Institute as a basic steel mill product, including ingots, slab and billets, plates, flat-rolled steel, sections and structural products, bars, rail type products, pipe and tube, and wire rod; and

(C) has experienced layoffs, production losses, or financial losses since the beginning of the steel import crisis, after January 1, 1998.

(d) ESTABLISHMENT OF EMERGENCY STEEL GUARANTEED LOAN PROGRAM.—There is established the Emergency Steel Guaranteed Loan Program, to be administered by the Board, the purpose of which is to provide loan guarantees to qualified steel companies in accordance with this section.

(e) LOAN GUARANTEE BOARD MEMBERSHIP.—There is established a Loan Guarantee Board, which shall be composed of—

(1) the Secretary of Commerce, who shall serve as Chairman of the Board;

(2) the Secretary of Labor; and

(3) the Secretary of the Treasury.

(f) LOAN GUARANTEE PROGRAM.—

(1) AUTHORITY.—The Program may guarantee loans provided to qualified steel companies by private banking and investment institutions in accordance with the procedures, rules, and regulations established by the Board.

(2) TOTAL GUARANTEE LIMIT.—The aggregate amount of loans guaranteed and outstanding at any 1 time under this section may not exceed $1,000,000,000.

(3) INDIVIDUAL GUARANTEE LIMIT.—The aggregate amount of loans guaranteed under this section with respect to a single qualified steel company may not exceed $250,000,000.

(4) MINIMUM GUARANTEE AMOUNT.—No single loan in an amount that is less than $25,000,000 may be guaranteed under this section.

(5) TIMELINES.—The Board shall approve or deny each application for a guarantee under this section as soon as possible after receipt of such application.

(6) ADDITIONAL COSTS.—For the additional cost of the loans guaranteed under this subsection, including the costs of modifying the loans as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a), there is appropriated $140,000,000 to remain available until expended.

(g) REQUIREMENTS FOR LOAN GUARANTEES.—A loan guarantee may be issued under this section upon application to the Board by a qualified steel company pursuant to an agreement to provide a loan to that qualified steel company by a private bank or investment company, if the Board determines that—

(1) credit is not otherwise available to that company under reasonable terms or conditions sufficient to meet its financing needs, as reflected in the financial and business plans of that company;

(2) the prospective earning power of that company, together with the character and value of the security pledged, furnish reasonable assurance of repayment of the loan to be guaranteed in accordance with its terms;

(3) the loan to be guaranteed bears interest at a rate determined by the Board to be reasonable, taking into account the current average yield on outstanding obligations of the United States with remaining periods of maturity comparable to the maturity of such loan; and

(4) the company has agreed to an audit by the General Accounting Office, prior to the issuance of the loan guarantee and annually while any such guaranteed loan is outstanding.

(h) TERMS AND CONDITIONS OF LOAN GUARANTEES.—

(1) LOAN DURATION.—All loans guaranteed under this section shall be payable in full not later than December 31, 2005, and the terms and conditions of each such loan shall provide that the loan may not be amended, or any provision thereof waived, without the consent of the Board.

(2) LOAN SECURITY.—Any commitment to issue a loan guarantee under this section shall contain such affirmative and negative covenants and other protective provisions that the Board determines are appropriate. The Board shall require security for the loans to be guaranteed under this section at the time at which the commitment is made.

(3) FEES.—A qualified steel company receiving a guarantee under this section shall pay a fee in an amount equal to 0.5 percent of the outstanding principal balance of the guaranteed loan to the Department of the Treasury.

(i) REPORTS TO CONGRESS.—The Secretary of Commerce shall submit to Congress annually, a full report of the activities of the Board under this section during fiscal years 1999 and 2000, and annually thereafter, during such period as any loan guaranteed under this section is outstanding.

(j) SALARIES AND ADMINISTRATIVE EXPENSES.—For necessary expenses to administer the Program, $5,000,000 is appropriated to the Department of Commerce, to remain available until expended, which may be transferred to the Office of the Assistant Secretary for Trade Development of the International Trade Administration.

(k) TERMINATION OF GUARANTEE AUTHORITY.—The authority of the Board to make commitments to guarantee any loan under this section shall terminate on December 31, 2001.

(*l*) REGULATORY ACTION.—The Board shall issue such final procedures, rules, and regulations as may be necessary to carry out this section not later than 60 days after the date of enactment of this Act.

(m) EMERGENCY DESIGNATION.—The entire amount made available to carry out this section—

(1) is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)); and

(2) shall be available only to the extent that an official budget request that includes designation of the entire amount of the request as an emergency requirement (as defined in the Balanced Budget and Emergency Deficit Control Act of 1985) is transmitted by the President to Congress.

AMENDMENT NO. 86

(Purpose: To increase, with a rescission, the supplemental appropriations for fiscal year 1999 for military construction for the Army National Guard)

On page 30, line 1, strike ''$11,300,000'' and insert ''$14,500,000''.

On page 43, line 12, strike ''$11,300,000'' and insert ''$14,500,000''.

AMENDMENT NO. 87

At the appropriate place in the bill, insert:

SEC. . Notwithstanding any other provision of law, the taking of a Cook Inlet beluga whale under the exemption provided in section 101(b) of the Marine Mammal Protection Act (16 U.S.C. 1371(a)) between the date of the enactment of this Act and October 1, 2000 shall be considered a violation of such Act unless such taking occurs pursuant to a cooperative agreement between the National Marine Fisheries Service and Cook Inlet Marine Mammal Commission.

AMENDMENT NO. 88

At the appropriate place in the bill, insert:

SEC. . Funds provided in the Department of Commerce, Justice and State, the Judiciary, and Related Agencies Appropriations Act, 1999 (P.L. 105–277, Division A, Section 101(b)) for the construction of correctional facility in Barrow, Alaska shall be made available to the North Slope Borough.

The PRESIDING OFFICER. Without objection, the amendments are agreed to en bloc.

The amendments (Nos. 82 through 88) were agreed to.

Mr. STEVENS. Mr. President, the Senator from Arkansas, Mr. HUTCHINSON, is here and he will offer an amendment. After he has presented his amendment, I state to the Senator it will be my intention to move to table his amendment.

I ask unanimous consent that the vote on that motion to table and the vote on the motion to table the Harkin amendment occur at 2:30.

Mr. HARKIN. Torricelli.

Mr. STEVENS. Torricelli/Harkin amendment occur at 2:30.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I thank the Chair.

Mr. HUTCHINSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

AMENDMENT NO. 89

(Purpose: To require prior congressional approval before the United States supports the admission of the People's Republic of China into the World Trade Organization)

Mr. HUTCHINSON. I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Arkansas [Mr. HUTCHINSON] proposes an amendment numbered 89.

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following new section:

SEC. ___. PRIOR CONGRESSIONAL APPROVAL FOR SUPPORTING ADMISSION OF CHINA INTO THE WTO.

(a) IN GENERAL.—Notwithstanding any other provision of law, the United States may not support the admission of the People's Republic of China as a member of the World Trade Organization unless a provision of law is passed by both Houses of Congress and enacted into law after the enactment of this Act that specifically allows the United States to support such admission.

(b) PROCEDURES FOR CONGRESSIONAL APPROVAL OF UNITED STATES SUPPORT FOR ADMISSION OF CHINA INTO THE WTO.—

(1) NOTIFICATION OF CONGRESS.—The President shall notify the Congress in writing if the President determines that the United States should support the admission of the People's Republic of China into the World Trade Organization.

(2) SUPPORT OF CHINA'S ADMISSION INTO THE WTO.—The United States may support the admission of the People's Republic of China into the World Trade Organization if a joint resolution is enacted into law under subsection (c) and the Congress adopts and transmits the joint resolution to the President before the end of the 90-day period (excluding any day described in section 154(b) of the Trade Act of 1974), beginning on the date on which the Congress receives the notification referred to in paragraph (1).

(c) JOINT RESOLUTION.—

(1) JOINT RESOLUTION.—For purposes of this section, the term ''joint resolution'' means only a joint resolution of the 2 Houses of Congress, the matter after the resolving clause of which is as follows: ''That the Congress approves the support of the United States for the admission of the People's Republic of China into the World Trade Organization.''.

(2) PROCEDURES.—

(A) IN GENERAL.—A joint resolution may be introduced at any time on or after the date on which the Congress receives the notification referred to in subsection (b)(1), and before the end of the 90-day period referred to in subsection (b)(2). A joint resolution may be introduced in either House of the Congress by any member of such House.

(B) APPLICATION OF SECTION 152.—Subject to the provisions of this subsection, the provisions of subsections (b), (d), (e), and (f) of section 152 of the Trade Act of 1974 (19 U.S.C. 2192(b), (d), (e), and (f)) apply to a joint resolution under this section to the same extent as such provisions apply to resolutions under section 152.

(C) DISCHARGE OF COMMITTEE.—If the committee of either House to which a joint resolution has been referred has not reported it by the close of the 45th day after its introduction (excluding any day described in section 154(b) of the Trade Act of 1974), such committee shall be automatically discharged from further consideration of the joint resolution and it shall be placed on the appropriate calendar.

(D) CONSIDERATION BY APPROPRIATE COMMITTEE.—It is not in order for—

(i) the Senate to consider any joint resolution unless it has been reported by the Committee on Finance or the committee has been discharged under subparagraph (C); or

(ii) the House of Representatives to consider any joint resolution unless it has been reported by the Committee on Ways and Means or the committee has been discharged under subparagraph (C).

(E) CONSIDERATION IN THE HOUSE.—A motion in the House of Representatives to proceed to the consideration of a joint resolution may only be made on the second legislative day after the calendar day on which the Member making the motion announces to the House his or her intention to do so.

(3) CONSIDERATION OF SECOND RESOLUTION NOT IN ORDER.—It shall not be in order in either the House of Representatives or the Senate to consider a joint resolution (other than a joint resolution received from the other House), if that House has previously adopted a joint resolution under this section.

Mr. HARKIN. Mr. President, parliamentary inquiry, if I might.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. I am just trying to find out from the Senator, is there a time allotment or not?

Mr. STEVENS. When the Senator finishes, I will make a motion to table. It should be about 1 o'clock.

Mr. HARKIN. I just didn't know——

Mr. STEVENS. Mr. President, we have not asked for a time limitation on the Senator making his presentation, but he knows that as soon as he finishes, I will make a motion to table.

Mr. HARKIN. The Senator is going to table both at 2:30?

Mr. STEVENS. Mr. President, I will make a motion to table the amendment of the Senator from Arkansas, and after the Senator from Iowa, I will make a motion, but I got unanimous consent that those votes occur at 2:30.

Mr. HARKIN. That is fine with me. I just wanted to make sure.

Mr. BAUCUS. Mr. President, who has the floor?

Mr. STEVENS. The Senator from Arkansas has the floor.

The PRESIDING OFFICER. The Senator from Arkansas has the floor.

Mr. BAUCUS. Mr. President, will the Senator yield for a question—for a parliamentary inquiry?

Mr. HUTCHINSON. I will be glad to yield.

Mr. BAUCUS. I understand the distinguished Senator from Alaska is saying he is going to move to table. I would like to speak on the amendment, but the Senator is moving to table as soon as the Senator is finished.

Mr. STEVENS. Mr. President, I would be pleased if the Senator would agree to try to reach a time agreement on that, because we have other Senators wishing to offer amendments this afternoon also.

Mr. President, may I ask the Senator, first, that the Senator yield to me? I apologize.

Mr. HUTCHINSON. I will be glad to yield to the distinguished chairman.

Mr. STEVENS. How much time would the Senator like to have?

Mr. HUTCHINSON. I think for my presentation I probably only need 15 minutes. If there are those who speak against the amendment, I would like to yield proportionally then.

Mr. STEVENS. Mr. President, if I still have the floor, how much time does the Senator from Montana seek?

Mr. BAUCUS. I was thinking of 10, 15 minutes.

Mr. STEVENS. Could we have an agreement that there be 30 minutes on this amendment? Is the Senator from Montana speaking against the amendment?

Mr. BAUCUS. I am speaking against the amendment.

The PRESIDING OFFICER. Is there objection?

Mr. BAUCUS. Mr. President, reserving the right to object——

Mr. STEVENS. I am seeking a limitation of 30 minutes on the amendment, that the time following that time to be—I will make a motion to table, only a motion to table be in order.

The PRESIDING OFFICER. Is there objection? Without objection——

Mr. STEVENS. Mr. President, I am informed that Senators ROTH and MOYNIHAN wish to speak, and I ask unanimous consent that the time be expanded to 40 minutes to be followed only by a motion to table offered by me.

Mr. HUTCHINSON. Reserving the right to object.

Mr. STEVENS. Forty-five minutes. The Senator wants to close.

Mr. HUTCHINSON. I suspect the others the Senator mentioned are going to speak in opposition. There are some who might want to speak in favor. If we are going to extend the time afforded Senators who want to speak against, I think we might have trouble extending the time with that restriction.

Mr. STEVENS. Mr. President, I do desire to limit the time if possible, so we can have a vote when the Senate comes back out of that conference.

Could we agree to 30 minutes on a side? Is there objection to 30 minutes on a side? I renew my request——

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. The agreement then is 1 hour equally divided?

The PRESIDING OFFICER. That is correct.

Mr. STEVENS. I thank the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. I thank the Chair.

This is a very straightforward amendment that simply says that before China can be admitted to the World Trade Organization, there will have to be a joint resolution passed by the Congress supporting that accession of China to the World Trade Organization.

It is very simple. It is simply saying we should have a voice in this. We should not have the administration arbitrarily and unilaterally making a very, very significant and major decision without the input of the U.S. Congress and this body. It does not prejudge what should happen. It does not say whether China should be in or not. There may be very compelling arguments that could be presented in such a debate. But it does say that before China is admitted to the World Trade Organization, every Senator in this body ought to have an opportunity to look at the evidence and have a say in the outcome of that debate. That is why we need this amendment, because Congress needs to, once again, assert its constitutional responsibility in the area of foreign commerce.

I believe we must do it now for a couple of reasons. It is the only opportunity we are going to have before the recess, and our only opportunity before Zhu Rongji visits this Nation next month. He will come during our Easter recess. So, if Congress is going to have any kind of statement on this, if we are going to be able to take any kind of action on this, we must take it now.

I know some of my colleagues will say this should have gone through committee. In an ideal world I would agree. It is very straightforward. I do not think it would require a great deal of debate, as to whether someone is for it or against it, but ideally that is where it should have gone. But, once again, the stream of negotiations that have taken place in recent weeks between our country and the Chinese Government, with our officials going to China—Deputy Treasury Secretary Larry Summers, Secretary of State Albright, U.S. Trade Representative Charlene Barshefsky have all been making repeated trips to China—negotiating, obviously; attempting to broker a deal on the World Trade Organization accession of China.

If we wait for an announcement by the administration that a deal has been reached, an announcement by the administration that the outlines of an agreement have been reached, we will make China's membership in the WTO a fait accompli. Any effort to stop it after the fact, after the negotiations are completed and after an agreement has been announced, I think will be too late for this body to really make a difference.

The amendment is, as I said, very straightforward. It would require a joint resolution to be passed before the United States could support admission of China into the WTO. Again, it does not preclude our support for China's entry. It simply sends a clear statement that Congress should be involved in the process of deciding U.S. support for China's accession into the WTO. The administration should not make any hasty deals with China. We must give careful consideration to the timing as well as to the consequences of Chinese accession. Congress must be thoroughly involved in that debate.

We cannot negotiate a trade deal with the most populous nation in the world, and, as we hear so often, the largest market in the world, in a vacuum. There are certain facts that we must face; there is a political environment in which all of these negotiations are occurring. The Chinese have used espionage to obtain important nuclear secrets from the United States. That is a matter that must be fully investigated. I believe it will be. I believe the appropriate oversight committees are moving expeditiously to investigate. But it certainly is not going to happen before we go out on the Easter recess. We may have hearings next week, but we will not see the end of this, we will not have all the facts on the table, before the Easter recess and before Zhu Rongji visits this country.

Another fact that faces us is our trade deficit with the Chinese is at an alarming all-time high of $56.9 billion for 1998. It is rising exponentially every year. That reality ought to cause us to pause before we see the administration rush into a WTO deal. The Chinese continue to keep many of their markets closed, particularly to our agricultural sector, our farmers, who are in such crisis.

The Chinese have signed and blatantly disregarded the International Covenant on Civil and Political Rights and have engaged in a widespread crackdown on prodemocracy activists in China, effectively silencing all political dissent. We cannot give WTO membership in a vacuum, ignoring all other realities that face us. The 1999 State Department report on China, released in the last few weeks, demonstrably proves China's ignoring of the very covenant on civil and political rights that they signed last year. If we cannot trust them to live up to a human rights covenant that they signed, how can we assume they are going to live according to the rules and the obligations of the World Trade Organization? There is an issue of trust. They have not justified the trust we would show in placing them in the World Trade Organization.

Article I of the Constitution gives Congress express power over foreign commerce. There is no question but that this is our right. There is no question in this Senator's mind that it is our responsibility to step forward and say: WTO membership for China will not be granted without a debate in the House and Senate and a joint resolution.

There are serious questions that the House and the Senate need to address. For us to sit back and go off on our Easter vacation, to go off on recess, to hold our town meetings or to take our trips around the world, and to have been silent on this issue, I think, at this time, will be indefensible. I suspect there will be some kind of announcement on the U.S. position on China's membership in the WTO while we are gone. Then we would never have had the opportunity to debate very important questions.

I do not have all of the answers to these questions, but I know they are serious questions and I know the Senator from Montana, the Senator from Alabama, who was on the floor just a moment ago, and myself ought to have a right, before we have the United States taking a position on WTO membership, to debate that on the floor of the Senate, to thoroughly examine the questions that have not yet been answered.

One question I would have is this: Are we lowering the WTO bar for China, to rush them into membership?

Since 1995, four countries have completed negotiations on accession protocol: Ecuador, Mongolia, Bulgaria, and Panama. All four of these nations were required to eliminate, on the date of accession or with very short transitions, trade practices that were incompatible with WTO rules. That has been the standard. Since 1995 the four nations that have sought to enter the WTO have been required to eliminate their trade practices that were incompatible with WTO rules. But China has firmly and continuously and repeatedly said they want a different standard. They want a longer transition period. They do not want to meet those WTO rules at the time of or soon after their accession to the WTO. That is a question I believe this body deserves the opportunity to investigate and debate thoroughly before we announce a national position regarding China's admission.

Another question I think is a serious question for debate: Are we allowing China into the WTO before they have made the kind of market reforms to bring them into conformity with WTO standards? The administration argues if we will just let China in, we will have greater influence on China's reform efforts than we do now while they are outside of the World Trade Organization. I suppose that is debatable. But we ought to have the opportunity to have that debate.

In my estimation, our influence on China would be far greater before they are admitted to the World Trade Organization than afterwards. Our ability to influence the kind of reforms the World Trade Organization would desire will be far greater if we say you are going to accrue the benefits of trade under the WTO only after these market reforms have taken place, these trade barriers have been lowered. Reforms should first be enacted, changes should first occur, and then membership should be granted —not vice versa.

I think this question deserves debate: Can China be trusted on trade issues? When we look at our exploding trade deficit with China, can they be trusted on trade issues if admitted to the World Trade Organization, or will we admit them to the World Trade Organization and then find them cavalierly ignoring the standards and the rules of the World Trade Organization? Our administration's own Trade Representative Barshefsky stated in her testimony, a little over 2 years ago, in reference to China, that ''China imposes new import barriers to replace those it removed.'' In other words, there can be the appearance of reform taking place, but if there are new barriers that are being erected while the old ones are being brought down, you really have not achieved the reforms necessary for World Trade Organization membership.

China has almost one-third of its industrial production controlled by the state. Almost two-thirds of urban workers are employed in state-owned enterprises. These state-owned enterprises are notorious for their ability to destroy wealth. Some economists estimate that it would be cheaper for China to close down their state-owned enterprises and keep paying the workers—close down the enterprises, go ahead and pay them their salaries, they would still come out ahead, than to keep operating. But because the state-owned enterprises would be vulnerable to foreign competition, the Chinese Government has a strong disincentive to the state-owned enterprises that are heavily subsidized through China's centralized and insolvent banking system.

One of the pledges that the Chinese Government made was that they would rapidly privatize the state-owned enterprises, shutting down those that they had to, privatizing others, allowing them to create capital by selling stock, but because of the recent economic downturn in China in which their robust growth rate has dropped appreciably, China now has backed off that pledge and has once again begun a round of bank loans to these very unprofitable, state-owned enterprises to subsidize them and to keep them in business.

This is backpedaling already on the kinds of reforms that would be expected if China were in fact ready for admission to the World Trade Organization.

Another question that this body needs to debate is, Should China be admitted as a developing country with far less stringent expectations and longer transition than allowed for other nations? That is what they desire. They say we are a developing Nation; therefore, we should be treated more leniently. They base their claim primarily upon their per capita gross domestic product. By every other measure, China is a major economic power in the world today and they want to be treated as such. They want to be recognized as a major economic power.

China will argue that as a developing country, they are entitled to use subsidies. They are entitled to put limits on exports and other policies to promote development of certain key industries such as automobiles and telecommunications and heavy industrial equipment.

China maintains that such programs are a part of China's industrial policy and not related to its application to the World Trade Organization. Many trade officials simply disagree with that assertion by the Chinese Government. That is a question and that is an issue the Senate should have the opportunity to debate, not after the fact but before China is admitted to the World Trade Organization and before the U.S. Government announces its position on Chinese accession.

A WTO paper, prepared in response to a request from Chinese negotiators, suggested that industrial policies in China and other countries could violate the basic principles of nondiscrimination and national treatment and other WTO rules. They are not in compliance. They are not ready to join the WTO. Political considerations should not be the driving force in rushing China into the WTO before they have made necessary reforms.

Another question I believe we should debate is this: Should China be given membership in WTO before Taiwan, which is simultaneously seeking membership? Will it be the position of the U.S. Government that we support the admission of People's Republic of China to the World Trade Organization while not yet supporting Taiwan's admission? Which one should be admitted first? I think that is an important issue. I think that is one my colleagues in the Senate deserve to have the opportunity to discuss thoroughly.

Many believe that once China is admitted, they will work feverishly to block Taiwan's entry, even though Taiwan is a much more developed Nation, has a much more developed economy, and an economy which is much more consistent with WTO rules. Yet without a vote of the Senate or a vote of the House, this administration is prepared to support the admission of China to the WTO before Taiwan's admission.

I believe this question deserves debate as well: Will a premature entry by China into WTO hurt American business interests? I know that large corporate interests in this country support China's immediate accession to WTO, but many business people in this country have serious concerns as to how China's admission to WTO will impact them. U.S. business interests often want permanent MFN for China and would like to use an agreement on WTO, I believe, as a means to push for this goal, but many of these business interests are also concerned that China's WTO accession, without meeting market access and other requirements, would seriously limit U.S. business access to the Chinese market for a long time to come. The very access that American business wants so desperately, we would be locked out of that access permanently or for a long duration should they be admitted to the World Trade Organization before they have met market access rules. As a result, many U.S. interests are pushing U.S. negotiators to remain firm, to stand pat, and not concede on the conditions of China's entry into the World Trade Organization.

I believe another question that this body needs to debate is, How will WTO admission for China affect jobs? Indeed, we should consider how it would affect our jobs here in the United States.

I remind my colleagues, contained in this very supplemental appropriations bill, which we are soon prepared to vote on, is a measure to assist the U.S. steel industry and the jobs that go with it. Some of those jobs are in my home State of Arkansas, Mississippi County, Blytheville, AR, the No. 2 ranked county in the Nation in steel production. According to the Department of Commerce, last year alone the U.S.-China trade deficit in iron and steel was a $161 million loser for the United States. The year before that the U.S. realized a steel trade deficit of $141 million, and in 1996 the deficit was $140 million. Each year the deficit in iron and steel increases dramatically.

My point is, this Congress should have a say in whether we allow an agreement to be made when our trade imbalance is what we experience, even without granting China World Trade Organization status.

At the appropriate time, I would like to see China join the World Trade Organization and abide by its rules. I do not believe China is ready at this time to go beyond paying lip service to the fundamental changes necessary for accession, though I know some of my colleagues do believe that they are ready. However, I believe we can all agree that we ought not make this decision hastily. The consequences are too great and long lasting and, just as importantly, we ought not let the executive branch make this determination unilaterally.

Article 1 of the Constitution gives to us, the Congress, the express power over foreign commerce. This decision is too important for us to cede that power, and this amendment is a means by which we can preserve our legitimate role in the legislative branch.

Mr. President, I reserve the remainder of my time, and I inquire how much time remains?

The PRESIDING OFFICER. There are 11 minutes 15 seconds remaining.

Mr. HUTCHINSON. I thank the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, the Senator from Arkansas raises obviously a very important question, and that is, essentially, the terms under which the

United States should agree to help encourage China to be a member or accede to the WTO. It is obviously important because China, particularly in the next century, is going to be a very important country. It is now the largest country in the world, the most populous, the largest standing army, a nuclear power, one of the fastest growing ''developing countries,'' thousands of years of history, a very proud people. We in the United States clearly must be very careful and clear headed in our relationship with such a country, particularly when the question arises as to the terms under which China would accede to the WTO.

It is also true that under the Constitution, the U.S. Congress provides that the Congress essentially set trade policy. That is true. But the use of power is a very important matter. Sometimes it is important to use power that is entrusted to one. Sometimes it is important to forebear the use of power that is entrusted to one.

Certainly, Congress has the authority to pass the amendment suggested by the Senator from Arkansas. But that is not the question. The real question is, Should Congress adopt that amendment?

In my judgment, it has the ring of simplicity which often sounds good, but when one thinks about it a little bit more deeply and what the consequences of that amendment would be, it, at the very least, causes people to pause and, in my judgment, causes Senators to not support the amendment.

I am reminded of a statement by H.L. Mencken, a famous Baltimore Sun journalist: ''For every complicated problem, there is a simple solution, but it is usually wrong.''

That is this case. There is a complicated problem—China and our trade relationship—and the simple solution to some degree is, ''Congress should vote on whether to admit China to the WTO or not.''

This would set new precedent, a groundbreaking and very alarming precedent. In each of the previous 110 cases where countries have acceded to the GATT, or to the WTO, there has not been a congressional vote. Congress has never voted on whether a country should accede to the GATT, currently to the WTO. That is an executive decision.

There is a good reason why Congress has not voted in the past. Essentially, it is for the reasons suggested already by the Senator from Arkansas, because if we were to vote on whether China should accede to the WTO, that vote would essentially be a vote not on WTO, but it would be a vote on our ''overall China policy.'' It would include countless other relationships that we have with China.

The Senator from Arkansas already mentioned them. Human rights, for example. The Senator is very upset with China's human rights policy. He said that should be looked into. He implied looking into it in the context of this debate.

I, too, am upset with China's human rights policy. I daresay every Member of the Senate is upset with China's human rights policy. But are those issues considered in trade negotiations? Are they considered by the World Trade Organization? The Senator from Arkansas might think that they should be, but they are not considered in trade negotiations and in whether or not China is or is not meeting commercially acceptable principles under which it would properly be admitted to the World Trade Organization.

The Senator also mentioned the words ''political environment.'' He said this issue has to be considered in the total political environment of our relationship with China. He mentioned espionage. That is a charged issue right now. I daresay that if the Congress were to vote in the next several months presumably on whether China should accede to the WTO, there would be an amendment on espionage, there would be an amendment on human rights, an amendment on labor relations, an amendment on the environment. I can think of countless subjects that would be included, by the design of certain Senators, in any decision by the Congress whether or not China should be admitted to the WTO.

It reminds me very, very much of the debate we already had with respect to China, and that is whether the Congress, when we come up with the annual MFN review—actually a lot of us like to call it normal trade relationship not most-favored-nation status. MFN is a gross misnomer. MFN is not at all what it implies. It is not most favored. In effect, it is least favored, because we have so many trade agreements with so many other countries under terms that are more beneficial than the bottom line terms of MFN.

During the MFN debate, or normal trade relations debate, we have had in this Congress, particularly several years ago, the question was whether we should pass in this Congress every June a conditional extension of MFN or nonconditional extension of MFN.

Those who argued for conditional extension said, ''Well, we will continue MFN with China for another year if China abides by certain human right regimes, if China abides by certain nuclear technology transfer provisions, if China signs a comprehensive missile test ban treaty, if China''—all these other things.

In a sense, that debate became a debate about China and gave interest groups an opportunity—I use this term loosely—to kind of take off on or vent their spleens about a certain policy with which that Senator or interest group had a disagreement.

I have no problem with that. In fact, I support it. I support Members of the Senate and the House working vigorously to improve upon the relationship with China in each of the specific areas that we engage China, and there are many of them. Trade is one. Even within trade, there are many, many different levels. There are tariffs. There are distribution systems. There is access. There are all kinds of matters with which we have to deal.

Let's take national security, not very related to trade—indirectly but not directly. Our administration, other countries' administrations engage China on a host of national security issues.

Let's take the Taiwan Straits, for example. That is a separate matter. It is an extremely important issue. It is one that has become a bit sensitive in the last several days, but the U.S. Defense Department, the NSC, and our executive branch are working out with Taiwan, with China, and with Japan as much as possible the various interrelationships of that issue.

The main point is, those issues should be dealt with separately and on separate tracks. They should not be all subsumed in the one vote on whether China should be a member of the WTO.

I think it is also important to remember we have a lot of problems with China, but China has done a lot of good things, too.

What are they? Recently in the economic sphere, China, at great cost to itself, has not devalued its currency. China, in the last year, has been under tremendous pressure to devalue its currency so that it could sell more products overseas; it would help boost its economy. But China has not.

Why has China not devalued its currency? In many respects because the Americans have encouraged them, have asked them not to devalue. Why? Because if they were to devalue their currency, then the other southeastern countries—the baht in Thailand, the Indonesian currencies, North Korea—there would be great pressure on them to devalue further, which means that our exports will be that much more expensive, their exports to the United States that much less expensive, and the trade deficit we are all so worried about will be even worse.

China, at great cost to itself, has so far—that might change—not devalued the currency.

China has also signed the Comprehensive Test Ban Treaty. They signed it. That is a major step. That is good. China has helped provide more stability between India and Pakistan, particularly when those countries were starting to test missiles. It has been a very great help to us.

They also have begun to downsize their state-owned enterprises. That is not something we asked them to do, but at great cost to themselves, they are doing so, and that is a major effort.

There is banking reform.

The PLA, their army in China, which used to be a major competitor with companies in the United States, was not just an army, it was a manufacturing firm, an industry or a company making all kinds of products.

The PLA are going out of business. It is not entirely done yet, but they are going out of business. That is good. Even more fundamentally, let's think of this. What if this were 25 years ago and we were faced with the Asian currency turmoil, which did spread over to Brazil and over to Russia and has affected the whole world, as a matter of fact? If this were to have happened 25 years ago, I daresay that China would have used it as an opportunity to further destabilize—they could have used it as an opportunity to gain a strategic position in, say, Vietnam or in Burma, Thailand, maybe even in Japan, as they did 25 years ago when they exercised their power, but not in the economic sense.

Instead, today, 25 years later, when presented with this crisis, what has China done? It has not been a bad boy; it has been a good boy. China has, instead, downsized its state-owned enterprises as much as it possibly can. It is reducing its bureaucracy, cutting a lot of the dead wood. It is cutting back on the army dramatically. I was in China about a year ago talking with a general and all his colleagues who were being given the boot because the general officers corps, in addition to the lower ranks, was being cut back dramatically.

They are going through a lot of painful times. I am not going to stand here and apologize for China. We are very concerned about China. But instead, China is trying to be a player.

Why is WTO good for America and why is it good for China? WTO is good for America only under commercially acceptable principles. I must underline that forcefully. It is good for America because it will help encourage a greater rule of law in China, because there are commitments that China would have to agree to. It would help America because we could take China to the WTO.

The Senator from Arkansas has a concern whether we could ''trust'' China. I tell you, Mr. President, China will do more of what we wish if they are a member of WTO, at least on trade issues, because we can take China to the WTO.

The WTO is now much more impartial and more effective as a dispute settlement mechanism than it was under the old GATT, to be honest about it. The WTO as an institution is being tested now, particularly with respect to bananas and beef hormones, and some other issues—whether countries live up to it—but still it is a lot better than the old GATT, under which there was virtually no dispute settlement mechanism.

WTO is good for China, too. Why? Basically because it gives China status and more investment in China; it gives China the opportunity to be more of a player in the world economic scene. And that is all good. That is good for China; that is good for America.

We are so interrelated today economically, politically, socially that when one part of the world's economy collapses or goes south, it has effects everywhere. It affects the Senator's farmers. They have a harder time selling soybeans. It affects farmers in my State. They have a harder time selling wheat. That is why, when the Asian currency crisis occurred, at least in my State, our agricultural exports fell $50 million compared to the preceding year.

I must say, I think we have done a pretty good job as a country in managing, as near as we could, the currency crisis, which we did not cause. It was caused by a whole host of factors—essentially greed by a lot of creditors who did not look at financial statements closely anymore. But we have done a pretty good job managing. Secretary Rubin, Chairman Greenspan, Secretary Summers have done a good job of helping stabilize, as much as they possibly could, this turmoil.

Mr. President, the Senator also asked, ''Well, gee, who should be admitted first, Taiwan or China?'' That is a political issue. We should not look at this as a political issue. We should look at these countries on their merits. And if China does meet the commercially acceptable principles test closely, tightly, we should admit China. If they do not, we should not.

There are lots of different areas there that I wish to just briefly mention as to the test I think China should meet. I must say, Mr. President, I do not think this administration is going to send us a weak agreement. It would be foolish for them to agree to China's accession into the WTO under noncommercially acceptable terms. It would not make any sense. For one thing, it would be an outrage. Second, it would have an effect on MFN, a vote later. It would have an effect on fast-track proposals that may or may not come up. It just does not make sense. They will not do it.

One final point is this. The Senator wants a vote. The Senator is going to have a vote. It is on MFN extension, because, by definition, if the United States agrees, because China has met commercially acceptable principles, that China should accede to the GATT, then by definition this Congress must vote on whether to give China permanent MFN status.

There will be a vote. And obviously, if the U.S. Senate believes that the terms under which China is admitted are not acceptable, I daresay that this body will not agree to permanently extend MFN to China. So we ought to have a vote. The Senator wants a vote. By definition, there will be a vote.

But to have a second vote—and the second vote would be whether to admit—I say, would essentially be a referendum on China. It would not just be trade issues, it would be all the other issues, with all the other amendments that would come up, just as they did in the old MFN extension debate. Back then, after lots of gnashing of teeth and working ourselves through all this, what did the Congress do? The Congress agreed, the President agreed, that it made more sense to have unconditional extension of MFN rather than conditional.

What the Senator from Arkansas is essentially saying is, he wants conditional, he wants to have a vote on accession. And I would guess he also would like to have an opportunity to offer amendments on the pending bill. If the Senator says no amendments on the pending bill, that is another matter. I would like to hear the Senator's views on that—whether the Senator wants a straight up-or-down vote only on whether China should be a member of the WTO, whether he would oppose all amendments, whether he believes, frankly, there should be no amendments or not. That would be an interesting question.

Anyway, Mr. President, I made my main point, which is, let's have the vote, let's have the vote on MFN extension, not on the overall policy, because it has never happened before. In all the trade agreements that have been submitted to the WTO and in all the questions of accession to the WTO in the past—there have been 110 of them—never has a Congress voted, never.

And there are reasons. There are executive agreements. If we were to vote on it, particularly in this body, as a nonparliamentary form of government, it would be filled up with all different types of issues which are virtually unrelated to trade—very important issues: Human rights, national security, missile proliferation, nuclear proliferation, labor laws, environmental laws, but not WTO accession.

So I say, let's not vote for the Senator's amendment. Let's look at WTO when it comes up in the context of MFN. Then let's also work to engage China on all of the other issues on which we are dealing with China but on separate tracks, separate ways, because that is going to be a lot more effective. We should not link all this together. We should not link it together, but, rather, deal with these issues separately.

Thank you, Mr. President.

I yield the floor and I reserve the remainder of my time.

Mr. CHAFEE. Mr. President, I appreciate the concern of the Senator from Arkansas regarding the possibility of China's entry into the World Trade Organization (WTO). However, I do not believe his amendment is warranted, and urge the Senate to reject it.

The issue before us is the accession of China into the WTO. There is no question that China's accession into the world trading system carries important ramifications—not only for their economy, but for ours (and indeed, for those of all other WTO nations). Today, China is the world's third largest economy after the US and Japan, and the world's eleventh largest trading nation. US-China trade alone is more than $80 billion.

Clearly, because of these facts, we have much to gain by bringing China

into the world trading system and subjecting her to the WTO rules and regulations. At the same time, we understand that bringing China into the system also will mean some changes for our own industries. However, as long as China is brought in according to appropriate terms and conditions, I believe we have far more to gain than to lose.

The China WTO accession negotiations have dragged on for 13 years now. Much of the delay is related to the periodic changes of mind by the Chinese government as to whether they really want to join or not. After all, it will mean enormous changes for them as well. At the moment, the Chinese appear very interested in concluding their accession. I believe we should take this opportunity to see what might be accomplished.

That said, the United States has said repeatedly that China may enter only—and I stress, only—on ''commercially meaningful'' terms. Despite the current Chinese enthusiasm for the negotiations, if it does not lead to a ''commercially meaningful'' agreement, then the administration cannot accept it.

That is a crystal clear fact. We in Congress has made clear that an agreement that is not ''commercially meaningful'' is unacceptable. USTR, Treasury, the State Department, and USDA know this. They fully understand that they will have one chance, and one chance only, to present us with an agreement. All the Chinese enthusiasm in the world cannot change that fact. Thus, I believe that the administration will not—and indeed cannot—bring home an accession agreement that does not meet those terms.

The amendment before us would have Congress vote on the accession of China. Yet that is not the process that we follow for accession of new WTO members. Since 1995, 12 countries have joined the WTO. Congress has not voted on any of them. This would be a bad precedent to send. It would open a whole hornet's nest of votes on China's policies, trade or otherwise. And, given that the administration knows that a bad deal will not pass muster here, I would argue that it's just not necessary.

I say to my colleagues: let's let the experts do their job. They have their guidance from Congress. The USTR team, led by our experienced and tough Special Representative Charlene Barshefsky, have been working on China accession for years, and know the issues inside out. I am confident that they won't—indeed, can't—let us down.

Mr. MOYNIHAN. Mr. President, I join with the distinguished chairman of the Finance Committee in opposing the pending amendment. I do agree with the senator from Arkansas that the Congress ought to take a close look at the terms of any agreement that is reached with China regarding its accession to the WTO. But that is already provided for in the law. Under section 122 of the Uruguay Round Agreements Act, the administration must consult with the appropriate committees with regard to the accession of any country to the WTO. Those consultations are now taking place. I am assured that Ambassador Barshefsky will meet with each and every Senator who has an interest in this matter.

Moreover, as a participant in the WTO's Working Party on the Accession of China, the United States already has an effective veto over China's admission if we determine that the protocol of accession and China's market access commitments are inadequate. Since the Working Party operates by consensus, we could simply block the approval of the Working Party report and that would be the end of the matter.

It is clear that bringing China within the WTO framework—and subject to the WTO's rules—would be in the United States' interest. China is ranked as one of the top ten exporting countries in the world (WTO report, 1997 ranking) and ranks as the 12th largest importer. It must certainly be to the benefit of the world trading system to have China abide by the same rules as others.

American farmers and businesses also have an interest in securing improved access to China's market, and the WTO accession negotiations may provide the best opportunity that we will have in a very long time.

Certainly the United States should not accept an agreement that would bend the rules for China. Nor should we settle for a minimal market access package. And we will not. But neither should we cut off the negotiations at this point, which I fear this amendment would do. In essence, it signals, at a minimum, great skepticism on the part of the United States Congress.

I urge my colleagues to vote against this amendment.

Mr. ROBB. Mr. President, whatever frustrations many of us may have right now regarding our bilateral relations with China, including allegations of Chinese espionage against our national labs, the deteriorating human rights situation in that country, the ballooning trade deficit, and more, we need to be careful about micro-managing the Executive as it conducts comprehensive negotiations over the terms of China's accession to the World Trade Organization (WTO).

Congress' voice ought to be heard on this subject, and it will be. The Jackson-Vanik amendment to the Trade Act of 1974 precludes granting unconditional MFN (permanent normal trade relations status) without a Congressional vote. By law, we will have the opportunity to carefully review and pass judgment on whatever agreement the Administration reaches with China, whenever that may occur: during Premier Zhu Rongji's visit next month, later this year, or perhaps years from now.

Ambassador Barshefsky and the other USTR officials negotiating directly with the Chinese deserve credit for appropriately consulting with Congress. Just yesterday lead negotiator Bob Cassidy reviewed in great detail with our staffs all aspects of the negotiations. Active consultations at this stage make sense, but the Senate directly intervening in the process by requiring a congressional vote on a WTO agreement with China—on the front and back ends of the protocol negotiations—is redundant, unnecessary, and tramples on Executive branch prerogatives. On those grounds, I support the tabling motion.

Mr. THOMAS. Mr. President, as the Chairman of the Subcommittee on East Asian and Pacific Affairs, I rise in opposition to the HUTCHINSON amendment and urge my colleagues to vote to table it.

I support China's accession to the WTO. I believe that it is in our own best interests to draw China further into the world community through fora such as the WTO. It will benefit the United States by creating a more-equal trade relationship between us, and will work to promote the rule of law in China. I also believe that it will benefit the United States by taking bilateral trade disputes which may pop up between us and making them multilateral, thereby minimizing the opportunity for those disputes to spill over and infect the rest of our relationship.

Of course, my support has an important caveat. China must accede on what are called ''commercially acceptable principles.'' China cannot accede as a developing country in some areas, and a developed country in others, leaving it to China to determine which are which. If the time comes for China's accession, Mr. President, you can be sure that if I am not convinced that the terms of China's accession are commercially acceptable, I will be the first Member to rush to this floor to oppose accession.

This amendment though, Mr. President, is not about the mechanics of accession to the WTO. Rather, it is yet another thinly-veiled attempt by its author—one in a long series of attempts—to single China out and punish it for offenses—real or imagined—committed in other spheres. Let me be clear: there is no argument that there aren't problems in our relationship with China, serious problems that we need to address. But there are more appropriate ways to address those problems. WTO accession is a trade issue. It is not a human rights issue. It is not a military issue. It is not a technology or nuclear transfer issue. It is not an issue about how China treats Taiwan or Hong Kong or Tibet. The issue should not be linked under the guise of a WTO debate; we should not turn a decision on WTO into a referendum on the immediate state of our overall bilateral relationship.

In addition, the sponsor makes a great deal of only wanting to pass this amendment in order to afford the Senate the opportunity to debate and then

vote on all the merits of China's accession should that time come. But Mr. President, we already have that opportunity. If and when China accedes to the WTO, that is not the end of the process. Congress still has to vote on extending permanent most-favored nation status to China. That debate will give the Senate, and the sponsor, ample opportunity to address all of the myriad issues surrounding China that he rightly feels are so important. It will give us a chance to raise concerns about human rights, military buildup, trade deficits, and all the rest. There is no need to afford ourselves the same opportunity twice.

In addition, Mr. President, requiring this second vote has no precedent. One hundred and ten countries have acceded to the WTO since 1948, and not once has the Senate required that we be afforded a separate vote on one of those accessions. But the Senator from Arkansas would like to single China out and set a different standard for that country's accession, to treat it differently than any other country that has come before it, or—presumably—would come after. I don't believe he can make a compelling case for doing so. Moreover, I am not convinced that giving ourselves veto authority in this manner over a trade agreement reached by the Executive Branch could pass constitutional muster.

For all these reasons, Mr. President, I urge my colleagues to oppose the amendment and support the motion to table of the Senator from Alaska.

Mr. ROTH. Mr. President, I rise to oppose the amendment offered by my distinguished colleague from Arkansas, Senator HUTCHINSON. Like him, I am deeply concerned about the issues he is attempting to address with this legislation—human rights violations and security concerns involving China, particularly the theft of scientific information from Los Alamos. I am concerned about China's military build-up, its continuing threats of force against Taiwan, and what is taking place in Tibet. I believe that appropriately addressing these issues is vitally important and I look forward to working with Senator HUTCHINSON and others to do so.

However, as chairman of the Finance Committee, I must oppose both the method and timing of this approach. It not only fails to allow the Senate to raise and address the sensitive issue of trade relations with China in the appropriate forum of the Finance Committee—a forum where the merits of such an amendment can be carefully studied and weighed against the best interests of our nation—but this approach also has tremendous foreign policy implications that need careful scrutiny.

Let me address the first concern. Trade negotiations and trade agreements go to the core of the Finance Committee's jurisdiction over trade matters. Together with Senator MOYNIHAN, I as Chair, and he as ranking member, are responsible, not only for the Committee's substantive role in the trade policy process, but also are the guardians of its prerogatives. The Committee was the first formed in the United States Congress when tariffs were the central source of revenue to a still new republic. Trade and tariff policy remain central to the Committee's role in the legislative process.

For example, the Finance Committee reported out a trade bill the first day of the 106th Congress. In addition, at my instigation, the Committee has launched a comprehensive review of America's trade policy, including the role that China's accession to the WTO would play in our trade policy.

Unfortunately, there has been no attempt to offer this legislation and lay it before the Finance Committee for its review. Nor has there been any attempt by its supporters to engage with the Committee in the process of our review of America's trade policy.

Instead, this amendment seems to be driven by the emotions of the moment toward a form of legislative anarchy. It has gone around the Finance Committee in a way that provides no time for the deliberations for which the Senate is designed. It attempts to move legislation of monumental importance to our trade and foreign policies on the back of a supplemental appropriations measure principally designed to help impoverished countries in Central America and to support the constructive role Jordan has played in the Middle East peace process.

Beyond these procedural concerns, I am deeply concerned about the underlying intent of this amendment. Is this bill being raised at this time out of a concern that our trade negotiators will not strike a deal that serves our commercial interests in China? Or is this bill being offered simply to hinder those negotiations in response to recent allegations of spying or the theft of secrets from Los Alamos?

I ask those questions because there seems to be a rush to pass this measure in advance of the visit of Zhu Rongji to the United States. It rests on the assumption that the United States will reach an agreement on WTO accession and that, by virtue of that deal, China will enter the WTO the day after Zhu leaves.

That is simply wrong. Everything we hear of the negotiations is that it will be difficult even to reach an agreement on U.S. access to China's market. I want to emphasize to my colleagues that a deal on market access, even if it is reached in time for the summit, is only one step along the road to China's accession to the WTO. The more difficult negotiations on when and how China will agree to be bound by the basic rules of the WTO remain. No protocol of accession will be approved until those negotiations are complete.

In other words, there is no reason to act precipitously on this measure. There is no reason to subvert the normal legislative processes to secure passage of this amendment at this time. Indeed, the Finance Committee is actively at work on trade matters as part of the trade policy review I have initiated. That is the appropriate venue for the initial discussion of this measure and any necessary refinements to my colleague's approach.

China has been the subject of intense concern to the Finance Committee. We have made it clear at every stage that constructive trade relations with China must offer concrete assurances of U.S. market access consistent with our national interest. We have also made it clear that there must be no rush to judgment or attempt to offer a politically-motivated deal to the Chinese simply because the White House wants a foreign policy ''deliverable'' to cap the upcoming summit meeting.

My impression from our discussion with Ambassador Barshefsky is that, while there has been considerable progress in recent days, there is still a considerable distance to go even before the United States could agree to a package on market access, much less the more difficult process of negotiating the actual protocols of accession.

Beyond these reasons, Mr. President, I oppose Senator HUTCHINSON's amendment on China's accession to the World Trade Organization because of the damaging precedent it would set for all future WTO accessions. It would dramatically undercut the United States' consistent position—under both Republican and Democrat presidents—that accession to the WTO and its predecessor organization, the GATT, is not a political decision, but is one we as Americans base simply on another country's willingness to be bound by the same rules that govern our other trading partners in the world trading system. It is quintessentially a commercial agreement that should be judged on its merits as such.

I also oppose this amendment as a matter of Senate procedure. I have always objected to attempts to legislate on appropriations measures. Offering substantive amendments to appropriations bills subverts the normal process of the Senate by which legislation is introduced, moved through the committee of jurisdiction with expertise on the matter, and moved to the floor.

Attempts to modify substantive law on the back of appropriations bills often results in the delay of the appropriations themselves. Whether my colleagues support the current supplemental or not, I think we would all agree that the bill deserves to rise or fall on its own merits, not as a result of extraneous and unrelated matters.

For all these reasons, I urge my colleagues to vote against Senator HUTCHINSON'S amendment.

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, might I inquire as to how much time each side has remaining?

The PRESIDING OFFICER. The Senator from Arkansas has 11 minutes 15

seconds. The Senator from Montana has 9 minutes 52 seconds.

Mr. HUTCHINSON. Thank you, Mr. President.

If I might just briefly respond to a few of the points that my good friend from Montana made in his excellent statement.

It seems to me to be a difficult proposition to come to the floor of the Senate and argue that we should not have a debate and to argue we should not have a vote on the admission of China to the World Trade Organization. Yet that is the posture which the opponents of this amendment must be.

The Senator from Montana has said it would be an ''alarming precedent''—I believe those are the exact words—that has never happened before. In many ways, China is unprecedented. They are unprecedented in their size, their population, and their impact upon world events. And in many ways the abuses that are currently going on by their government to their own people are unprecedented. It is unprecedented to have a nation in the World Trade Organization with 40 percent of the economy controlled by the state. That is unprecedented.

Perhaps that is a good reason to have a debate on this issue and have a vote on who should be admitted to the World Trade Organization, since it would be unprecedented for a nation of this size, with such a mixed economic system, to be admitted to the World Trade Organization. It is unprecedented to admit to this trade organization a nation that views us as a hostile power and, as evidence indicates, has aggressively spied on the United States and stolen nuclear secrets from the United States.

To say it is an ''alarming precedent,'' I think is a great overstatement. In fact, if there was ever a reason to change the precedent, it would be because of China's behavior.

The Senator from Montana said amendments would certainly be messy. That is what democracy is about. That is what happens; that is what debates are about; that is what freedom is about. It might be messy; it might be unpleasant to vote on amendments that might be offered. But to respond to the question of the Senator from Montana, I am more than delighted to have a straight up-or-down vote with no amendments. If we were in the House of Representatives, we could have the Rules Committee provide such an order; we would have no amendments, and we would vote up or down on whether China ought to go into the World Trade Organization. I am delighted to have such an opportunity, and I make a commitment to that right now. If we have a unanimous consent, at the appropriate time, I support having a clean vote on China's accession to the World Trade Organization.

I was somewhat surprised to hear my colleague from Montana say China has not been a bad boy, they have been a good boy; a number of things they helped us with—Pakistan and India. They had signed international agreements. They had shown restraint.

They have been adjudged one of the greatest proliferators of weapons of mass destruction in the world today. In fact, they were a great contributor to the problems and the arms race that has developed between Pakistan and India.

Signed international agreements—indeed, they have signed international agreements. Last year, they signed the International Covenant on Civil and Political Rights, and since they signed that international agreement our State Department has adjudged their behavior on civil and political rights abysmal. They have a new and vicious and brutal crackdown upon the rights of their own people. That is the international agreement.

My colleague said they have shown restraint, not like the adventuresome nature of their politics 25 years ago; they have shown restraint. Well, I don't believe it is restraint for them to vigorously modernize their weapon systems and to vigorously seek American technology through legal and illegal means.

All of that aside, some of the questions were answered, but many of the questions I raised were not addressed at all and have nothing to do with anything other than trade and the economy. But they are questions that need to be debated, questions that need to be answered. Are we lowering the WTO bar for access to the Chinese? To say that we can deny them permanent MFN after the fact, after they have been admitted to the WTO, and that will be our vote, I think begs the question. There will be such international pressure for permanent MFN if we have already supported their admission to the WTO that it will be inexorable. It will be a fait accompli. But the evidence clearly is that we are setting a different standard for China.

In my discussions with the State Department over a year ago, they made it very clear to me that they were debating within the State Department whether we would have greater influence on China with them in at a lower standard, or out waiting for them to change and to make the necessary reforms. It is very clear that the administration has pursued the idea of lowering the standards so that China could be brought in prematurely. Admitting them as a developing country is changing the standards for China. These are issues which have not been addressed today in our debate but need to be addressed by the U.S. Senate.

I will not go through all of those questions again, but they are important questions. The Senate and the Congress should not keep ''punting'' on trade issues. We have a constitutional role. We are a coequal power with the executive branch. This is an opportunity for us to regain our voice on those very, very important issues that affect the lives of every American. The issue today is not do we want China in the WTO; the issue is do we want to have an opportunity to debate that and to vote on that. That is the issue.

I have said, and I will say again, I want China in the World Trade Organization at the right time and under the right circumstances. But I do not believe that we should allow the administration to make a unilateral decision coopting the constitutional right of the House and Senate to express itself on this very, very important issue.

I hope that this amendment will be passed, that we will have the opportunity at the appropriate time to vote yes or no on China's admission to the World Trade Organization. I hope that the reforms are made in China so that I could vote yes on that. I would like to see that, but I believe that we have the greatest leverage we will ever have in bringing about reforms before we concede ahead of time that they should go into the WTO.

I believe this is an eminently reasonable amendment because we are not prejudging what the outcome should be. We are simply saying we should have the right to vote. We should say yes or no—not trade negotiators in a vacuum apart from those who were elected by the people to represent.

I reserve the remainder of my time and I yield the floor.

Mr. STEVENS. How much time remains?

The PRESIDING OFFICER. The Senator from Arkansas has a little under 4 minutes, and the Senator from Montana has a little under 10 minutes.

Mr. BAUCUS. I will take just 2 or 3 minutes before I yield back my time. We are getting into the repetitious stage.

Let me say that it is important to think about the precedent. Congress has never voted on this issue before. There are a lot of other countries that are going to be seeking membership in the WTO. They are basically former Soviet Union republics. Russia—name them. They all are going to be looking for membership in the WTO. If we start voting now on membership, I think we have to do the same for all the others, and they will get caught up in the other issues, too, that have already been discussed.

Frankly, the Senator from Arkansas made my case when he said that at this time we have the greatest leverage. It sounds to me as if the leverage he is talking about is on human rights. It is on lots of issues. I just think that we do not want to get to a debate on China policy if and when the U.S. executive branch seeks to have China become a member of the WTO.

I also suggest to my good friend from Arkansas it is a good opportunity for the Senator and all of us who are concerned about the terms of China's infamous WTO, the economic terms, to make our case very strenuously now with the administration, with Ambassador Barshefsky, with others in the administration, so that they do come

up with terms that we would more likely agree with than not.

Now is the time. There are intense negotiations going on now. Premier Zhu Rongji is about to visit this country. I think it is Premier Zhu Rongji's visit to the United States which gives us ''leverage,'' because he will want to come with an agreement. We should make use of that leverage by vigorously talking with the administration.

It has been a good debate and I think we should deal with all these issues of China separately, not in the context of WTO. I hope that the Senators would agree with the Senator from Alaska when he moves to table the amendment.

The PRESIDING OFFICER. Who yields time?

Mr. BAUCUS. I yield back my time.

Mr. HUTCHINSON. Mr. President, I will take a moment, and then I will yield my remaining time.

I say that the leverage of which I speak—I think the Senator from Montana knows and agrees that the leverage is greater now before China goes into the World Trade Organization. The issues of which I speak deal primarily with trade issues. I hope we will use that leverage for human rights and nuclear nonproliferation across the board. But certainly there are trade issues that are critically important.

We have almost a $60 billion deficit with China. They have great barriers there, and we cannot lower the standards just so we can have a political announcement and have a gift that we are providing the Chinese by saying we are going to support your accession to the World Trade Organization.

I didn't want to offer this amendment today. I would much rather that this had gone through the committee. I would rather we had a different vehicle. But we are going out on Easter recess and the Premier is coming to this country. The negotiations are coming to a head. This is the only opportunity we have to ensure that we will have a voice on whether or not they should go into the WTO.

I urge my colleagues to support this amendment—not to table it but pass the amendment and let the administration know how seriously we take this issue, and that as a coequal branch of Government we should be able to approve or disapprove whether China goes into the WTO.

There are serious issues that were not raised in this debate. We have had a good debate, but there needs to be a much more thorough debate, with many more Members involved. That will take place at the appropriate time if this amendment is passed. I ask colleagues to support it at the appropriate time.

I yield the remainder of my time.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, is all time yielded back?

The PRESIDING OFFICER. All time has been yielded back.

Mr. STEVENS. Mr. President, I am constrained to make a motion to table because I believe that this amendment, if not tabled, would take a considerable amount of time. I served in China in World War II. I would like to be involved at length in this debate, but this is not the time or the place for that debate.

I hope all Senators will understand that I make this motion merely to try to control this supplemental and get it ready for a conference at the earliest possible moment.

I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. STEVENS. Mr. President, that will be postponed until 2:30.

The PRESIDING OFFICER. The Senator is correct.

Mr. STEVENS. Mr. President, I ask unanimous consent that the only amendment that would be in order between this time and 2:30 would be the Torricelli-Harkin amendment, that there be no second-degree amendments, and that if the Senators finish the use of their time prior to that time, the Senate stand in recess until 2:30.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 92

(Purpose: To terminate the funding and investigation of any independent counsel in existence more than 3 years, 6 months after the termination of the independent counsel statute)

Mr. TORRICELLI. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Jersey [Mr. TORRICELLI], for himself, Mr. HARKIN, Mr. DURBIN, Mrs. FEINSTEIN, and Mr. REID, proposes an amendment numbered 92.

Mr. TORRICELLI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 45, between lines 18 and 19, insert the following:

SEC. ___. LIMITATION OF FUNDING.

(a) IN GENERAL.—Effective December 31, 1999, funding authorized pursuant to the third and fourth provisos under the heading ''SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES'' under the heading ''LEGAL ACTIVITIES'' under the heading ''GENERAL ADMINISTRATION'' in title II of Public Law 100–202 (101 Stat. 1329-9; 28 U.S.C. 591 note) shall not be available to an independent counsel, appointed before June 30, 1996, pursuant to chapter 40 of title 28, United States Code.

(b) PENDING INVESTIGATIONS.—Any investigation or prosecution of a matter being conducted by an independent counsel, appointed before June 30, 1996, pursuant to chapter 40 of title 28, United States Code, and the jurisdiction over that matter, shall be transferred to the Attorney General by December 31, 1999.

Mr. TORRICELLI. Mr. President, I rise today with my colleague from Iowa, Senator HARKIN, and on behalf of Senator DURBIN, Senator FEINSTEIN, and Senator REID of Nevada, to offer an amendment to bring some rational conclusion and fair determination to the issue of independent counsels in the U.S. Government.

I begin with a simple admission. In 1994, as a Member of the House of Representatives, I voted for and argued for the enactment of an independent counsel statute. I was not mindful then, as I am now, of the complete record and statements as to the likely outcome of the independent counsel statute.

Howard Baker, then a Member of this institution, argued that the independent counsel statute would ''establish a virtual fourth branch of Government, and would substantially diminish the accountability of law enforcement to the President, the Congress, and the American people.''

Acting Attorney General Robert Bork, warned: ''What you are doing [with the independent counsel statute] is building an office whose sole function is to attack the executive branch throughout its tenure. It is an institutionalized wolf hanging on the flank of the elk.''

Mr. President, I take no delight in admitting it, but it is inescapable. Mr. Baker, Mr. Bork, and other Members of this institution were right. And many of us in my party, and, indeed, President Clinton, who ultimately signed the law, were wrong.

It is now clear—I think unmistakably clear—that the independent counsel law, when it expires on June 30, 1999, will not be reauthorized. There is not only not the votes in this Senate or in the other body, but there is not a rationale based on the historic experience to allow this law to continue.

It brings me no pleasure to bring to the floor of the Senate the weight of the evidence that supports the conclusion that the law should expire. But it is overwhelming, and it isn't only Kenneth Starr. Independent counsels, from Walsh to Smaltz, have given us no choice but to close this unfortunate chapter. The list of abuses by independent counsels are daunting, and they are dangerous. Mr. Starr has no monopoly in his violations of law, ethics, or common sense. But the investigation that is now underway in the Justice Department of Judge Starr is still instructive. It teaches us a lot about the basic failings of this law, how it can be abused, and why the amendment that I offer today, along with Senator HARKIN, is of such value.

First, Mr. Starr apparently may have failed to inform the Attorney General about his contacts with Paula Jones' attorneys. Indeed, he may have misled the Attorney General on this issue.

Second, it is overwhelmingly clear that Mr. Starr, or his subordinates, leaked confidential grand jury information in direct violation of the Federal Rules of Criminal Procedures.

Third, it is possible that Mr. Starr may have used questionable prosecutorial tactics by making an offer of immunity to Ms. Lewinsky contingent on her not contacting her attorney.

These may not be the only violations of procedure or law, but they tell us something about the fact that there is something institutionally wrong with how the independent counsel statute has functioned.

I do not raise these things out of any vendetta against Mr. Starr, or his tactics, or his office, because this is an institutional problem. Indeed, in the last few years, Donald Smaltz has spent $7 million investigating former Secretary of Agriculture Michael Espy. Last year, after a 2-month trial, in which the defense never found it necessary to call a single witness, that $7 million investigation resulted in a jury acquitting Mr. Espy on each and every one of the 30 counts in the indictment.

C. David Barrett spent $7 million investigating former HUD Secretary Cisneros on allegations that he lied about payments to a former mistress. Mr. Barrett went so far as to indict the former mistress over misstatements on a mortgage application form. Nor is it limited to this administration.

In the previous administration, after a 6-year investigation, Lawrence Walsh indicted Casper Weinberger only 5 months before the 1992 Presidential election in either a moment of political convenience, or worse. Mr. Walsh had spent $40 million over 7 years in his investigation.

I believe it is now clear that, despite the best of intentions and our frustration with the Watergate experience, we now know the independent counsel statute is deeply flawed. It has created a prosecutor that is accountable to no one. It is a contradiction with the most basic lessons of our Founding Fathers in the Constitutional Convention. Indeed, in Federalist 51, Madison sums up the need for checks and balances of every office, every center of power in the Federal Government, with a simple phrase ''Ambition must be made to counteract ambition.''

Mr. Walsh, Mr. Barrett, Mr. Starr, and Mr. Smaltz are ambitious men, but their ambition is met with no countervailing power.

There is, in theory, in the Office of the Attorney General the opportunity to dismiss for cause, to hold accountable, but in the political realities of our time no Attorney General could exercise that authority against an independent counsel investigating an administration in which he or she is a component part.

The Congress does not even control the ability of oversight of expenditures. As a Member of the Senate, and as a member of the Judiciary Committee with oversight responsibilities for the Judiciary, for the operation of the Attorney General, I wrote to Mr. Starr and to the Justice Department asking about how this $50 million had been spent and received nothing but a vague reply with broad categories. Mr. Starr's office remains the only functioning office in the entire U.S. Government where the people's representatives cannot inform on behalf of the people how millions upon millions of dollars are spent. But mostly, I suppose, if the money were wasted and power were exercised responsibly but the net result was still a rising level of public confidence in public integrity, it might be worth the abuse or the expenditure. But this isn't the case either.

The independent counsel statute has not succeeded in removing politics from prosecution. It has brought a new element to politics, the hijacking of these offices, the use of them for their own political purposes, only now without oversight. Public confidence in the administration of justice has not only not improved but it has completely failed.

Now it is being argued that the law will expire and there will never be independent counsels again. I believe that is an accurate portrayal of the situation, but the current five independent counsels should simply be allowed to continue in their work. The question remains, how long and for how much?

Mr. Starr has suggested his investigation may go to the year 2001. He has the power for it to continue until the year 2010, 2020. When will Mr. Barrett complete his case, in this decade or the next? And, if $50 million was an outrage by the public for the expenditures of Mr. Starr, there is nothing between here and his expenditure of $100 million, $200 million. Is he the only person in the Federal Government who will retain the power to unilaterally spend unlimited sums of funds with no oversight for any purpose?

That is what brings me to the floor today with Senator HARKIN, to offer an amendment that allows Mr. Starr, Mr. Barrett, and the other three remaining independent counsels to continue with their investigation for 6 months after the expiration of the independent counsel statute on June 30. For the remainder of this year, they retain their authority, their budget appropriations, and they should complete their files and prepare their cases. During that 6 months, they should work with professional prosecutors in the Justice Department, the Public Integrity Section, as applicable, and prepare the transfer of their cases. The cases will continue. They will be in able hands with professional prosecutors, with ample resources.

This law is not intended to end any investigation. It will not end any investigation, but it will allow for the orderly transfer of these investigations and prosecutions within the Justice Department. Those two investigations which have not had independent counsels appointed for 3 years, involving Secretary Herman and Secretary Babbitt, are not affected by this amendment. It is our belief those independent counsels have not had at least 3 years to prepare their cases. We will give them every benefit: Take the time as independent counsels after the law has expired, prepare your cases, continue the prosecution if you have a case, or dismiss it if you do not. This amendment is reserved only for those cases where more than 3 years has expired and where, after the expiration of the independent counsel statute, there is a need to then proceed.

I believe this amendment is fair. It will help restore public confidence and allow the Congress to know the taxpayers' money is being spent properly. It will transition the Federal Government into the post-independent counsel statute method of dealing with these important questions.

I thank Senator FEINSTEIN and Senator DURBIN for joining with Senator HARKIN and with me in offering this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, with respect to my colleague from New Jersey and the other cosponsors of this amendment, I rise to oppose the amendment. I understand some of what has moved them to have the strong feelings they do that lead to this amendment, but I think it is certainly ill timed and ultimately ill advised.

I say it is ill timed because the Committee on Governmental Affairs, on which I am honored to serve as the ranking Democratic member, is in the middle of an inquiry, holding hearings on the fundamental question of whether to reauthorize the independent counsel statute, hearings which will continue for at least a month more. I think it is worth letting that process work what we hope will be its thoughtful and constructive way.

I know many of my colleagues oppose reauthorizing the statute, and that is true of Members on both sides of the political aisle, just as I am heartened by the fact that Members on both sides of the political aisle support the retention of the independent counsel statute or some version of it. I hope we can work together to develop a law that establishes the principles of independence of investigation when the highest officials of our Government are suspected of criminal behavior. It may take some time and some convincing. Most people believe this will not happen by the June 30 expiration date of the current statute. The statute, therefore, may lapse for a time while we work on this. But that would not be a catastrophe, because under existing law the independent counsel who are in effect now would continue to do their work.

Regardless of how the underlying question of whether we have an independent counsel—inside the Justice Department, outside the Justice Department—or not, is resolved, I believe it would be a serious mistake to single out, as this amendment does, what I

gather to be four of the independent counsels for termination while their investigations are ongoing. In that sense, this amendment is not just a preemptive attack on the statute while we are still considering as a committee and as a body whether to reauthorize it, it is what might be called a personal attack on the most controversial independent counsels. In that sense, it actually cuts against the purpose of the statute in the first place, which was to provide for independence of investigation and prosecution. The fear was, when the statute was drafted and adopted in 1978 after Watergate, that prosecution—investigation of high-ranking officials of our Government would be interfered with by people in the executive branch who would be affected by those investigations.

There is a way in which this amendment puts Congress in a position of compromising the independence of these investigations. Under the amendment, all the independent counsel investigations besides the ones covered still operating after the law expires on June 30, would continue. It is not until they reach the 3-year deadline in the amendment, but until their work had been completed and their offices were terminated pursuant to the statutory provisions which are currently in effect.

There are two other ongoing independent counsel investigations begun in 1998 which, as my friend and colleague from New Jersey, I believe, just indicated, would never be affected—in fact, would never be affected by this amendment. Similarly, there may be other independent counsel currently operating under court seal, which we would therefore not know about, who would not be affected. And the Attorney General may appoint additional independent counsel before the statute expires on June 30. All of these would not be affected. This amendment as I understand it and read it, affects only four independent counsel: Kenneth Starr, David Barrett, Donald Smaltz, and Larry Thompson.

I am not rising to oppose this amendment because I want to defend the investigations that these four men have carried out. I do not want to. I don't need to. Some of the criticisms of their work may be valid; some may not be. But that is not the point, as I see it. The point is, and the question is: Do we in Congress want to set the precedent of terminating an ongoing separate branch investigation and prosecution for whatever the reason that it has aroused our opposition? I think this would be a bad precedent which smacks of violation of the separation of powers doctrine and values.

I know we maintain the power of the purse, and it is an important power, but it has to be exercised with great discretion and sensitivity, particularly when we are affecting one of the other branches of Government and particularly when we are affecting a branch of Government whose particular participants here are involved in controversial independent investigations. It was no accident that the framers of the Constitution went out of their way in a whole series of cases, including in the impeachment provisions in the Constitution which we have just come through, to make it very clear that Congress does not have the power to prosecute. That was one of the lessons the framers learned from their own history. So, as we remember in the impeachment provisions, and it was central to the decision that many of us made, that impeachment existed not to prosecute the President in that case.

That was something that the Constitution tells us could be done after an individual left office by the appropriate branch of government. I worry very much about the effect of the precedent that will be set here, understanding some of the concerns that motivate the amendment, but thinking beyond the current situation. A precedent would be set for Congress to intervene and terminate independent criminal investigations and/or prosecutions. We do not have to do it. The law makes clear that there are others who can take these steps. The independent counsel statute itself contains a mechanism by which the Attorney General can remove any independent counsel, including these four, for cause. So far she has declined to use that authority. I think to some extent what is involved here is our respect for her right, as the Nation's chief law enforcement officer, to make the decision as to whether to use the power we have given her in statute to decide whether or not to remove these four independent counsel.

Why should we presume to replace our judgment for hers? The statute also contains a provision by which either the Attorney General, the independent counsel, or the special panel of three appellate judges can move to terminate an investigation, if its work has been substantially completed, whether or not the independent counsel himself thinks that is the case. This amendment makes an exception to those ongoing statutory provisions for four independent counsel. It is not the proper role of Congress, in my belief, to decide that certain prosecutors should be fired in the midst of their work. We should apply the same provisions of the law to those independent counsel whose investigations have displeased us, either because of the content or the length of the investigations, as we do for those that have not displeased us.

Even if this amendment's 3-year cutoff applied equally to all of the independent counsel, it may well constitute an unjustifiable interference in ongoing criminal investigations.

The independent counsel statute, as it exists today and as I mentioned earlier, grandfathers existing investigations, if the statute is not renewed, for a number of very good reasons. Among them are that after a prosecutor has spent time on a lengthy and complex investigation, he has built up a store of information, institutional memory, ongoing leads and relationships. Much of that would be lost if these cases were turned over to the Department of Justice midstream. Again and again, I have heard critics of the independent counsel statute complain of the inefficiencies involved in requiring newly appointed independent counsel to find office space and assemble staff before they begin their work, but we need to weigh carefully whether there are greater inefficiencies and greater harms involved in tearing apart these offices before they have finished their work. The inefficiencies, I think, would be compounded if we in Congress ultimately pass a statute to replace the current law.

The legislative process has barely begun on the question of whether or not to renew in its current form or some revised form the Independent Counsel statute. None of us, certainly not I, can say where this will lead. Perhaps a new independent counsel would have to be appointed and attempt to reconstruct the work that had been done. Before a new law is passed, it is not clear to me how the Attorney General would be expected to handle the investigations that would be returned to the Department at the end of the year.

Yesterday, in testimony before the Governmental Affairs Committee, the Attorney General promised to continue appointing independent counsel where necessary, pursuant to regulations, if the current statute expires.

The amendment before us may have the ironic effect of requiring the Attorney General to immediately appoint a new independent counsel to resume investigations and prosecutions that were already well underway towards completion, which I fear might mean not only a bad precedent and principle, but additional expenses as well.

Finally, Mr. President, the Attorney General declared yesterday that she is opposed to reauthorizing the independent counsel statute, but I think it is fair to say that she nonetheless saw dangers, problems implicit in the pursuit and purpose of the amendment before us now. I thought she urged us to reject it. At least she said it didn't make sense to her. I admire her forthrightness on both counts, though I disagree with her on one. Whether or not you support the independent counsel statute, I hope my colleagues will think twice before going on record and supporting the precedent of premature termination by Congress of prosecutors who are appointed to be independent guardians of justice, independent from the executive branch and independent from the legislative branch as well.

I thank my colleagues.

Mr. TORRICELLI. Mr. President, will the Senator yield?

Mr. LIEBERMAN. I will.

Mr. TORRICELLI. Mr. President, I thank the Senator for yielding.

I want to make certain that the record is complete and accurate. The

Senator has suggested that it would be interfering with an ongoing criminal investigation. The Senator understands that in these 6 months, the independent counsel would have time to take their cases, as they are now prepared, and their relatively small offices and give them to professional prosecutors in the Justice Department who have been pursuing similar or more important cases for years. There is no diminution in resources, quality of personnel, or ability to pursue the case. Ironically, this is probably bad news for the potential defendants, because they are going to be facing much more experienced prosecutors.

I just wanted to make certain that was clear on the record and the Senator understood that.

Mr. LIEBERMAN. Mr. President, I thank my friend from New Jersey. I do understand it. My reaction to it is that we are still taking from these offices that have been working on these cases and establishing a precedent for various reasons. It is a precedent that can be misused, as time goes on, of terminating an ongoing independent counsel prosecution by the individual, firing the individual who is doing it, turning it over to the Justice Department, which, of course, has many, many capable and experienced lawyers, but who have not been working on this case. Therefore, I think that it would suffer not only from redundancy and inefficiency, but most of all, I worry, no matter what we think about these four or the independent counsel statute, it would set a bad precedent of legislative intervention into independent investigation and prosecution.

Mr. TORRICELLI. Mr. President, will the Senator continue to yield for one more inquiry?

Mr. LIEBERMAN. I will.

Mr. TORRICELLI. The point was made, as well, as to whether or not this is an unconstitutional interference. The right of the Congress to reassign responsibilities, to reassign appropriations, of course, is an innate part of the function of Congress. The Senator from Connecticut, as did the Senator from New Jersey, I am sure, voted, for example, for the State Department reauthorization, the Department of Energy reauthorization, where we simply reassigned executive responsibilities as part of our constitutional power.

Finally, I, too, was there for the Attorney General yesterday. The Senator from Connecticut may remember, I asked her, in my concluding questions, whether or not the Justice Department had the resources to deal with these cases. She was confident they would and could deal with these cases so that justice was done and there was no diminution of effort in the pursuit of justice in these cases.

I simply want the RECORD to reflect that her answer was affirmative. I thank the Senator from Connecticut for yielding and apologize to the Senator from Iowa for taking the time.

Mr. LIEBERMAN. I thank my friend from New Jersey. I will speak for a moment more and then yield to the Senator from Iowa.

I think the Attorney General yesterday was asked two different questions, quite different, and didn't give inconsistent answers, but I think my interpretation was, she said that an amendment of this kind would be unwise. She did say that if it was agreed to, the Department, as the Senator from New Jersey has indicated, would be capable of picking up these cases.

Secondly, I want to indicate that I am not reaching a constitutional judgment that this is a violation of separation of powers. I have tried to be careful in my comments to state that. I do think it evokes separation of powers concerns and values. Taking the example that the Senator from New Jersey gives of reauthorization of State Department or Energy Department Offices, to me this would be a little bit like abolishing an assistant secretaryship in one of those Departments because we didn't like the work that the particular Assistant Secretary was doing and saying, turn it over to the Secretary of State or Secretary of Energy and let them do it the way they want to do it. While we have the power to do that and we have the power of the purse, it would set a precedent that could come back to haunt us.

I thank my colleagues, I thank my friend from New Jersey, and I yield to the Senator from Iowa.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I have listened with great interest to the arguments made by the author of the amendment, Senator TORRICELLI—of course, I am a cosponsor of the amendment—and the very lucid and well thought out arguments of my friend from Connecticut.

First I will respond to my friend from Connecticut by saying that he used the word ''ill-timed'' on a number of occasions in his argument. I quite disagree with my friend on that. I believe this is perfect timing.

What are we talking about here? We are on a supplemental appropriations bill. We are making some cuts someplace. We are spending money. We are trying to reach some emergency spending moneys that we need, and we are all looking for places to save money. Here is one place we can save some money. That is what this is about, too.

If there is one thing I continually hear from my constituents in Iowa and from people around the country, it is, ''How much more money are you going to pour down that rat hole?'' How much more money are we going to spend on these special prosecutors that go on and on and on? I think the timing is very appropriate right now, when we are on an appropriations bill talking about how much money we are spending and how much money we can save to meet critical needs in this country. I think it is very appropriately timed on this legislation.

Mr. President, the Starr investigation has been traumatic for this country, it has been divisive for our national fabric, and these gaping wounds need to be healed. The focus so far has been on allowing the independent counsel statute to lapse on the assumption that it will put an end to the episode. In reality, that is far from the case.

The independent counsel statute will lapse on June 30, but it does not put an end to the ongoing investigations. Keep in mind that the amendment offered by the Senator from New Jersey and others, of which I am a cosponsor, basically goes just to those investigations that have been ongoing for over 3 years. There are a couple that are less than 3 years. Our amendment does not touch them.

We are only answering the three—actually there are four. The Senator from Connecticut mentioned the fourth one. It caught me by surprise and I had to look it up. It turns out the fourth one is an ongoing investigation into Secretary of HUD Samuel R. Pierce. If I am not mistaken, he was Secretary of HUD under Ronald Reagan. They still have an investigation going on him. It just goes to show you, these things just go on year after year after year.

What we are saying is, if we have an independent counsel who has been operating for more than 3 years, in 6 months—by the end of this year—they have to close up shop and turn it over to the Justice Department.

We are not saying that no one will be let off. No appeal is going to be dropped. No valid investigative lead will be abandoned. The cases will be pursued in keeping with Justice Department rules by some of the most experienced prosecutors in the country.

Again, I point out there is little doubt that these cases will be under scrutiny internally at the Justice Department, certainly by the media and by the Congress.

We have a President, an Executive, of one party, Congress run by another party. I daresay there are going to be some checks and balances here. Anyone who thinks this can be smothered by the Justice Department does not recognize how this town works. What it will do is save us a lot of money, and that is what I keep hearing about from my constituents.

Until I started looking at this independent counsel law during the impeachment trial we had in the Senate, I had not paid all that much attention to it. In fact, I admit freely, when the extension passed in 1993, I was one of those who voted to extend it. I wish now I had not, because I think it has run amok. That is why I will be in favor of letting it expire on June 30.

In looking at this, I was trying to find out how Ken Starr could rack up a bill between $40 million and $50 million in less than 3 years. How could that be possible?

I began trying to find the line items where he was spending the money. Guess what I found out. We cannot get

that information. I can go to the Department of Agriculture and I can find out where every last nickel they spend goes. I can go to the Defense Department and find out exactly where every nickel they spend goes. They have to line item everything. That is true of any branch of Government but not of the independent counsel. Believe it or not, you cannot find out where he is spending the money. All they have to put it under is general broad categories, summaries.

For example, here is a bill, and this came from the Los Angeles Times. They said they paid $30,517 for psychological analysis of evidence in the suicide of former White House lawyer Vincent Foster by the same Washington group that looked into the untimely death of rock musician Kurt Cobain. What is that all about?

Then there is $370 a month in parking. We do not know who for or what for, but it is there, $370 a month. Here is $729,000 on five private investigators who were hired to supplement dozens of FBI agents. What did it go for? Where did that money go? We do not know. Here is a report that Mr. Starr paid $19,000 a month in rent at a luxury apartment building for staff members—19,000 bucks a month? I would like to know what he was renting. Again, we do not know because we cannot get into the line items.

That is just another glaring deficiency in this huge loophole that we opened with the independent counsel law. It is, in fact, a fourth branch of Government with no checks and balances and no accountability to Congress.

Despite the fact that Mr. Starr made his referral to Congress, it was considered and dispensed with through a long, tortuous episode in the House and long, tortuous episode in the Senate with the impeachment trial. According to newspaper accounts, Mr. Starr has no plans to wind things down. In fact, there are indications he may keep the investigation going not for 1 year, not for 2 years, but for 3 more years. That is why we are offering our amendment; cut funding in 6 months for any independent counsel investigation that has been ongoing for 3 years or more. That is enough time.

The Starr investigation has been going now for almost 5 years, and I think we are pretty darn close to $50 million, maybe more by now. We are just saying, during these 6 months, to Mr. Starr and these other independent counsel, even the one who is investigating Samuel Pierce from the Reagan administration, it is time to put their books together and make any referrals for any additional action or investigations to the Attorney General.

This deadline gives plenty of time to the independent counsel to finish their work. And, again, if there is any problem, the American people can rest assured that these cases will be handled by a specialized office of the Justice Department that has been doing this for over 20 years.

I think we have all concluded that the independent counsel law is fatally flawed. Under these circumstances, it would be a mistake to let the Starr investigation continue on indefinitely without any end date, without any oversight, without any rein on prosecutorial excess, without any rein on money.

I think we ought to listen to people and let the country move on. Mr. Starr has had long enough to investigate Whitewater and Monica Lewinsky. The Senate considered the charges against the President. We dispensed with them. I think 6 months is long enough to wrap things up. Make the referrals he deems necessary so we can put this behind us.

Again, I just point out, Mr. President, that Mr. Starr is sort of like a gold-plated energizer bunny—his investigation keeps going on and on, and the money just keeps going up and up and up.

Twenty independent counsel investigations have been initiated since 1978, at a cost estimated at nearly $150 million. Here is one. Donald Smaltz began his $17 million investigation of former Ag Secretary Espy in November 1994. He filed 30 counts. The jury threw them all out. The jury threw them all out. He spent $17 million. What happened? Well, it sure ruined Agriculture Secretary Espy, I can tell you that; but the jury found him innocent—$17 million.

David Barrett began his investigation, which I understand is now around $7 million, of former Housing Secretary Cisneros in May of 1995.

So the bills just keep getting racked up. The independent counsel keep going, and the people of this country are wondering, What in the heck are we doing? Here we are on an appropriations bill, we are trying to scrounge every nickel, every penny we need to meet the critical needs of people in this country. We have it in the farm sector. We have a lot of critical needs in rural America, I can tell you that right now, with the devastating crop prices and livestock prices. And we are looking for money for some assistance for farmers. We can't find it. Yet we have millions for Ken Starr and for all these other investigators to just keep living in luxury apartments and running up the bills to the taxpayers with no accountability.

So that is why I think we have to do this. Six months is long enough. I do not know what the Governmental Affairs Committee will report out, when they report it out. It is my own observation that when this law expires on June 30 there are not the votes here to extend it. Some people may want to extend it, but I do not think there will be the 60-plus votes necessary to extend that law. But that does not make any difference; the ones that are going on now can just keep right on going. I just think it is time to heed the common wisdom of the people of this country and shut the spigot off and turn it over to the Justice Department by the end of the year.

I yield the floor.

Mr. THOMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. THOMPSON. Mr. President, we at the Governmental Affairs Committee are, indeed, conducting hearings with regard to the independent counsel. The criticisms of the Independent Counsel Act have been many and well known for many, many years. The Act was passed in 1978. I was one of the ones who was critical of the idea that you could set somebody up totally separate and outside the process and not accountable in the very beginning.

A lot of my friends now who criticize the Act, of course, thought it was a very good idea back when the independent counsel were investigating the other party. All of the criticisms about Mr. Starr, of course, were applicable to Mr. Walsh's investigation, which went on longer, cost more than Mr. Starr's investigation back during previous administrations.

We should not look at this in terms of who is investigating whom. As I say, I have been critical of it all along. I still am. But the question is, Where is the power going to reside if you have a real conflict of interest? If you have a President of the United States who has been accused of serious misconduct, can his appointee, the Attorney General, investigate that with any credibility? I think for most of the Attorneys General we have had throughout our history, the answer is, yes, they have been people of great integrity. But what about the perception? Is that a good idea?

So if we do not have an independent counsel, we give it back to the employee of the President to investigate the President? That is an inherent conflict of interest. Attorney General Reno herself, the Department, the administration back in 1993, all agreed that was a bad idea, and they were for the independent counsel. Now, recent events, and Mr. Starr's criticism, has caused them to reverse on a dime and say that they have discovered structural defects in the statute.

The statute has been basically the same since 1978. They are just now discovering those structural defects in the statute. It looks an awful lot like the question of, Whose ox is being gored? But we are trying to stay away from too much of that.

I have been critical, of course, of this Justice Department in not appointing an independent counsel in the case that I feel calls out for it the most. We have a classic case with regard to the campaign financing scandal—one of the largest scandals we have ever had in this country—a classic case for why the independent counsel law was passed. Yet all these others have been appointed, but when it comes to the big guy, we do not have an appointment in that particular case.

But, that aside, we are trying to examine all sides of this: Should we continue the law? Should we not continue the law? And if we continue the law, should we modify it? All those are possibilities. All those are on the table. And we do not know what the result is going to be yet.

So along comes this amendment that is on the floor now—a terribly bad idea. Regardless of whether you are for the independent counsel statute or against the independent counsel statute, the idea that Congress should step in, either now, 3 months from now, or 6 months from now, and call to a halt investigations that have been going on for a year—not just Mr. Starr's investigations but other independent counsel—and say, ''Congress knows best; we're going to get into the middle of these criminal investigations, and although we set up the independent counsel law that was passed in this U.S. Congress—they were duly appointed—we're going to call a halt to them because we don't like the people who are being investigated; we don't like the amount of money that you're spending,'' or all those newfound criticisms that we have been silent on up until now since 1978, is an extraordinarily bad idea.

The Congress has already determined that even if the independent counsel law lapses, these investigations that are ongoing should continue.

The Attorney General can ask the three-judge panel to call a halt to an investigation if she believes that it is justified. She has not done that. In fact, the Attorney General does not support this amendment. This amendment would say: Let's call a halt to all of it and give it back to the Attorney General.

I asked the Attorney General yesterday, in Governmental Affairs, just one question: ''As a matter of policy, do you think it would be wise for Congress to terminate current ongoing investigations, regardless of what happens after that?'' Attorney General Reno's response: ''I think since these investigations are underway, they should probably be concluded under the current framework.'' So she doesn't support this amendment, an extraordinarily bad idea.

So it goes back to the Attorney General under this amendment, as I say, not just Mr. Starr's investigation, but the investigation with regard to Mr. Cisneros, for example, others, the Webb Hubbell investigation. All of that would be brought to an end and sent back to the Attorney General.

And she has two choices: She can either keep it and dispose of it herself, at a time when that Department probably has less credibility than it has had in many, many years; or she can launch a new investigation and call for a new special counsel to come in—extraordinarily expensive, wasteful, nonsensical, Mr. President; a very, very bad idea, whether or not you are for or against the extension of the Independent Counsel Act.

Congress should not be interjecting itself to terminate investigations at midstream when there is also a mechanism, if it is justified, for that to be done. So I sincerely hope that my colleagues will join me in opposing this amendment.

I yield the floor.

Mr. STEVENS. Mr. President, I intend to move to table this amendment. It is a very serious subject and we have had extensive hearings before the Governmental Affairs Committee, which Senator THOMPSON chairs. I do believe we will have to address this subject at a later time in the Senate, but this is not the time to do it.

Therefore, I move to table that amendment and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. STEVENS. I ask unanimous consent there be 2 minutes equally divided for explanation of the second amendment prior to the vote on the second amendment, that is, this amendment I have just moved to table.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent for 2 minutes between the two votes to explain the process that will occur after that vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Is all time expired?

The PRESIDING OFFICER. All time has expired.

VOTE ON AMENDMENT NO. 89

The PRESIDING OFFICER. The question is on agreeing to the motion to table the amendment of the Senator from Arkansas. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. NICKLES. I annouce that the Senator from Arizona (Mr. MCCAIN), is necessarily absent.

The result was announced—yeas 69, nays 30, as follows:

[Rollcall Vote No. 54 Leg.]

YEAS—69

Abraham	Feinstein	Lincoln
Akaka	Fitzgerald	Lugar
Allard	Frist	Mack
Baucus	Gorton	McConnell
Bayh	Graham	Mikulski
Bennett	Gramm	Moynihan
Biden	Grams	Murkowski
Bingaman	Gregg	Murray
Bond	Hagel	Nickles
Boxer	Harkin	Reed
Breaux	Hutchison	Reid
Brownback	Inouye	Robb
Bryan	Jeffords	Roberts
Byrd	Johnson	Rockefeller
Campbell	Kennedy	Roth
Chafee	Kerrey	Sarbanes
Cleland	Kerry	Schumer
Cochran	Kohl	Smith (OR)
Daschle	Landrieu	Stevens
Dodd	Lautenberg	Thomas
Domenici	Leahy	Voinovich
Durbin	Levin	Warner
Edwards	Lieberman	Wyden

NAYS—30

Ashcroft	Enzi	Santorum
Bunning	Feingold	Sessions
Burns	Grassley	Shelby
Collins	Hatch	Smith (NH)
Conrad	Helms	Snowe
Coverdell	Hollings	Specter
Craig	Hutchinson	Thompson
Crapo	Inhofe	Thurmond
DeWine	Kyl	Torricelli
Dorgan	Lott	Wellstone

NOT VOTING—1

McCain

The motion to lay on the table the amendment (No. 89) was agreed to.

Mr. STEVENS. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order. The Senator from Alaska.

AMENDMENT NO. 92

Mr. STEVENS. Mr. President, under the agreement we have, there will be 1 minute on each side to explain the next amendment. Senator TORRICELLI will be first with that minute. Following that, I have 2 minutes to explain to the Senate what we have to do after this vote.

The yeas and nays have been ordered, Mr. President. I did order the yeas and nays.

But before that vote, Senator TORRICELLI is to be recognized for 1 minute. It is only 1 minute. I hope we could have order so the Senate can hear these Senators.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. TORRICELLI. Mr. President, before the Senate is the question of when the independent counsel statute expires. There is still the issue of the appropriations, and whether the poor continuing independent counsel will be able to spend, not just this year, but on into the future, $10 million, $20 million, $100 million.

We begin the orderly process, on 6-month notice, of moving those cases into the Public Integrity Section of the Justice Department where the Attorney General has assured us she is prepared to receive the cases. They will be pursued professionally and prosecuted to the full extent of the law. All we have provided for is the orderly transfer of those cases. Justice will be done. Every case will be pursued. It will be done within the Justice Department, and at long last there will be accountability of how much we spend.

If you have been asked by constituents: Isn't $50 million too much? Will it be $100 million? Will it be $200 million? This is the answer to your constituents' inquiry. It is control, but it also assures justice within the Department.

The PRESIDING OFFICER (Mr. FITZGERALD). The time of the Senator has expired. The Senator from Tennessee.

Mr. THOMPSON. Mr. President, the Senate has previously determined if, in fact, the Independent Counsel Act is allowed to expire, investigations that are currently underway will be ongoing. Why did the Senate decide that? The obvious reason is it is a bad idea for the Congress to be terminating investigations in midstream and sending them back to Justice.

This amendment would reverse that previous determination that this body has made. They would send it back to Justice with choices: They would either have to shut down the investigation, make the determination themselves, which would be terrible in terms of appearance, or they would have to continue the investigation and bring somebody else in to do it, which would be terrible in terms of efficiency.

I asked Attorney General Reno in the Governmental Affairs Committee what she thought about it. She said, ''I think, since these investigations are underway, they should probably be concluded under the current framework.''

I suggest this is a very bad idea and should be defeated.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I ask for 2 minutes here to inform the Senate what procedure I hope we will follow at this time. We have a list of amendments here, some 70 amendments, but I do not expect them all to be offered. Particularly, I do not expect them all to be offered when you see what is going to happen to this amendment. I say that advisedly, after being advised by the proponents.

But, Mr. President, it is going to be my policy as the majority manager of this bill to move to table every amendment that is not cleared on both sides. This is an emergency measure. We are going home a week from Friday. Next week is all taken up with the budget. We either get this done now so we can go to conference with the House on Monday or Tuesday and bring it back before Friday, or we might as well forget about it.

So I respectfully inform the Senate I shall move, as the manager, to table every amendment that does not have bipartisan support. So, if you have an amendment on that list and you do not want to lose on it, now is the time to take it off.

Mr. GRAMM addressed the Chair.

Mr. STEVENS. Mr. President, I ask unanimous consent the yeas and nays that have been ordered be vitiated, and we take a voice vote on this amendment.

The PRESIDING OFFICER. Is there objection?

Mr. GRAMM. Reserving the right to object, may I pose a question to the Senator?

Mr. STEVENS. Yes.

Mr. GRAMM. This is a motion to table the amendment?

Mr. STEVENS. Yes. The Senator will see we are going to voice vote it and it will carry.

Mr. GRAMM. With that assurance from the manager of the bill, I do not object.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I thank the Chair.

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the motion.

The motion to lay on the table the amendment (No. 92) was agreed to.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, we are prepared to go through any amendment that is going to be offered and give our advice as quickly as possible as to whether or not we will support that amendment. I urge Senators to bring the amendments to us. Senator BYRD and I will go over them immediately, and we can determine how many of these amendments we might have to vote on. As soon as the leader has made his request for a time agreement, we will go further into the operation here of the Senate before we finish this bill.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I am curious to know what amendments might be coming up. Is there a list available we can look at? Obviously, they are not all going to be approved. It is my understanding, from what the manager said, if any amendment is objected to, then he will include that amendment in those to be tabled by voice vote?

Mr. STEVENS. I don't know about the voice votes, Mr. President, if the Senator will yield. I do know we will have a list here very soon. The leader will present it. That is what we are waiting for now. I do say we have a tentative list. We are trying to winnow that down, but if we can get agreement on that list, I think then we can proceed. I don't know whether we can get agreement on the list and that is what we are waiting for. But we will show you the list as soon as possible.

Mr. CHAFEE. Should we wait around here?

Mr. STEVENS. We should have that list within about 20 or 30 minutes.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. THURMOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. THURMOND. I ask unanimous consent the privilege of the floor be granted to Ernie Coggins, a legislative fellow, during the pendency of the emergency supplemental appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 93, 94, 95, 96, 97, 98, EN BLOC

Mr. STEVENS. Mr. President, I am going to send to the desk a package of amendments.

The first is an amendment by Senators HELMS and MCCONNELL directing the Office of Inspector General, Agency for International Development, to audit expenditures for emergency relief activities.

The second is an amendment by Senator REID to provide an additional $500,000 for technical assistance related to shoreline erosion at Lake Tahoe, NV.

The next is an amendment by Senator KYL to provide an additional $5 million for emergency repairs to Headgate Rock hydroelectric project in Arizona.

Next is an amendment by Senators DOMENICI and REID making a rescission of $5.5 million to funds available to the Corps of Engineers to offset additional funds provided in the previous two amendments.

Next is an amendment by Senators JEFFORDS and BINGAMAN directing the Agency for International Development to undertake efforts to promote reforestation and other environmental activities.

Last is an amendment by Senator LEVIN allowing the President to dispose of certain material in the National Defense Stockpile.

These have all been cleared on both sides, and they are all fully offset.

I send the package to the desk and ask unanimous consent that they be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the amendments.

The legislative clerk read as follows:

The Senator from Alaska (Mr. STEVENS), for Mr. HELMS, Mr. MCCONNELL, Mr. REID, Mr. KYL, Mr. DOMENICI, Mr. JEFFORDS, Mr. BINGAMAN, and Mr. LEVIN), proposes amendments Nos. 93 through 98, en bloc.

Mr. STEVENS. Mr. President, I ask unanimous consent that the reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 93

(Purpose: Relating to activities funded by the appropriations to the Central America and the Caribbean Emergency Disaster Recovery Fund)

On page 8, line 22, insert before the proviso the following: ''*Provided further*, That up to $1,500,000 of the funds appropriated by this heading may be transferred to 'Operating Expenses of the Agency for International Development, Office of Inspector General', to remain available until expended, to be used for costs of audits, inspections, and other activities associated with the expenditure of funds appropriated by this heading: *Provided further*, That $500,000 of the funds appropriated by this heading shall be made available to the Comptroller General for purposes

of monitoring the provision of assistance using funds appropriated by this heading: *Provided further,* That any funds appropriated by this heading that are made available for nonproject assistance shall be obligated and expended subject to the regular notification procedures of the Committees on Appropriations and to the notification procedures relating to the reprogramming of funds under section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394–1):''.

AMENDMENT NO. 94

Insert in the appropriate place:

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

Corps of Engineers—Civil

CONSTRUCTION, GENERAL

For an additional amount for ''Construction, General,'' $500,000 shall be available for technical assistance related to shoreline erosion at Lake Tahoe, NV caused by high lake levels pursuant to Section 219 of the Water Resources Development Act of 1992.

AMENDMENT NO. 95

Insert in the appropriate place:

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

Water and Related Resources

For an additional amount for ''Water and Related Resources'' for emergency repairs to the Headgate Rock Hydroelectric Project, $5,000,000 is appropriated pursuant to the Snyder Act (25 U.S.C.), to be expended by the Bureau of Reclamation, to remain available until expended.

AMENDMENT NO. 96

Insert in the appropriate place:

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

Corps of Engineers—Civil

CONSTRUCTION, GENERAL

Of the amounts made available under this heading in P.L. 105–245 for the Lackawanna River, Scranton, Pennsylvania, $5,500,000 are rescinded.

AMENDMENT NO. 97

On page 9, line 10 after the word ''amended'' insert the following: '': *Provided further,* That the Agency for International Development should undertake efforts to promote reforestation, with careful attention to the choice, placement, and management of species of trees consistent with watershed management objectives designed to minimize future storm damage, and to promote energy conservation through the use of renewable energy and energy-efficient services and technologies: *Provided further,* That reforestation and energy initiatives under this heading should be integrated with other sustainable development efforts''.

AMENDMENT NO. 98

(Purpose: To authorize the disposal of the zirconium ore in the National Defense Stockpile)

On page 58, between lines 15 and 16, insert the following:

TITLE V—MISCELLANEOUS

SEC. 5001. (a) DISPOSAL AUTHORIZED.—Subject to subsection (c), the President may dispose of the material in the National Defense Stockpile specified in the table in subsection (b).

(b) TABLE.—The total quantity of the material authorized for disposal by the President under subsection (a) is as follows:

Authorized Stockpile Disposal

Material for disposal	Quantity
Zirconium ore	17,383 short dry tons

(c) MINIMIZATION OF DISRUPTION AND LOSS.—The President may not dispose of material under subsection (a) to the extent that the disposal will result in—

(1) undue disruption of the usual markets of producers, processors, and consumers of the material proposed for disposal; or

(2) avoidable loss to the United States.

(d) RELATIONSHIP TO OTHER DISPOSAL AUTHORITY.—The disposal authority provided in subsection (a) is new disposal authority and is in addition to, and shall not affect, any other disposal authority provided by law regarding the material specified in such subsection.

(e) NATIONAL DEFENSE STOCKPILE DEFINED.—In this section, the term ''National Defense Stockpile Transaction Fund'' means the fund in the Treasury of the United States established under section 9(a) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h(a)).

Mr. STEVENS. Mr. President, I ask unanimous consent that the amendments be agreed to en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (Nos. 93, 94, 95, 96, 97, and 98) were agreed to.

Mr. STEVENS. I move to reconsider the vote by which the amendments were agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. LOTT. Mr. President, I ask unanimous consent that the following amendments be the only remaining first-degree amendments in order to S. 544, with the exception of the pending amendments; that they be subject to relevant second-degrees and that no other motions, other than motions to table, be in order.

I submit the list and, Mr. President, I believe the Democratic leadership has a copy of this list also.

The list of amendments is as follows:

AMENDMENT LIST FOR SUPPLEMENTAL

Domenici:
1. New Mexico southwest border HIDTA.
2. Oil/gas loan guarantee.
Specter/Durbin: Unfair foreign competition/trade fairness.
Hutchison: Kosovo.
Robb: Cavalese, Italy claims.
Stevens:
1. Non-Indian health service.
2. Glacier Bay compensation.
3. Relevant.
4. Relevant.
Hatch: Ethical standards for Federal prosecutors.
Gregg: Fishing permits.
Gorton:
1. Hardrock mining.
2. Power generation equipment.
Brownback/Roberts: Natural gas producers.
DeWine:
1. Counterdrug research.
2. Counterdrug funding.
Smith (NH): Kosovo.
Enzi:
1. States' rights.
2. Livestock assistance.
3. Livestock assistance.
4. Relevant.
Murkowski: Glacier Bay.
Ashcroft: Emergency assistance to USDA.
Bond:
1. Hog producers.
2. 1998 disaster.
Jeffords: Relevant.
Gramm:
1. Strike emergency designation.
2. Steel loan program (4 amendments).
3. Offsets (4 amendments).
4. Relevant.
Kohl: Bankruptcy technical correction.
Lincoln:
1. Debris removal.
2. CRCT.
Gorton: Loan deficiency payments.
Dorgan: Shared appreciation amendment.
Kohl: NRCS conservation operation funding.
Lott: 3 relevant amendments.
Lott: Rules.
DeWine: Steel.
Leahy/Jeffords: Funding for apple growers.
Cochran:
1. Relevant.
2. Relevant.
Grams: $3.4 million transfer within HUD.
Burns: Sheep improvement center.
Nickles: Emergency.
Craig: Agriculture sales to Iran.
Biden: Relevant.
Bingaman:
1. SoS Home care.
2. Energy related.
3. Ag related.
Byrd:
1. Relevant.
2. Relevant.
3. Relevant.
Daschle:
1. Ellsworth AFB.
2. Missouri River.
3. Firefighters.
4. Relevant.
5. Relevant.
6. Relevant.
7. Tobacco recoupment.
Dorgan: Grain sale to Iran.
Durbin:
1. Medicaid recoupment.
2. Kosovo (2nd degree).
3. Relevant.
Edwards: TANF.
Feinstein: WIC increase.
Feingold: Relevant.
Harkin;
1. Tobacco.
2. Relevant.
3. Relevant.
4. Relevant.
Johnson:
1. Relevant.
2. Relevant.
3. Relevant.
Kerry: Hard rock mining.
Kerrey: Flood control—Corps of Engineers.
Landrieu:
1. Central America—disaster fund.
2. Immigration.
3. Immigration.
Leahy: Apple growers.
Levin: Relevant.
Murray: Rural schools—class size fix.
Reed: OSHA Small farm rider.
Robb: Ski gondola victims.
Torricelli: Relevant.
Graham:
1. Micro Herbicide.
2. Sec. 3002—Counterdrug.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Mr. President, reserving the right to object, and I will not, I will just describe the list for our colleagues to indicate that there are approximately 45 Republican amendments and approximately 35 Democratic amendments on the list just submitted, but I do not object. I support the request made by the majority leader.

Mrs. HUTCHISON. Reserving the right to object, I want to make sure I understand what the majority leader has put forward. The amendments would be amendable with relevant second-degrees; is that correct? Would substitutes also be allowed on amendments?

Mr. LOTT. Mr. President, in answering the question of the Senator from Texas, all first-degree amendments that are listed would be subject to relevant second-degree amendments, but if they are not on that list, then they would not be subject to relevant second-degree amendments. I guess that a second-degree amendment in the nature of a substitute would be in order.

The PRESIDING OFFICER. If it is relevant, it would be in order.

Mrs. HUTCHISON. Thank you.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Did we get agreement to that request? I will go ahead and complete the entire request. Let me say on the list of amendments, Senator DASCHLE is correct. There are apparently 80-something amendments on that list. I assume that a lot of them are defensive in nature and some of them can very likely be accepted. We have the two best managers, probably, in the Senate handling this bill—the Senator from Alaska, Mr. STEVENS, and the Senator from West Virginia, Mr. BYRD. I am sure they will go through that list like a knife through hot butter. But there are some on that list that certainly will have to be dealt with in the regular order. We will work on our side to get that list worked down, just as I am sure Senator DASCHLE will.

Mr. President, I further ask unanimous consent that following the disposition of the above-listed amendments, the bill be advanced to third reading and passage occur, all without any intervening action or debate. I further ask that the bill remain at the desk, and when the Senate receives the House companion bill, the Chair automatically strike all after the enacting clause, insert the text of S. 544, as amended, the House bill be advanced to third reading and the bill be passed, all without intervening action or debate.

I further ask that the Senate insist on its amendments, request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate.

For the information of those who might be wondering about that, the House has not yet acted on this supplemental. It is anticipated they will not act until Tuesday or Wednesday of next week. Therefore, we do not want to run this to final completion. This will allow us to stop at a critical point and wait for the House action and then go straight to conference.

Finally, I ask that the Senate bill be placed back on the Calendar and final passage occur no later than 11 a.m. on Friday, March 19, and that paragraph 4 of rule XII be waived.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Mr. President, I have just noted that there are approximately 90 amendments. I agree with the characterization of the majority leader that we have the two finest managers the Senate could put forth as we work through this bill, and I am sure that they will cut through those amendments like a knife through hot butter. As eternal an optimist as I am, I am still not optimistic at this point that we can complete work on all 90 amendments prior to 11 o'clock, so I will object.

I do ask for the cooperation of our colleagues in the hopes that we can finish this bill. Obviously, there is a great deal of work that yet needs to be done. If we work this afternoon and work hard, perhaps as early as this evening we might be able to finish, but let's give it our best effort and revisit the question of when we can go to final passage. So I object.

Mr. LOTT. Mr. President, I revise my unanimous consent request. It is the same as earlier stated, but I will delete the last phrase with regard to these words: ''And final passage occur no later than 11 a.m. on Friday, March 19, and that paragraph 4, rule XII, be waived.'' Therefore, it will conclude with these words: ''Finally, I ask that the Senate bill be placed back on the Calendar.''

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. LOTT. I thank Senator DASCHLE. Mr. President, I yield the floor.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, there is likely there will be an amendment offered relating to Kosovo. I would like to speak briefly on that subject, if I may, in the absence of any other Senator on the floor.

I note the distinguished chairman of the Appropriations Committee has just come to the floor. Does the chairman wish to take the floor?

Mr. STEVENS. Will the Senator yield?

Mr. SPECTER. I do.

Mr. STEVENS. Mr. President, the Kosovo amendment has been set aside temporarily. The meeting is going on in the leader's office. I wonder if the Senator knows that is going on and should participate in that.

Mr. SPECTER. I thank the chairman. I will participate. I want to make just a couple of comments.

Mr. President, the Kosovo matter again raises the issue about the respective power of Congress under the Constitution, the sole authority to declare war, and the authority of the President as Commander in Chief. This is a recurrent theme of consideration.

Within the course of the past year, we faced the issue of airstrikes, which were anticipated against Iraq in February of 1998. At that time, I wrote the President, and spoke on the floor of the Senate calling on the President to seek congressional authority, if action was contemplated there, because an airstrike was an act of war and only the Congress of the United States has the authority to involve the Nation in war.

There are circumstances where the President has to act in emergency situations, where as Commander in Chief he must act in the absence of an opportunity for congressional consideration. At that time, there was adequate opportunity for congressional consideration. However, it was not undertaken, and that incident passed without any military action. We then had the events of this past mid-December where airstrikes were launched on Iraq. Again, on that occasion, I had written to the President of the United States urging that he make a presentation to the Congress as to what he wanted to do. Again, airstrikes constitute an act of war, and we have learned from the bitter experience of Vietnam that we cannot successfully undertake a war without the support of the American people. And the first action to obtain that support is from the Congress of the United States.

We have now been in Bosnia for a protracted period of time. Originally, this was supposed to be a limited engagement. That has been extended. Congress enacted legislation to cut off funds under certain contingencies. That has all lapsed, and we remain in Bosnia with very substantial expenditures. Fortunately, there has not been military action. So although there have been some casualties, it has not been as a result of a conflict.

We are looking at a situation in Kosovo which is enormously serious. I, again, urge the President of the United States to make a presentation to the Congress as to what he would like to undertake. The House of Representatives, by a fairly narrow vote, authorized some limited use of force in Kosovo. The headline featured was ''President Gets Support That He Had Not Asked For''. Presidents are very reluctant to come to the Congress with a request for authorization, because that may be interpreted to dilute their authority to act as Commander in Chief unilaterally without congressional authority.

I had filed a resolution on the use of force with missile and airstrikes, which would involve minimal risk and strike where there are no U.S. personnel placed in harm's way. I did that really to stimulate debate by Congress on what authorization there should be. But it is more than a matter of notification. The administration talks of notification, and very frequently even notification is a virtual nullity coming at a time when Congress has no opportunity to really be involved in the decision making process.

I can recall back in mid-April of 1986 when President Reagan ordered the airstrike on Libya. The consultation was had—really notification, not consultation, the difference being that if you notify, you are simply telling Congress what has happened. If you consult, that has the implication that there may be some response from the administration depending on the congressional reaction. Both are vastly short of authorization, which is what the Constitution requires on a declaration of war.

But, in any event, in mid-April of 1986, congressional leaders were summoned to be told that the planes were in flight. There was a meeting with many Senators shortly after the attack occurred, there was quite an interesting debate between the Senator from West Virginia, Senator BYRD, and Secretary of State Schultz as to whether Congress could have had any effect, or whether congressional leaders could have had any effect, if they wanted to have an impact on that situation.

But when we take a look at what is happening now in Kosovo with a massing of forces, and we take a look at the terrain, we take a look at the air defense, we may be involved in more than missile strikes. And it is one thing to support missile strikes. It is quite another thing to support airstrikes. It all depends upon the facts and the circumstances in situations where the Congress needs to know more, and the American people need to know a great deal more.

So it is my hope that the President will address this issue, will tell the Congress of the United States what he would like to do in Kosovo, seek authorization from the Congress, and tell the American people what he has in mind.

I know from my contacts in my State of 12 million people that Pennsylvanians do not have much of an idea about what is involved in Kosovo. And there are very, very serious ramifications and questions as to what our posture would be with NATO, if we do not join NATO forces on something which is agreed to there. But, when nations of NATO act, they do not have our Constitution. They are aware of our Constitution. They are aware of the provisions of our Constitution, that only the Congress can declare war.

So if there is not congressional support, if there is not congressional action, they are on notice that they do not have a commitment in the Congress of the United States, a Constitutional commitment in the United States, to act. What the President may do unilaterally, of course, is a matter which has always been a little ahead of the process. It is a fact that frequently Congress sits by and awaits Presidential action.

If it is a success, fine. If it is a failure, then there may be someone to blame—the President, not the Congress.

But it is my hope the President will come to the Congress, tell the Congress what it is he wants, tell the American people what it is the President thinks ought to be done so we can have an understanding as to what is involved here. So we can have an understanding as to what the risks are, what the objectives are, what the end game is, and what the exit strategy is. Then we can make a rational decision.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CRAPO). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I have a progress report for the Senate. Our chief of staff, Mr. Cortese, has just informed me that we have approximately 20 of the 70 amendments that were listed on the agreement almost ready for presentation for approval on a bipartisan basis.

I am making this statement to appeal to Senators who have amendments on the list to bring them to our staff so we can review them now, and I hope that when we explain to them why we cannot take them, they will withdraw their amendments.

I am hopeful we can pursue a process and find a way to complete action on this bill by noon tomorrow. I do hope that will happen.

I will be able to present those other amendments to the Senate for approval on a bipartisan basis probably within an hour or so. Meanwhile, we cannot proceed all the way through the amendments unless the Senators give us their amendments to review. I know there are two committee meetings at this time, Mr. President. They are slowing down this process, and they are both trying to get bills out in order that they may be considered next week. We will just have to bear with the situation for a few more hours.

We intend to keep going on this bill, and that may mean late tonight, if necessary. If we had the cooperation of the Senate in presenting these amendments, I think we could tell the Senate by 6 or 6:30 the number of votes we will have to have and when they will occur.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair, which will occur about 5 o'clock.

There being no objection, the Senate, at 4:37 p.m., took a recess subject to the call of the Chair.

The Senate reassembled at 5:31 p.m., when called to order by the Presiding Officer (Mr. SMITH of Oregon).

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, for the information of the Senate, I have been notified that we can ask unanimous consent to remove from the agreement list of amendments for this bill the Landrieu amendments on immigration, the Edwards amendment on TANF, and the Specter amendment on unfair foreign competition. I ask unanimous consent they be deleted.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, these amendments have been withdrawn after consultation. I congratulate the Senators for their willingness to work with us and urge other Senators to come forward and tell us if they do not intend to offer their amendments. We are very close to proceeding with a package of amendments here. There is one last problem.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 100 THROUGH 110, EN BLOC

Mr. STEVENS. Mr. President, I shall send to the desk a package of amendments. Once again, they are amendments that have been cleared on both sides with the legislative committees as well as the subcommittees of appropriations with respect to the various jurisdictions.

The first amendment is by Senator DOMENICI to expand the jurisdiction of the State of New Mexico's portion of the Southwest Border High-Intensity Drug Trafficking Area.

Next is an amendment by Senator ROBERTS to provide relief from unfair interest and penalties on refunds retroactively ordered by the Federal Energy Regulatory Commission.

Next is an amendment for myself to exempt non-Indian Health Service and

non-Bureau of Indian Affairs funds from section 328 of the Interior Department and Related Agencies Appropriations Act for Fiscal Year 1999.

The next amendment is offered by Senator GRAMS to provide funding for annual contributions to public housing agencies for operating low-income housing projects.

Next is an amendment by Senator LINCOLN to provide for watershed and flood prevention debris removal.

Next is an amendment by Senator GORTON regarding loan deficiency payments for club wheat producers.

Next is an amendment for myself dealing with commercial fishing and compensation eligibility in Glacier Bay.

The next amendment is by Senator GORTON providing clarification for section 2002 of the bill regarding hardrock mining regulations.

Next is an amendment by Senator GORTON to expand the eligibility of emergency funding for replacement and repair of power generation equipment.

Next is an amendment by Senators LANDRIEU and DOMENICI to support homebuilding for the homeless in Central America.

Next is an amendment by Senator DASCHLE providing relief to the White River School District No. 4.

Finally, there is a second Daschle amendment to provide for equal pay treatment for certain Federal firefighters under section 545(b) of title V of the United States Code and other provisions of law.

Mr. President, I send these amendments to the desk and ask unanimous consent that they be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The clerk read as follows:

The Senator from Alaska (Mr. STEVENS) proposes amendments Nos. 100 through 110.

Mr. STEVENS. I ask unanimous consent that the reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 100

(Purpose: To expand the jurisdiction of the State of New Mexico portion of the Southwest Border High Intensity Drug Trafficking Area (HIDTA) to include Rio Arriba County, Santa Fe County, and San Juan County and to provide specific funding for these three counties)

On page 30, after line 10 insert:

Chapter 7

EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

FEDERAL DRUG CONTROL PROGRAMS

HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy's High Intensity Drug Trafficking Areas Program, an additional $750,000 is appropriated for drug control activities which shall be used specifically to expand the Southwest Border High Intensity Drug Trafficking Area for the State of New Mexico to include Rio Arriba County, Santa Fe County, and San Juan County, New Mexico, which are hereby designated as part of the Southwest Border High Intensity Drug Trafficking Area for the State of New Mexico, and an additional $500,000 is appropriated for national efforts related to methamphetamine reduction efforts.

On page 44, after line 7 insert:

Chapter 9

EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

FEDERAL DRUG CONTROL PROGRAMS

SPECIAL FORFEITURE FUND

(RESCISSION)

Of the funds made available under this heading in Division A of the Omnibus Consolidated and Emergency Supplemental Appropriations, 1999 (Public Law 105–277) $1,250,000 are rescinded.

Mr. DOMENICI. Mr. President, I rise to offer an amendment to expand the State of New Mexico High Intensity Drug Trafficking Area (HIDTA) to include three counties in the north that are under siege from ''black tar'' heroin. This amendment designates Rio Arriba County, Santa Fe County, and San Juan County as part of the New Mexico HIDTA and provides $750,000 for the remainder of fiscal year 1999 to these counties to combat this serious drug problem. This amendment is fully offset for both budget authority and outlays according to the Congressional Budget Office.

Mr. President, this is part of an overall effort to combat the serious drug epidemic in northern New Mexico. Rio Arriba County leads the nation in per capita drug-induced deaths. The rate of heroin overdoses is reportedly three times the national average.

Last month, I held meetings with State and local officials and community representatives to assess the overall illegal drug situation in northern New Mexico. I am pleased to say that the State and the communities have been aggressive in trying to address this problem. Our task now is to marshal additional resources to the problem so that there is a comprehensive strategy to get this drug problem under control. This comprehensive strategy will include law enforcement, such as this HIDTA designation and the additional, targeted resources in my amendment, as well as programs for prevention, education, after school activities for our children, and treatment. It will take all of these steps, with prosecution and jail time for drug traffickers, to combat this drug epidemic in New Mexico.

I have also enlisted the assistance of Federal agencies in this battle. The Department of Justice law enforcement agencies can assist with the illegal trafficking of ''black tar'' heroin and other drugs, some of which are smuggled into the United States by illegal Mexican nationals. The Department of Health and Human Services is also a valuable ally in this fight through the National Institute on Drug Abuse and the Substance Abuse and Mental Health Services Administration. I am committed to marshaling both federal and state and local resources to tackle this serious problem.

This amendment also provides additional resources for a national program to crack down on illegal methamphetamine laboratories and trafficking. This is another serious drug problem for the nation, but my own home State of New Mexico, has seen a marked increase in these illegal activities. As a largely rural State, and so close to the border with Mexico, New Mexico has been inundated with methamphetamine. Many States are in this same predicament, and I applaud the subcommittee for boosting the resources for this important national effort.

Mr. President, illegal drug trafficking and use is a serious problem for our nation. In spite of the significant federal and state and local resources targeted to these illegal activities, the problem remains overwhelming in some of our communities and states. I urge the adoption of my amendment.

AMENDMENT NO. 101

(Purpose: To provide relief from unfair interest and penalties on refunds retroactively ordered by the Federal Energy Regulatory Commission)

At the appropriate place, insert:

SEC. . LIABILITY OF CERTAIN NATURAL GAS PRODUCERS.

The Natural Gas Policy Act of 1978 (15 U.S.C. 3301 et seq.) is amended by adding at the end the following:

"SEC. 603. LIABILITY OF CERTAIN NATURAL GAS PRODUCERS.

''If the Commission orders any refund of any rate or charge made, demanded, or received for reimbursement of State ad valorem taxes in connection with the sale of natural gas before 1989, the refund shall be ordered to be made without interest or penalty of any kind.''.

Mr. BROWNBACK. Mr. President, I rise in support of an amendment offered by myself and Senator ROBERTS which will seek to provide fair and equitable treatment for Kansas gas producers. At a time when the oil and gas industry is suffering, the Federal Government has taken unnecessary action against gas producers in Kansas.

For almost two decades the Commission allowed gas producers to obtain reimbursement for payment of Kansas ad valorem taxes on natural gas. In a series of orders the Commission repeatedly approved the collection of the Kansas ad valorem tax, despite challenges by various pipelines and distributors. However, in 1993 the Commission changed its mind and decided that the Kansas ad valorem tax did not qualify for reimbursement to the producer, and in 1996 the D.C. Circuit Court determined that a refund was to be made retroactively.

This is another example of Federal preemption of State rights and of a regulatory agency that is out of control. Kansas gas producers are being

penalized more than $300 million for abiding by regulations that the Commission had previously approved.

The Commission's decision will likely force small producers out of business, causing a slowdown in the production of natural gas which could have a tremendously negative impact on the Kansas economy.

This amendment that Senator ROBERTS and I have cosponsored will essentially relieve all gas producers from interest owed on the ad valorem tax. This amendment will save jobs, businesses, and loss of State revenue. I am hopeful that my colleagues will support this amendment and provide fair and equitable treatment for Kansas gas producers.

AMENDMENT NO. 102

(Purpose: to exempt non-Indian Health Service and non-Bureau of Indian Affairs funds from section 328 of the Interior Department and Related Agencies Appropriations Act for fiscal year 1999)

At the end of Title II insert the following: ''SEC. . Section 328 of the Department of the Interior and Related Agencies Appropriations Act, 1999 P.L. 105–277, Division A, Section 1(e), Title III) is amended by striking ''none of the funds in this Act'' and inserting ''none of the funds provided in this Act to the Indian Health Service or Bureau of Indian Affairs''.''

AMENDMENT NO. 103

(Purpose: To provide funding for annual contributions to public housing agencies for the operation of low-income housing projects)

On page 30, between lines 10 and 11, insert the following:

PHA RENEWAL

Of amounts appropriated for fiscal year 1999 for salaries and expenses under this heading in title II of the Department of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999, $3,400,000 shall be transferred to the appropriate account of the Department of Housing and Urban Development for annual contributions to public housing agencies for the operation of low-income housing projects under section 673 of the Housing and Community Development Act of 1992 (42 U.S.C. 1437g): *Provided*, That in distributing such amount, the Secretary of Housing and Urban Development shall give priority to public housing agencies that submitted eligible applications for renewal of fiscal year 1995 elderly service coordinator grants pursuant to the Notice of Funding Availability for Service Coordinator Funds for Fiscal Year 1998, as published in the Federal Register on June 1, 1998.

AMENDMENT NO. 104

(Purpose: To provide for watershed and flood prevention debris removal)

On page 5, line 9, strike ''watersheds'' and insert in lieu thereof the following: ''watersheds, including debris removal that would not be authorized under the Emergency Watershed Program,''.

AMENDMENT NO. 105

(Purpose: To prohibit the Secretary of Agriculture from assessing a premium adjustment for club wheat when calculating loan deficiency payments and to require the Secretary to compensate producers of club wheat for any previous premium adjustment)

Add at the appropriate place the following new section:

SEC. . (a) LOAN DEFICIENCY PAYMENTS FOR CLUB WHEAT PRODUCERS.—In making loan deficiency payments available under section 135 of the Agricultural Market Transition Act (7 U.S.C. 7235) to producers of club wheat, the Secretary of Agriculture may not assess a premium adjustment on the amount that would otherwise be computed for club wheat under the section to reflect the premium that is paid for club wheat to ensure its availability to create a blended specialty product known as western white wheat.

(b) RETROACTIVE APPLICATION.—As soon as practicable after the date of the enactment of this Act, the Secretary of Agriculture shall make a payment to each producer of club wheat that received a discounted loan deficiency payment under section 135 of the Agricultural Market Transition Act (7 U.S.C. 7235) before that date as a result of the assessment of a premium adjustment against club wheat. The amount of the payment for a producer shall be equal to the difference between—

(1) the loan deficiency payment that would have been made to the producer in the absence of the premium adjustment; and

(2) the loan deficiency payment actually received by the producer.

(c) FUNDING SOURCE.—The Secretary shall use funds available to provide marketing assistance loans and loan deficiency payments under subtitle C of the Agricultural Market Transition Act (7 U.S.C. 7231 et seq.) to make the payments required by subsection (b).

AMENDMENT NO. 106

At the appropriate place in title II, insert:

SEC. . GLACIER BAY. (a) DUNGENESS CRAB FISHERMEN.—Section 123(b) of the Department of the Interior and Related Agencies Appropriations Act, 1999 (section 101(e) of division A of Public Law 105–277) is amended—

(1) in paragraph (1)—

(A) by striking ''February 1, 1999'' and inserting ''June 1, 1999''; and

(B) by striking ''1996'' and inserting ''1998''; and

(2) In paragraph (3) by striking ''the period January 1, 1999, through December 31, 2004, based on the individual's net earning from the Dungeness crab fishery during the period January 1, 1991, through December 31, 1996'' and inserting ''for the period beginning January 1, 1999 that is equivalent in length to the period established by such individual under paragraph (1), based on the individual's net earnings from the Dungeness crab fishery during such established period''.

(b) OTHERS EFFECTED BY FISHERY CLOSURES AND RESTRICTIONS.—Section 123 of the Department of the Interior and Related Agencies Appropriations Act, 1999 (section 101(e) of division A of Public Law 105–277), as amended, is amended further by redesignating subsection (c) as subsection (d) and inserting immediately after subsection (b) the following new subsection:

''(c) OTHERS AFFECTED BY FISHERY CLOSURES AND RESTRICTIONS.—The Secretary of the Interior is authorized to provide such funds as are necessary for a program developed with the concurrence of the State of Alaska to fairly compensate United States fish processors, fishing vessel crew members, communities, and others negatively affected by restrictions on fishing in Glacier Bay National Park. For the purpose of receiving compensation under the program required by this subsection, a potential recipient shall provide a sworn and notarized affidavit to establish the extent of such negative effect.''.

(c) IMPLEMENTATION.—Section 123 of the Department of the Interior and Related Agencies Appropriations Act, 1999 (section 101(e) of division A of Public Law 105–277), as amended, is amended further by inserting at the end the following new subsection:

''(e) IMPLEMENTATION AND EFFECTIVE DATE.—The Secretary of the Interior shall publish an interim final rule for the federal implementation of subsection (a) and shall provide an opportunity for public comment on such interim final rule. The effective date of the prohibitions in paragraphs (2) through (5) of section (a) shall be 60 days after the publication in the Federal Register of a final rule for the federal implementation of subsection (a). In the event that any individual eligible for compensation under subsection (b) has not received full compensation by June 15, 1999, the Secretary shall provide partial compensation on such date to such individual and shall expeditiously provide full compensation thereafter.''.

(d) Of the funds provided under the heading ''National Park Service, Construction'' in Public Law 105–277, $3,000,000 shall not be available for obligation until October 1, 1999.

AMENDMENT NO. 107

On page 12, line 15, after the word ''nature'' insert the following: '', and to replace and repair power generation equipment''.

AMENDMENT NO. 108

(Purpose: To provide funds to expand the home building program for Central American countries affected by Hurricane Mitch)

On page 9, line 10, after the word ''amended'' insert the following: '': *Provided further*, That of the funds made available under this heading, up to $10,000,000 may be used to build permanent single family housing for those who are homeless as a result of the effects of hurricanes in Central America and the Caribbean''.

AMENDMENT NO. 109

(Purpose: To provide relief to the White River School District #4.7–1)

At the appropriate place, insert the following:

SEC. . WHITE RIVER SCHOOL DISTRICT #4.7–1.

From any unobligated funds that are available to the Secretary of Education to carry out section 306(a)(1) of the Department of Education Appropriations Act, 1996, the Secretary shall provide not more than $239,000, under such terms and conditions as the Secretary determines appropriate, to the White River School District #4.7–1, White River, South Dakota, to be used to repair damage caused by water infiltration at the White River High School, which shall remain available until expended.

AMENDMENT NO. 110

(Purpose: To provide for equal pay treatment of certain Federal firefighters under section 5545b of title 5, United States Code, and other provisions of law)

At the appropriate place, insert the following new section:

SEC. ____. (a) The treatment provided to firefighters under section 628(f) of the Treasury and General Government Appropriations Act, 1999 (as included in section 101(h) of Division A of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277)) shall be provided to any firefighter who—

(1) on the effective date of section 5545b of title 5, United States Code—

(A) was subject to such section; and

(B) had a regular tour of duty that averaged more than 60 hours per week; and

(2) before December 31, 1999, is involuntarily moved without a break in service from the regular tour of duty under paragraph (1) to a regular tour of duty that—

(A) averages 60 hours or less per week; and

(B) does not include a basic 40-hour workweek.

(b) Subsection (a) shall apply to firefighters described under that subsection as

of the effective date of section 5545b of title 5, United States Code.

(c) The Office of Personnel Management may prescribe regulations necessary to implement this section.

Mr. STEVENS. Mr. President, as I said, they have been cleared through the whole process of legislative and appropriating subcommittees and cleared by Senator BYRD and myself as managers of the bill.

I ask that they be considered en bloc and agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (Nos. 100 through 110) were agreed to.

Mr. STEVENS. I move to reconsider the vote by which the amendments were agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 111

(Purpose: To prohibit the Secretary of the Interior from promulgating certain regulations relating to Indian gaming and to prohibit the Secretary from approving class III gaming without State approval)

Mr. STEVENS. Mr. President, I send another amendment to the desk, and I ask that it be read.

The PRESIDING OFFICER. The clerk will report.

The clerk read as follows:

The Senator from Alaska (Mr. STEVENS), for Mr. ENZI, for himself, Mr. SESSIONS, Mr. GRAMM, Mr. BRYAN, Mr. LUGAR, Mr. REID, Mr. VOINOVICH, Mr. BROWNBACK proposes an amendment numbered 111:

At the appropriate place, insert the following:

SEC. . PROHIBITION.

(a) Notwithstanding any other provision of law, prior to eight months after Congress receives the report of the National Gambling Impact Study Commission, the Secretary of the Interior shall not—

(1) promulgate as final regulations, or in any way implement, the proposed regulations published on January 22, 1998, at 63 Fed. Reg. 3289; or

(2) issue a notice of proposed rulemaking for, or promulgate, or in any way implement, any similar regulations to provide for procedures for gaming activities under the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.), in any case in which a State asserts a defense of sovereign immunity to a lawsuit brought by an Indian tribe in a Federal court under section 11(d)(7) of that Act (25 U.S.C. 2710(d)(7)) to compel the State to participate in compact negotiations for class III gaming (as that term is defined in section 4(8) of that Act (25 U.S.C. 2703(8))).

(3) approve class III gaming on Indian lands by any means other than a Tribal-State compact entered into between a state and a tribe.

(b) DEFINITIONS.—

(1) The terms ''class III gaming'', ''Secretary'', ''Indian lands'', and ''Tribal-State compact'' shall have the same meaning for the purposes of this section as those terms have under the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.).

(2) the ''report of the National Gambling Impact Study Commission'' is the report described in section 4(b) of P.L. 104–169 (18 U.S.C. sec. 1955 note).

Mr. STEVENS. Mr. President, I ask for a voice vote on this amendment.

The PRESIDING OFFICER. If there is no debate, the question is on agreeing to the amendment.

The amendment (No. 111) was agreed to.

Mr. STEVENS. I move to reconsider the vote by which the amendment was agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to. Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

VITIATION OF ACTION ON AMENDMENT NO. 111

Mr. STEVENS. Mr. President, I ask unanimous consent that the adoption of amendment No. 111 be vitiated and that the amendment be set aside temporarily.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent that the Kerrey amendment on flood control and the Graham amendment on microherbicide be deleted from the list.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 103, AS MODIFIED, 112, AND 113, EN BLOC

Mr. STEVENS. Mr. President, I ask unanimous consent that I may submit as one package:

A substitute to amendment No. 103, which was an amendment offered by Senator GRAMS. This is a technical amendment that we wish to have adopted in lieu of the amendment that has already been adopted to the bill, No. 103;

A second amendment by Senators DORGAN and CRAIG, which is a sense-of-the-Senate amendment regarding sales of grain to Iran;

And, a third amendment, which is an amendment by Senator GREGG on limitations on fishing permits, or authorizations for fishing permits.

I send these to the desk and ask unanimous consent that it be in order to consider them en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from Alaska (Mr. STEVENS) proposes amendments numbered 103, as modified, 112, and 113, en bloc.

Mr. STEVENS. I ask unanimous consent that reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (Nos. 103, as modified, 112, and 113), en bloc, are as follows:

AMENDMENT NO. 103 AS MODIFIED

(Purpose: To provide funding for annual contribution to public housing agencies for the operation of low-income housing projects)

On page 30, between lines 5 and 6, insert the following:

COMMUNITY DEVELOPMENT BLOCK GRANTS

(INCLUDING TRANSFER OF FUNDS)

Of amounts appropriated for fiscal year 1999 for salaries and expenses under the Salaries and Expenses account in title II of Public Law 105–276, $3,400,000 shall be transferred to the Community Development Block Grants account in title II of Public Law 105–276 for grants for service coordinators and congregate services for the elderly and disabled: *Provided*, That in distributing such amount, the Secretary of Housing and Urban Development shall give priority to public housing agencies that submitted eligible applications for renewal of fiscal year 1995 elderly service coordinator grants pursuant to the Notice of Funding Availability for Service Coordinator Funds for Fiscal Year 1998, as published in the Federal Register on June 1, 1998.

AMENDMENT NO. 112

(Purpose: To express the sense of the Senate that a pending sale of wheat and other agricultural commodities to Iran be approved)

At the appropriate place in title II, insert the following new section:

SEC. . SENSE OF THE SENATE: EXPRESSING THE SENSE OF THE SENATE THAT A PENDING SALE OF WHEAT AND OTHER AGRICULTURAL COMMODITIES TO IRAN BE APPROVED.

The Senate finds:

That an export license is pending for the sale of United States wheat and other agricultural commodities to the nation of Iran;

That this sale of agricultural commodities would increase United States agricultural exports by about $500 million, at a time when agricultural exports have fallen dramatically;

That sanctions on food are counterproductive to the interests of United States farmers and to the people who would be fed by these agricultural exports:

Now, therefore, it is the sense of the Senate that the pending license for this sale of United States wheat and other agricultural commodities to Iran be approved by the administration.

AMENDMENT NO. 113

At the appropriate place in title II, insert the following:

SEC. . LIMITATION ON FISHING PERMITS OR AUTHORIZATIONS

Section 617(a) of the Department of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999 (as added by section 101(b) of division A of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277)) is amended by inserting—

(a) ''or under any other provisions of the law hereinafter enacted,'' made ''after available in the Act''; and,

(b) at the end of paragraph (1) and before the semicolon, ''unless the participation of such a vessel in such fishery is expressly allowed under a fishery management plan or plan amendment developed and approved first by the appropriate Regional Fishery Management Council(s) and subsequently approved by the Secretary for that fishery under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.)''.

Mr. STEVENS. Parliamentary inquiry: Does that include the substitute replacement for the amendment already adopted, No. 103?

The PRESIDING OFFICER. Yes; it does.

Mr. STEVENS. I ask unanimous consent that these amendments be considered en bloc and agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (Nos. 103, as modified, 112, and 113) were agreed to.

Mr. STEVENS. I ask unanimous consent it be in order to reconsider the amendments en bloc, and that the motion be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The motion to lay on the table was agreed to.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GRASSLEY). Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent the measure pending before the Senate be temporarily set aside so we can have consideration of the Cuba rights resolution. I would like to turn the management of that over to Senator MACK of Florida.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Chair recognizes the Senator from Florida.

Mr. MACK. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. Mr. President, I ask unanimous consent to proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE MISGUIDED ANTITRUST CASE AGAINST MICROSOFT

Mr. GORTON. Mr. President, on Monday, my friend and colleague, the senior Senator from Utah, Mr. HATCH, came to the floor to respond to a statement that I gave a week or so earlier on the Justice Department's misguided antitrust case against Microsoft.

Mr. President, this has become something of a habit for the Senator from Utah and myself. We have debated that lawsuit since well before it was commenced, more than a year ago.

I am happy to state that I want to start these brief remarks with two points on which I find myself in complete agreement with Senator HATCH. First, during a speech on Monday, he joined with me in asking that the Vice President of the United States, Mr. GORE, state his position on whether or not this form of antitrust action is appropriate. I centered my own speech on the frequent visits the Vice President has made to the State of Washington and his refusal to take any such position. The Senator from Utah said:

> Government should not exert unwarranted control over the Internet, even if Vice President Gore thinks that he created it.

I am delighted that the Senator from Utah has joined me in that sentiment. Now there are at least two of us who believe that the Vice President of the United States should make his views known on the subject.

Secondly, the Senator from Utah, in dealing with the request by the Department of Justice that it receive a substantial additional appropriation for fiscal year 2000 for antitrust enforcement, stated that he is concerned about the value thresholds in what is called the Hart-Scott-Rodino legislation relating to mergers and feels that the minimum size of those mergers should be moved upward to reflect inflation in the couple of decades since that bill was passed, therefore, questions at least some portion of the request for additional appropriations on the part of the Antitrust Division.

As I have said before, I believe that it deserves no increase at all, that the philosophy that it is following harasses the business community unduly, and inhibits the continuation of the economic success stories all across our American economy but particularly in computer software.

Having said that, the Senator from Utah and I continue to disagree, though I wish to emphasize that my primary disagreement is with the Antitrust Division of the Department of Justice of the United States and this particular lawsuit.

The disagreement really fundamentally comes down to one point: Antitrust law enforcement should be followed for the benefit of consumers. The Government of the United States has no business financing what is essentially a private antitrust case. If there are competitors of Microsoft who think they have been unsuccessful and wish to finance their own antitrust lawsuits, they are entitled to do so. The taxpayers of the United States, on the other hand, should not be required to pay their money for what is a private dispute, primarily between Netscape and Microsoft.

That remains essentially the gravamen of the antitrust action that the Justice Department in 19 States is prosecuting at the present time.

There is only the slightest lip service given in the course of that lawsuit or by the senior Senator from Utah to consumer benefit. This is not surprising, Mr. President, because there is no discernible consumer benefit in the demands of this lawsuit.

Consumers have been benefited by the highly competitive nature of the software market. They are benefited by having the kind of platform that Microsoft provides for thousands of different applications and uses on the part of hundreds of different companies all through the United States.

This is not a consumer protection lawsuit. I may say, not entirely in passing, that I know a consumer protection lawsuit when I see one. I was attorney general of the State of Washington for 12 years. I prosecuted a wide range of antitrust and consumer protection lawsuits. But every one of those antitrust cases was based on the proposition that consumers were being disadvantaged by some form of price fixing or other violation of the law. I did not regard it as my business to represent essentially one business unhappy and harmed by competition for a more effective competitor.

The basis of my objection to this lawsuit is that it is not designed for consumer protection. It is designed to benefit competitors. Some of the proposals that have appeared in the newspapers for remedies in case of success, including taking away the intellectual properties of the Microsoft Corporation, perhaps even breaking it up, requiring advance permission on the part of lawyers in the Justice Department for improvements in Windows or in any other product of the Microsoft Corporation, are clearly anticonsumer in nature.

The lawsuit is no better now than the day on which it was brought. It is not designed to benefit consumers. It ought to be dropped.

I am delighted that at least on two peripheral areas of sometime controversy, the Senator from Utah and I now find ourselves in agreement. Regrettably, we still find ourselves disagreeing on the fundamental basis of the lawsuit. I am sorry he is on the apparent side of the Vice President of the United States and the clear side of the Department of Justice of the United States.

I expect this debate to continue, but I expect it to continue to be on the same basis. Do we have a software system, a computer system in the United States which is the wonder of the world that has caused more profound and more progressive changes in our society than that caused in a comparable period of time by any other industry, or somehow or another do we have an industry that needs Government regulation? I think that question answers itself, Mr. President, and I intend to continue to speak out on the subject.

EXPRESSING THE SENSE OF THE SENATE REGARDING THE HUMAN RIGHTS SITUATION IN CUBA

Mr. MACK. Mr. President, I ask unanimous consent that S. Res. 57 be discharged from the Foreign Relations Committee and, further, that the Senate now proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

A resolution (S. Res. 57) expressing the sense of the Senate regarding the human rights situation in Cuba.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MACK. Mr. President, I ask unanimous consent that there now be 1 hour, equally divided, on the resolution and that the only amendment in order be an amendment to the preamble which is at the desk.

I further ask unanimous consent that following the debate time, the resolution be set aside and the Senate proceed to a vote on the resolution, at a time to be determined by the two leaders.

I finally ask that following the vote on the adoption of the resolution, the amendment to the preamble be agreed to and the preamble, as amended, be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MACK. Mr. President, I yield myself 15 minutes.

The PRESIDING OFFICER. The Senator from Florida may proceed for 15 minutes.

Mr. MACK. Thank you, Mr. President.

Mr. President, I am pleased to have this opportunity today to speak about Cuba and why the United States must make every effort to pass a resolution in Geneva at the U.N. Human Rights Commission condemning the Cuban Government.

The reality which I seek to convey today is very simply stated. Fidel Castro continues to run Cuba with absolute power, based upon the failed ideals of the Marxist revolution that he led 40 years ago. He is a tyrant, a dictator, and an enemy of freedom, democracy, and respect for basic human dignity.

As many of my colleagues know, I have been reflecting on my Senate career lately as I weighed my decision on seeking another term. Let me share one of those memories with you right now.

It was October 19, 1987, when I announced my candidacy for the Senate. I traveled to Key West, the southern most point in the Continental United States, to make my announcement. I chose this location for one simple reason. I knew my passion for foreign policy arose from a deeply held conviction that America's freedom could not be taken for granted, that our freedom was not complete so long as others suffered under the yoke of tyranny. Only 90 miles from where I declared my aspiration to be a U.S. Senator in order to take part in the fight against the enemies of freedom, Fidel Castro ruled with a failed ideology and a cruel iron fist.

It seems that I have been in the Senate for a long time—10 years—but if I were to travel to Key West today, I am sad to say, I could still point toward Cuba and ask the same questions I did on October 19, 1987: What does it mean to live in peace if there is no freedom to worship God, no freedom to choose our livelihood, no freedom to read or speak the truth or to live for the dream of handing over a better life to our children and our grandchildren? Peace without freedom is false. The Cuban people are only free to serve their masters in war and in poverty.

Mr. President, I have many good friends in the Senate, and I have great respect for my colleagues. We share so much of our lives with each other each day. And even though we are divided on many issues, in our hearts there can be no division on our feelings for the suffering people of Cuba. The island so close to our shores serves as a tragic reminder of the human cost of tyranny and oppression and that freedom is not free.

Let me propose today that Fidel Castro has not changed in 10 years; in fact, he has not changed in 40 years. In the history books, 40 years can be covered in a single sentence. But in Cuba, it can also be an eternity.

I think about the 12 years since I made that speech. How many people have suffered and died needlessly in 12 years? How many screams of agony have reached for the heavens from Havana in 12 years? How many tears of sorrow and anguish have fallen in 12 years? I fear we will never know the true scale of suffering, even though it takes place so close to our shores.

Some of us have served in the Senate for a few years, some of us for 10 or 12, and some of us have been here for 30 years or more. Think what it must be like serving instead in one of Fidel Castro's prisons for all that time. In Cuba you could be imprisoned simply for doing what we do each day, and that is engage in the debate of ideas. Think about how different our lives would be if we lived in a similar environment.

I assure you, Mr. President, that the human spirit is a powerful thing. We know that throughout the world and throughout history mankind has struggled for freedom against the greatest of obstacles. That struggle lives, breathes, sweats, and thrives in Cuba today. But it does so at a great cost.

I have two short stories I want to share to demonstrate the price being paid in Cuba today.

There is a famous man known as Antunez. He began supporting freedom in Cuba in 1980. He has been in and out of prison for much of his adult life. As of February 1999, reports out of the prisons have him in poor health.

I want to read a quote from a letter he wrote and successfully smuggled out of Cuba 2 years ago. I quote:

On March 15 [1997], it will be seven years that I have been imprisoned but I have yet to lose my faith and confidence in the final triumph of our struggle. I am proud and satisfied that they will have been unable to—and will never be able to—bend my will, because I am defending a just and noble cause, the rights of man and the freedom of my country.

A second story: I have recently seen a March 10, 1999, statement of Dr. Omar del Pozo, which I want to share with you today. He was a prisoner of conscience, sentenced to 15 years in prison for promoting democracy and civil society in Cuba. Through the intercession of Pope John Paul II, Dr. Pozo was released and exiled to Canada after serving 6 years of the sentence.

It is interesting to note the comments of a man who owes his freedom from Cuba's prisons to the Pope's visit to Cuba. Listen to what he has to say about the so-called changes taking place within the Cuban Government. And I am now quoting:

In Castro's man-eating prisons, lives are swallowed, mangled, and spit out in what can only be described as his revolving-door of infamy. Some may claim that the fact that I am able to stand before you here today is because I am a product of engagement with Castro. While I am certainly grateful for the international outcry that created pressure on Castro to release me, it would be negligent of me not to recognize that as long as the dictator remains in power, there will continue to be political prisoners who are destined to become pawns to be handed over as tokens depending on the occasion . . . . my release in no way benefited the hundreds, perhaps thousands, of men and women who were left behind.

Dr. Pozo's statement certainly rings true—that the visit of the Pope and his personal release and exile from his home do not, counter to popular belief, indicate a new day in Cuba.

He continues on in his statement. Again, I quote:

Forty years have passed, and a new millennium dawns, and still political prisoners exist in a country only 90 miles from the shores of the freest nation on earth. . . . In the confusion of cliches Cuba has become in the mass media: Castro and cigars, Castro and tourism, Castro and baseball, the terrible tragedy of Cubans and their legitimate needs and desires takes a backseat to the priorities set by the Comandante en Jefe and his regime. The truly tragic part is that there are some who, in the name of profit, are willing to compromise justice and play by his rules, with no regard for the welfare of the Cuban people.

Just as actions indicate no improvement in the Government of Cuba, one could argue that things are not really getting worse. In fact, the recent crackdown in Cuba is only a manifestation of the nature of the ruling regime. Again, let me quote from Dr. Pozo:

These past days, I have heard even experienced Cuba observers question why Castro has raised the level of repression at this point in time, considering the many gestures of goodwill he has received internationally prior to and following the Papal visit. The only possible answer is that it is the nature of the beast. Castro can not help it any more than he can help being a totalitarian dictator. It is who he is and will always be. It is because he is motivated by one thing and one thing alone: [and that is] absolute power. He wants to continue to stand on the backs of the Cuban people and he will persecute, torture and kill in order to accomplish his goal of being Cuba's ''dictator for life.'' By now, everyone knows who Castro is and what he is capable of. From this point on, the field can only be divided between those who are willing to overlook his crimes and those who are not.

Again, I just point out, those were not my words. These are the words of an individual who was released from Castro's prison because of the pressure brought on by the international community and by the Pope's visit. What he is saying here is that nothing has changed as a result of the Pope's visit to Cuba. He is saying nothing has changed. And he is saying to us—not me saying, but he is saying to us—that ''the field can only be divided [now] between those who are willing to overlook [Castro's] crimes and those who are not.''

Mr. President, in conclusion, let me once again say freedom is not free, but it is the most valuable thing that we know; it is, in fact, the core of all human progress. Freedom has everything to do with our spiritual, physical, and political lives. Without it—without freedom—what would we do? It is important to think about this in order to appreciate the words of the brave men and women in Cuba fighting for freedom, because they are, after all, fighting for everything and paying a large price indeed.

I want to reach out to my colleagues today. We loathe tyranny and oppression. So let us stand united behind our delegation in Geneva; let us proclaim our views at the United Nations Human Rights Commission. Let us stand tall and speak with unity, conviction, and strength. Let us proclaim: ''The United States of America abhors tyranny and loves freedom. We oppose the enemies of liberty and we support those struggling for LIBERTAD.''

That, Mr. President, represents the meaning of this resolution in its entirety. I hope my colleagues will join me today in making this most important statement.

Thank you, Mr. President. I yield the floor.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER (Mr. INHOFE). The Senator from Florida.

Mr. GRAHAM. Mr. President, I understand that we have 1 hour equally divided.

The PRESIDING OFFICER. That is correct.

Mr. GRAHAM. I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, my friend and colleague, a friend and colleague who, unfortunately, has recently announced that his next phase of life is going to be someplace other than the Senate, started with the story of where he commenced his campaign to come to the Senate—in the beautiful, unique community of Key West. In addition to Key West's physical proximity to Cuba, Key West also has a history which is very intertwined with the long efforts of the people of Cuba to achieve freedom.

It was during the period of the Cuban civil war in the 1870s, 1880s and into the 1890s that many exiles left Cuba and came to Key West to find freedom and a place from which they could relaunch their efforts to achieve freedom in their homeland.

Jose Marti spoke many times in Key West to the exiled community of his dreams for a Cuba of independence and freedom. It is in Key West that there is the memorial for the USS Maine, the Tomb of the Unknown Sailor, for over 200 American sailors who were killed in Havana Harbor early in 1898—an event which contributed to the United States eventual declaration of war and involvement in what we refer to as the Spanish-American War. In Key West we find remnants of that long history of the yearning of the people of Cuba to live in freedom and independence.

After having won their independence in 1898, 60 years later, it was taken away from them. For four decades, they have lived under the oppressive rule of the dictator, Fidel Castro.

Last month, we recognized another dictatorship in this world, one that is not near to us but half a world away. The Senate passed a resolution calling for a condemnation of the human rights situation in China. We urged the United Nations Human Rights Commission to have that on their agenda at their soon-to-be-held meeting in Geneva. With this resolution, Senate Resolution 57, we take a similar position condemning the human rights situation in Cuba which, unfortunately, is considerably worse today than the situation in China.

This resolution calls on the President to make every effort to pass a resolution at the upcoming meeting of the United Nations Human Rights Commission condemning Cuba for its abysmal record on human rights. It also calls for the reappointment of a special rapporteur to investigate the human rights situation in Cuba.

Last year, for the first time in many years, no resolution on human rights in Cuba was passed by the United Nations Human Rights Commission. Perhaps this hiatus in U.N. condemnation of Cuba was due to the hopes that were raised as a result of the Pope's visit in January of 1998. Unfortunately, if that were the case, there has, in fact, been a significant worsening of the human rights situation in Cuba since the Pope's visit.

According to the independent group, Human Rights Watch,

> As 1998 drew to a close, Cuba's stepped up persecutions and harassments of dissidents, along with its refusal to grant amnesty to hundreds of remaining political prisoners or [to] reform its criminal code, marked a disheartening return to heavy-handed repression.

The Cuban Government also recently passed a measure known as Law 80 which criminalizes peaceful, prodemocratic activities and independent journalism, with penalties of up to 20 years in jail.

The State Department's Country Report on Human Rights Practices in Cuba for 1998 notes that the government continues to systematically violate the fundamental civil and political rights of its citizens. Human rights advocates and members of independent professional associations, including journalists, economists, doctors, and lawyers are routinely harassed, threatened, arrested, detained, imprisoned and defamed by the government. All fundamental freedoms are denied to citizens. In addition, the Cuban Government severely restricts worker rights, including the right to form independent trade unions, and employs forced labor, including child labor.

The most recent example of this horrible repression in Cuba is the trial of four prominent dissidents—Vladimiro Roca, Marta Beatriz Roque, Felix Bonne and Rene Gomez Manzano. They were all charged with sedition. After being detained for over 19 months for peacefully voicing their opinion, the trial of these four brave patriots has drawn international condemnation. To demonstrate the hideous nature of the Castro regime, Marta Beatriz Roque has been ill, believed to be suffering from cancer, and has been denied medical attention during her long period of detention.

During the trial, authorities have rounded up scores of other individuals, including journalists and dissidents, and jailed them for the duration of the trial. The trial was conducted in complete secrecy with photographers prevented from even photographing the streets around the courthouse. This trial reminds me of the worst days of Stalinist repression in the Soviet Union.

This week, Castro's dictatorship found the four dissidents guilty and sentenced them to terms ranging from 3½ to 5 years—5 years in prison for simply making a statement about democracy. This action has outraged the world.

This outrageous spectacle has caused even Castro's closest friends to rethink their relationship with Cuba. Canadian Prime Minister Chretien has indicated that Canada will review its entire relationship with Castro. The European Union issued a strong statement condemning this repression.

This is not the type of conduct that we have come to expect in our hemisphere, where Cuba remains the only nondemocratic government. This level of repression and complete disregard for international norms cannot be ignored. I hope that all of our colleagues will join my colleague, Senator MACK, and myself, in condemning the human rights situation in Cuba and calling for action at the United Nations Human Rights Commission.

Last month, we voted unanimously to support a resolution condemning human rights in China. Unfortunately, we have within 100 miles of our shores a situation in Cuba that is worse than that halfway around the world in China—a situation that deserves the full effort of our government to assure that it is not ignored by the international community.

I ask unanimous consent to have printed in the RECORD a series of newspaper items from the press in this country as well as in Europe, Latin America and in Canada, condemning the human rights abuses in Cuba.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Miami Herald, Mar. 18, 1999]

FREE FOUR DISSIDENTS, EUROPE TELLS CUBA

(By Andres Oppenheimer)

The 15-country European Union issued a strong statement Wednesday calling for the release of four Cuban dissidents who received harsh sentences in Havana this week, while European and Latin American officials said they are rethinking their recent overtures to the island.

In a statement issued in Brussels, the EU said the Cuban dissidents, who received prison terms of between 3½ and 5 years for publishing a pamphlet criticizing the government, had been exercising the universally recognized right to freedom of expression. ''The European Union cannot accept that citizens who do so be criminalized by state authorities,'' the statement said.

The four dissidents—Vladimiro Roca, Felix Bonne, Rene Gomez Manzano and Marta Beatriz Roque—are well known intellectuals who were arrested after publishing a manifesto titled The Homeland belongs to all.

The French news agency AFP reported Wednesday that Cuba's failure to release the four could lead to Cuba's exclusion from upcoming talks between the EU and African, Caribbean and Pacific Rim developing countries. EU officials were not available late Wednesday to comment on the report.

The EU recalled that it had expected the four dissidents to be released last year when it agreed to Cuba's request for observer status in its discussions with developing countries who are beneficiaries of Europe's Lome economic cooperation agreement.

''The EU therefore repeats its calls for the prompt release of the four and will continue to evaluate the development of this matter,'' the statement said.

''In addition, the EU wants to convey its disappointment at the fact that neither diplomats nor foreign news media were allowed to attend the trial of the dissidents, despite the fact that their relatives had been told that the trial would be open to the public,'' it said.

The EU also said it was concerned about the temporary detention and house arrest of several dozens people connected to the imprisoned dissidents and by new Cuban laws that ''curtail the exercise of citizen's rights.''

Although Cuba customarily rejects such denunciations as intervention in its internal affairs, the EU statement is considered significant because the European group has steadfastly maintained friendly diplomatic and trade relations with Cuba in the face of threats of retaliation from powerful critics of Cuba in the U.S. Congress.

The Helms-Burton Act, which imposes sanctions on countries investing in Cuban property confiscated from U.S. citizens, was aimed at some European investors but their governments have challenged the law and refused to back down.

In a telephone interview hours before the statement was released, Sweden's international cooperation minister, Pierre Shori, told The Herald that the recent developments in Cuba are ''alarming.'' Shori said that ''the toughening of the laws against dissidents goes against what the Cuban authorities have said in their dialogue with the European Union.''

The EU statement came a day after Canada said it was reconsidering its support for Cuba's return to the Organization of American States (OAS) after Monday's sentencing of the four dissidents. Cuba's OAS membership was suspended in 1962.

The EU statement did not mention the possibility of excluding Cuba from the first European-Latin American summit, to be held June 28–29 in Rio de Janeiro. Fifteen European and 33 Latin American and Caribbean presidents, including Cuba's Fidel Castro, are expected to attend.

The EU condemnation of Cuba's latest crackdown against peaceful opponents, however, marks a possible reversal of the island's ties with the European Union, which had been warming up since 1996 and appeared ready for a significant improvement since Pope John Paul II's visit to the island last year.

Meanwhile, top officials from several Latin American countries—including Chile, Uruguay, Argentina and El Salvador—said their governments were rethinking whether to attend a summit of Ibero-American countries in Havana in November. Nicaragua has already announced it will not attend.

Latin American foreign ministers are to discuss participation at the Havana summit at a meeting in Veracruz, Mexico, on Friday. But a senior Mexican official said Mexico—which presides over the Veracruz meeting—will oppose any effort to organize a boycott of the Cuba summit and that such a move ''is not on the agenda.''

[From the Financial Times, Mar. 17, 1999]

CUBA: TRADING PARTNERS PROTEST

(By Pascal Fletcher)

Cuba has jailed our well-known political dissidents accused of sedition, drawing condemnation from the U.S. and criticism from leading trade and investment partners Canada and Spain.

The jail sentences announced on Monday ranged from 3½ to five years and were less than those sought by the prosecution. But foreign diplomats said they still sent a strong message from Cuba's one-party Communist government that it would not tolerate opposition, even when it is peaceful.

Jean Chrétien, Canada's prime minister, who had asked Fidel Castro, Cuba's president, to release the four, described the sentences as ''disappointing'' and added his government would be reviewing the range of its bilateral activities with Havana. José Maria Aznar, Spanish premier, said the jail terms were a ''step backwards'' for human rights in Cuba.

The four—Vladimiro Roca, Félix Bonne, René Gómez and Martha Beatriz Roque—were convicted of inciting sedition after they criticised one-party communist rule, called for a boycott of elections and urged foreign investors to think twice about investing in Cuba.

Mr. Roca, the son of Cuban Communist party founder Blas Roca, was jailed for five years.

Mr. Bonne and Mr. Gómez each received four-year sentences and Ms. Roque three-and-a-half years. All had already been held for 20 months.

U.S. President Bill Clinton called for their immediate release, saying they had not received a fair trial.

[From the Washington Post, Mar. 2, 1999]

THE HAVANA FOUR

Vladimiro Roca, Martha Beatriz Roque, Felix Bonne, Rene Gomez: Note those names. They are dissidents in Communist-ruled Cuba who went to trial in Havana yesterday. These brave people were jailed a year and a half ago for holding news conferences for foreign journalists and diplomats, urging voters to boycott Cuba's one-party elections, warning foreigners that their investments would contribute to Cuban suffering and critizing President Fidel Castro's grip on power. For these ''offenses'' the four face prison sentences of five, or six years.

Castro Cuba has typically Communist notions of justice. By official doctrine, there are no political prisoners, only common criminals. President Castro rejects the designation of the four, in the international appeals for their freedom, as ''prisoners of conscience.'' Their trial is closed to the foreign press. Some of their colleagues were reportedly arrested to keep them from demonstrating during the trial.

Fidel Castro is now making an energetic effort to recruit foreign businessmen to help him compensate for the trade and investment lost by the continuing American embargo and by withdrawal of the old Soviet subsidies. He is scoring some success: British Airways, for instance, says it is opening a Havana service. Many of the countries engaged in these contacts with Cuba do so on the basis that by their policy of ''constructive engagement'' they are opening up the regime more effectively to democratic and free-market currents than is the United States by its harder-line policy.

The trial of the four provides a good test of this proposition. The four are in the vanguard of Cuba's small nonviolent political opposition. Acquittal would indicate that in this case anyway the authorities are listening to the international appeals for greater political freedom. But if the four are convicted and sentenced, it will show that the regime won't permit any opposition at all. What then will be international crowd have to say about the society-transforming power of their investment?

[From the Miami Herald, Mar. 11, 1999]

''THE SADNESS I FEEL FOR CUBA STAYS ON MY MIND''

(By Raul Rivero)

HAVANA.—From my cell I could see Tania Quintero, Cuba Press correspondent, her face shadowed by the cell's iron lines. From her cell, she could hear the hoarse voice of Odalys Cubelo, another Cuba Press correspondent. And one could feel the presence of Dulce Maria de Quesada, dissident, quiet and silent, sitting on the edge of the gray cement bed.

Not too far from this dark basement, where we were being held, the trial of the four members of the Working Group of Internal Dissidence was taking place.

Tania wanted to be present at the trial because she is a first cousin of Vladimiro Roca, one of the accused. Odalys wanted to cover the trial as a journalist, and Dulce Maria, a retired librarian and dissident, wanted to be there because she felt that she had the right to show a gesture of solidarity with the accused.

I also wanted to follow the trial as a journalist, as a Cuban citizen and as a friend of the four intellectuals being tried. Yet I was jailed with eight common prisoners accused of violence, assault, armed robbery and pimping.

Of course, many ideas crossed my mind, and I experienced many feelings during those 30 hours in jail. As days go by, however, it is the shame and sadness I feel for Cuba that stays on my mind.

I ask myself, what are these professional and decent women doing in a police-station cell? What is going on in Cuba that honorable daughters of this country, belonging to three different generations and from different political origins and upbringings, may be arrested on the streets and placed in a cell

with women accused of prostitution and armed robbery?

I felt more pain for the imprisonment of those three friends than for my own jailing. This is because I perceived their punishment as a symbol anticipating a sacrificial pyre.

Tania and Odalys—like Marvin Hernandez, who had been imprisoned for 48 hours and began a hunger strike in Cienfuegos—have demonstrated professionalism, integrity and discipline while going through this exercise of independent journalism in Cuba.

A few hours after being relatively free to go home, I was to have a unique ''meeting'' with Marta Beatriz Roque Cabello [one of the dissidents being tried]. There she was in my living room, the brilliant economist who loves poetry and good music, wearing her prisoner's uniform—on my TV screen. A state broadcaster was insulting her, calling her a stateless person and a ''marionette of imperialism.''

Since Marta's ''visit'' was so peculiar, I almost commented aloud to her about a note that she sent me from the Manto Negro [Black Cloak] prison at the end of 1998. ''Here we are,'' she had written, ''without any apparent solution but with a lot of faith in God, because there is nothing impossible for Him.''

Marta asked me to put together for her ''some material on neoliberal business globalization and the financial crisis in Asia. I want to state my opinions on the subject.'' A strange request from a woman in prison, it's true. Marta's presence in the kind of Cuba that we have can be disquieting and odd.

Her note concluded: ''Say 'hello' to Blanca and tell her I recall her great coffee. I hope God allows me to drink some of it soon, sitting in your living room.''

There I had been with Tania, Odalys and Dulce Maria in the jail, and Marta later ''came'' to my home, and I couldn't even offer her coffee.

[From the London Economist, Mar. 6, 1999]

COSY OLD CASTRO?

Like any old trouper, Fidel Castro has a neat sense of timing, and surefooted ability to confirm both his friends and his critics in their views. It is three years since his air force cruelly shot down two unarmed planes sent provocatively towards Cuba by an exile group. The result was Bill Clinton's signature on the Helms-Burton act, tightening still further the American embargo against the island. Helms-Burton is not, in fact, the most damaging piece of such American law, but the regime hates it. It was no coincidence that last month Mr. Castro proposed, and his rubber-stamp legislature at once approved, fierce penalties for all who ''collaborate'' with the American government—or, specifically, with foreign media—in the effort to strangle Cuba's economy or upset its socialist system. The few brave Cubans who dare to criticise the regime, and even to publish their views abroad, said this was aimed at them. And, as if to confirm it, the regime chose this week to put on trial—for just one day, and almost out of public view—four of the best-known dissidents.

Their offense, among others, is to have published in mid-1997 a document entitled ''*La Patria es de Todos*'', ''The Fatherland Belongs to All''—a claim deeply offensive to Mr. Castro's Communist Party, which likes to claim Cuba, its anti-colonial past and its present alike as exclusive party property. The four heretics were promptly arrested. Even though the new law was not applied to their case, they now risk sentences of years in prison, for the crime of telling the truth.

Mr. Castro has thus confirmed his admirers' unwavering belief in his unwavering addiction, after 40 years of power, to the basics of Stalinism. Cuba's official media, of course, approve; and even abroad the sort of lickspittles who 40–50 years ago swallowed the show-trials of Eastern Europe can be found to defend this fresh attack on those whom they smear as ''so-called'' dissidents (if not common criminals, nut-cases or both). More important, Mr. Castro has comprehensively thumbed his nose at outsiders who thought that, while reluctantly opening chinks of free-marketry into Cuba's economy he might also open chinks for free thought and free speech. These hopefuls included Pope John Paul, who came visiting 14 months ago, and whose visit did indeed win freedom (albeit mostly in exile) for some dissidents, and greater freedom for his church. Its inter-American bishops' conference was held last month in Cuba, for the first time. But even as the bishops met, the new gagging law was going through.

This renewed assault on free thought must worry those governments—in Latin America, in Canada and Europe—which argue that constructive engagement may get Mr. Castro to loosen his grip. An Ibero-American summit is due to be held in Cuba this year. Spain has talked of a royal visit, though the trials have already led it to rethink. Even Mr. Clinton has recently made some gestures towards Cuba's citizenry, if only to have its regime spit them back in his face.

The stick plainly does not work: the American embargo no more promotes freedom in Cuba today than for decades past. But neither, on current form, do dialogue, trade and investment, and the carrot of more if only Mr. Castro would let go a little. His successors may soften, hoping to preserve his achievements (yes, they exist) and their own power, while loosening the handcuffs of Marxist economics and thought-control. But the old ham himself, it seems, aims to hoof on.

[From the Globe and Mail, Mar. 3, 1999]

CUBA'S FAVOURITE PATSY

(By Marcus Gee)

Last April, Jean Chrétien flew down to meet Cuba's Fidel Castro, becoming the first Canadian prime minister to do so since 1976. By all accounts they got along famously. Mr. Chrétien praised Cuban-Canadian friendship and told a few jokes. Mr. Castro praised Cuban-Canadian friendship and told a few jokes. Mr. Chrétien had just one thing to ask of his host: Could Cuba please release four Cubans who had been jailed for criticizing the government.

On Monday, 10 months later, Mr. Castro gave his answer. He put the four on trial for sedition. Marta Beatriz Roque, Felix Bonne, Rene Gomez Manzano and Vladimiro Roca—the so-called Group of Four—face jail terms of up to six years for ''subverting the order of our socialist state.'' Their crime: urging voters to boycott Cuba's rigged one-party elections and scolding foreign investors for propping up the Castro regime.

The decision to press on with the trial despite protests from Canada and others is yet another example of Mr. Castro's determination to crush all opposition to his ragged dictatorship. It is also final, definitive proof that Canada's Cuba policy has failed. With the opening of this caricature of justice, that policy lies gutted like a trout on a pier.

Ottawa calls its policy ''constructive engagement.'' When it took office in 1993, Mr. Chrétien's government decided to step up contacts with Cuba. More high-level visits, more trade and investment, more development aid.

The idea was to set Canada apart from the United States, which has tried for years to bring down Mr. Castro with a trade embargo and other pressure tactics. The U.S. strategy had clearly failed; so Ottawa would try a gentler, more Canadian approach. By ''engaging'' Mr. Castro, we would win his confidence and persuade him of the error of his ways, meanwhile tweaking Uncle Sam's nose and winning a new market for Canadian exporters.

In a visit to Cuba in 1997, Foreign Minister Lloyd Axworthy persuaded Mr. Castro to let Canada help Cuba build a ''civil society''—a favourite Lloydism. Canadian MPs would visit Cuba to impart their wisdom about parliamentary democracy. Canadian lawyers and judges would tell their Cuban counterparts how an independent justice system works. Canadians would even help Cuba strengthen its citizens' complaint process, a kind of national suggestion box.

All this came to pass. The practical effect on human rights in Cuba: zero. Mr. Castro's human-rights record remains the worst in the Americas. Cuba is still a one-party state where elections are a sham, the judiciary is still a tool of state oppression, independent newspapers and free trade unions don't exist, and more than 300 Cubans still languish in jail for ''counter-revolutionary crimes.''

Far from allowing a civil society to flourish, Mr. Castro has been cracking down. Just two weeks before the trial of the Group of Four, the rubber-stamp National Assembly passed a new anti-subversion law that sets penalties of up to 20 years in jail for anyone ''collaborating'' with the tough U.S. policy on Cuba. Clearly aimed at Cuba's tiny group of independent journalists, the law would make it a crime, for example, to talk to the U.S.-funded Cuban-language Radio Marti. Cuba's fear of bad press is so intense that it jailed a Cuban doctor for eight years after he talked to the foreign press about a dengue fever epidemic in the city of Santiago.

Mr. Castro's one concession to Canada, if it can be called that, has been to release a dozen or so political prisoners and let them come to Canada—in other words, to send them into exile. When Mr. Chrétien came tuque in hand to Havana last April, bleating about the value of ''dialogue over confrontation,'' his host used him as a backdrop for a rant against the U.S. embargo, which he compared to genocide.

Yet his gains from the cozy relationship with Canada have been huge. His strategy for many years has been to drive a wedge between the United States and its allies on the Cuba issue. Helped by the stupid Helms-Burton law, which seeks to penalize foreign companies that do business with Cuba, he has been making new friendships in Europe, the Caribbean and Latin America. The friendship of Canada, a country renowned for championing human rights, is by far his biggest coup. And he didn't even have to ask.

In its summary of Canada's Cuba policy, the Department of Foreign Affairs explains why Cuba has been so keen on Canada's friendship. ''Given our longstanding relations, Canada's status as a technologically advanced North American nation, and the lack of a heavily politicized agenda, Canada has been seen as a trusted interlocutor with a balanced perspective.'' Down at the pub, they call that a dupe.

Mr. GRAHAM. Mr. President, I ask unanimous consent to have printed in the RECORD a letter from the President of the AFL–CIO, John J. Sweeney, directed to Fidel Castro, dated March 5, 1999, condemning the human rights conditions in Cuba.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS,
Washington, DC, March 5, 1999.

Dr. FIDEL CASTRO,
President, Republic of Cuba, Plaza de la Revolucion, Havana, Cuba.

DEAR MR. PRESIDENT: The AFL–CIO, representing over 13 million working men and women in the United States, vigorously objects to your government's recent measures to silence all opposition in your country, including the passage of laws proscribing freedom of expression with the penalty of death, and increasingly violent physical attacks, arrests, and other forms of harassment perpetrated against pro-democracy activists.

Despite Pope John Paul's historic visit to your country, during which he asked the world to open itself to Cuba and for Cuba to open itself to the world, and the subsequent release of several political prisoners, these most recent measures promulgated and implemented by your government make for a giant step backward. A number of victims of this most recent wave of repression were independent trade union activists.

Some human rights activists have termed the recent campaign of repression as the most significant operation since the 1996 break-up of the Concilio Cubano. On March 1, security forces detained dozens of local activists and blocked foreign observers, including the chief U.S. Envoy to Havana, from attending the trial of the so-called ''Group of Four.'' Vladimir Roca the son of the deceased Cuban Communist hero Blas Roca, Marta Beatrize Roque, an economist, Felix Bonne, an academic, and Rene Gomez, an attorney, have been jailed for the past 19 months for holding news conferences for foreign journalists and diplomats, for urging voters to boycott your country's one-party elections, for warning foreigners that their investments would contribute to Cuban suffering and for openly criticizing the Communist Party. Such actions would be considered a normal exercise of freedom of expression in any democratic society. We also understand that the defendants are jointly accused of ''other acts against the security of the state in relation with a crime of sedition.'' For these ''offenses'', the four defendants face prison sentences of five to six years. Although your government denies holding prisoners of conscience, it labels the four, as it does other opposition figures, as ''counter-revolutionary'' criminals.

The unwarranted arrests, threats and physical intimidation are in direct violation of the rights defined and protected by the United Nations' Universal Declaration of Human Rights, to which Cuba is a signatory.

The AFL–CIO respectfully requests that your government rescind these most recent measures of repression, as well as freeing the scores of prisoners of conscience who still inhabit your country's jails. The AFL–CIO also wishes to acknowledge and condemn the recent campaign of government-sponsored repression which victimized the individuals mentioned in the list which is enclosed. Although a number of these individuals have been released from state detention, they should never have been arrested in the first place.

Sincerely,

JOHN J. SWEENEY,
President.

Mr. HELMS. Mr. President, I commend our distinguished colleagues from Florida, Senators BOB GRAHAM and CONNIE MACK, for their leadership in the bipartisan effort to defend the rights of the Cuban people.

Their Senate Resolution No. 57—of which I am a proud cosponsor—is a timely reminder to the administration that the United States must speak out clearly in behalf of those whose own voices are choked by communist repression—be they in China or Cuba. Our principled, consistent defense of human rights must be heard at the upcoming meeting of the U.N. Commission on Human Rights in Geneva.

In recent weeks, Fidel Castro has executed a brutal crackdown on courageous Cubans and independent journalists who seek freedom from the heavy-handed treatment imposed on them by the Castro government.

Just this week, he sentenced four prominent, peaceful dissidents to up to 5 years in prison for daring to criticize Castro's failed communist experiment.

There's nothing new about Castro's brutality. But the latest Castro crackdown is significant because it violates Castro's commitments to the Pope. The Pope asked Castro to ''open up to the world'' and to respect human rights. Castro's reply has now been heard: He gave a bloody thumbs-down to the Pope's plea.

The latest crackdown also comes despite years of Canadian coddling and European investment in Cuba. The Canadians' self-described ''policy of engagement'' has served to prop-up the Castro regime but has done nothing to advance human rights or democracy.

Thos who have urged unilateral concessions from the United States in order to nudge Castro toward change surely will now acknowledge that appeasement has failed—as it always does.

The U.S. response to this latest wave of repression must be resolute and energetic. We must invigorate our policy to maintain the embargo on Castro, while undermining Castro's embargo on the Cuban people.

We should make no secret of our goal: I myself have declared publicly and repeatedly that, for the sake of the people of Cuba, Fidel must go. And, whether he goes vertically or horizontally is up to him.

Since the Pope's visit to Cuba, I have urged the administration to increase United States support for Cuban dissidents and independent groups, which include the Catholic Church. Once again, I call on the Clinton administration to increase U.S. support for dissidents, to respect the codification of the embargo, and to work with us on this bipartisan policy.

Castro's recent measures make clear that he is feeling the heat from our efforts to reach out to the Cuban people. That is why Castro is trying to crush dissidents and independent journalists, who are daring to tell the truth about his regime. That is why he has made it a criminal offense for Cubans to engage in friendly contact with Americans.

Castro's cowardly brutality—when one pauses to think about it—shows that he is a weak and frightened despot. His cruelty should make us more determined than ever to sweep Castroism onto the ash heap of history.

Senate Resolution 57 calls upon the administration to use its voice and vote at the upcoming meeting of the U.N. Human Rights Commission to support a strong resolution that will condemn Castro's systematic repression and appoint a special rapporteur to document the regime's willful violations of universally recognized human rights.

Mr. TORRICELLI. Mr. President, I rise today in support of S. Res. 57, expressing the sense of the Senate regarding the human rights situation in Cuba.

I am pleased to join Senator GRAHAM, MACK and my other colleagues in support of this resolution. This is a timely resolution. As the U.N. Human Rights Commission is preparing to meet in Geneva later this month, we are witnessing a new crackdown on human rights in Cuba.

This week, four prominent dissidents were sentenced to jail terms ranging from three and a half to five years by the Cuban government. Their crime—exercising their right to speak and support a peaceful transition to democracy.

These courageous people, Vladimiro Roca, Rene Manzano, Felix Bonne, and Marta Beatriz Roque, were arrested for their peaceful criticism of the Communist Party platform. They were held over one year without being charged. They were tried in a closed door proceeding that violated all standards of due process. Scores of human rights activists and journalists were arrested before and during their trial to prevent demonstrations of support for the accused. Fidel Castro ignored calls from the Vatican and the Canadian government for their release. Yesterday, the European Union issued a strong statement calling for their release.

The trial prompted international outrage, but came as little surprise for those who have followed Castro's policy of eliminating peaceful dissent. The government regularly pursues a policy of using detention and intimidation to force human rights activists to leave Cuba or abandon their efforts. The four dissidents bravely rejected the Cuban government's offers to go into exile rather than face trial.

One year after the Papal visit, an event which many hoped would bring greater openness to Cuba, Fidel Castro has slammed the door closed on the world and on the Cuban people. 1999 has brought about no change in Castro's unyielding policy of stifling human rights. To the contrary, Castro is tightening his iron grip on the Cuban people.

First, he began the year by rejecting the Administration's expanded humanitarian measures. Among other initiatives, the measures establish direct mail service between the U.S. and Cuba, and expand remittances to individual Cuban families and charitable organizations. These measures, designed to ease the suffering of the Cuban people caused by 40 years of

communism, were called acts of ''aggression'' by the Cuban government.

Second, a new security law for the ''Protection of National Independence and Economy'' was passed by the Cuban government in February. The law criminalizes any form of cooperation or participation in pro-democracy efforts. It imposes penalties ranging from 20 to 30 years, for those found to be cooperating with the U.S. government. Government officials have already warned human rights activists that violations are punishable under the new law.

And third, the State Department Country Reports on Human Rights Practices details the same human rights abuses as last year and the year before. One is hard-pressed to find any improvements. The Report repeats last year's finding that the Cuban government's human rights record remains poor. It reiterates the finding that the government continues to ''systematically violate fundamental civil and political rights of its citizens.'' Security forces ''committed serious human rights abuses.''

The examples of human rights violations in the Report are numerous, and startling. Human rights activists are beaten in their homes and outside churches. People are arbitrarily detained and arrested. Political prisoners are denied food and medicine brought by their families. Even children are made to stand in the rain chanting slogans against pro-democracy activists.

I would, therefore, say to those countries seeking increased ties with Cuba—take a look at this record. Do not lend any credibility or legitimacy to a government that denies its people basic human rights, and punishes those seeking a peaceful transition to democracy.

While the Western Hemisphere gradually moves towards greater respect for human rights, Cuba remains mired in its communist past. Once again, it is the Cuban people who suffer.

This resolution demonstrates that the United States' Senate stands united, not divided, in condemning human rights abuses in Cuba. It also sends a strong message to not only the U.N. Human Rights Commission, but also to the Cuban people. We will stand with you and support you until the day that you are free.

I urge my colleagues to join me in support of this resolution.

Mr. MACK. There are no further speakers on my side, so I am prepared to yield back the remainder of my time.

Mr. GRAHAM. There are no other speakers on our side of the aisle, so I also yield back the remainder of our time.

The PRESIDING OFFICER. All time has expired.

Mr. MACK. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ENZI). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR FISCAL YEAR 1999

The Senate resumed consideration of the bill.

AMENDMENT NO. 114

(Purpose: To transfer funds from the environmental programs and management account of the Environmental Protection Agency to the State and tribal assistance grant account)

Mr. STEVENS. Mr. President, I send to the desk an amendment which is one of the relevant amendments listed by the majority leader. It is on behalf of Senator CRAPO, dealing with the transfer of funds from the environmental programs and management account of the EPA to the State and tribal assistant grant account. This has been cleared on both sides, and I ask that it be considered.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska (Mr. STEVENS), for Mr. CRAPO, proposes an amendment numbered 114.

Mr. STEVENS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 58, between lines 15 and 16, insert the following:

SEC. 4. . WATER AND WASTEWATER INFRASTRUCTURE PROJECTS.

Of the amount appropriated under the heading ''ENVIRONMENTAL PROGRAMS AND MANAGEMENT'' in title III of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999 (Public Law 105–276), $1,300,000 shall be transferred to the State and tribal assistance grant account for a grant for water and wastewater infrastructure projects in the State of Idaho.

Mr. STEVENS. Mr. President, I ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 114) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the amendment was agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I ask unanimous consent to remove from the list Senator DEWINE's amendment on steel and Senator MURRAY's amendment on rural schools.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent to send to the desk and consider, en bloc, the following amendments:

A Kohl-Harkin-Durbin amendment to provide funding for conservation technical assistance; a Bond-Durbin-Ashcroft-Grassley-Frist-Harkin amendment for additional funding for section 32 assistance to producers; a Byrd amendment to provide additional funding for rural water infrastructure; a technical amendment of my own regarding the provision of emergency assistance made available for fiscal year 1999; a Feinstein-Boxer amendment to increase the emergency funds made available for emergency grants to low-income migrant and seasonal workers.

The last amendment deals with a $5 million increase which we believe is offset with the current bill. The others are offset.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 115 THROUGH 119, EN BLOC

Mr. STEVENS. Mr. President, I send the amendments to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska (Mr. STEVENS) proposes amendments numbered 115 through 119, en bloc.

Mr. STEVENS. Mr. President, I ask unanimous consent that the reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 115

(Purpose: To provide funding for conservation technical assistance)

On page 37, line 9 strike ''$285,000,000'' and insert in lieu thereof ''$313,000,000''.

At the appropriate place, insert the following:

''SEC. . Notwithstanding Section 11 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714i), an additional $28,000,000 shall be provided through the Commodity Credit Corporation in fiscal year 1999 for technical assistance activities performed by an agency of the Department of Agriculture in carrying out any conservation or environmental program funded by the Commodity Credit Corporation: *Provided*, That the entire amount shall be available only to the extent an official budget request for $28,000,000, that includes designation of the entire amount of the request as emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.''

Mr. KOHL. Mr. President, today, along with Senators HARKIN and DURBIN, I introduce an amendment to add $28 million this fiscal year to the Conservation Reserve Program CRP, run

by the Natural Resources Conservation Service, NRCS of USDA. The amendment is fully offset and acceptable to Senator COCHRAN and my colleagues on the other side of the aisle.

One of the benefits of my job is having an opportunity to travel many of the highways and backroads of the State of Wisconsin. And, I like so many other residents of my State, never tire of the landscape of rolling hills, grazing dairy cows, and handsome farms. In the last few years, dotted among these lovely farms, is a new sight—or, perhaps more accurately, a sight so old that not many of us have had a chance to experience it. There are patches of land where the native trees, grasses and flowers are growing again; where white tail deer and pheasant walk among wood violets and sugar maples the way they did 150 years ago. These pieces of land, restored to their original natural beauty, are living museums—reminders to ourselves and our children of the magnificence of Wisconsin's native landscape.

Much of this land restoration is due to the Conservation Reserve Program, a federal program that, in effect, rents land from farmers and restores it to its natural state. Wisconsin farmers have enthusiastically embraced this effort enrolling 72,000 acres of land in the CRP this year along. Altogether, the CRP has restored 600,000 acres of land in Wisconsin.

Despite this program's great success—in Wisconsin and rural areas across the country—a provision of the 1996 farm bill has inadvertently put the CRP in jeopardy. Section 11 of the farm bill capped the administrative costs that the USDA can pay out on any program. The provision was an attempt to slow some over-enthusiastic compute purchasing at the USDA. Unfortunately, it also capped the technical assistance allowed under the CRP in a way that will make it illegal for the CRP to identify or enroll new acres after May of this year. Our amendment today, by adding $28 million for these necessary administrative functions, will allow the CRP to continue its work.

Our offset today is from the food stamp reserve fund, and I want to say a word about that. Every year, we put aside more money than we anticipate we will need to cover our food stamps obligations. We do so in order to make sure that that very vital anti-hunger program is available even if demand increases because of an unexpected economic downturn. As the year progresses without such a downturn, it is appropriate and responsible budgeting to move some of those funds, which will not be needed, into areas where there is pressing needs.

That said, we still must keep a reasonable balance in reserve for food stamps, and in no way should this fund be viewed by others with amendments as a piggy bank.

The CRP is an example of an environmental program that successfully marries the interests of farmers, conservationists, and nature lovers. It is voluntary, it is local in direction, it is effective. I am glad we were able to agree to keep such a worthy program alive this year, and I thank my colleagues who have helped clear this amendment.

AMENDMENT NO. 116

(Purpose: To appropriate additional funds to the fund maintained for funds made available under section 32 of the Act of August 24, 1935, and to authorize the Secretary of Agriculture to waive the limitation on the amount of such funds that may be devoted during fiscal year 1999 to 1 agricultural commodity or product thereof, with an offset)

On page 2, between lines 20 and 21, insert the following:

FUNDS FOR STRENGTHENING MARKETS, INCOME, AND SUPPLY

(SECTION 32)

For an additional amount for the fund maintained for funds made available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), $150,000,000: *Provided*, That the entire amount shall be available only to the extent an official budget request for $150,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: *Provided further*, That the entire amount is designated by Congress as an emergency requirement under section 251(b)(2)(A) of such Act.

On page 7, between lines 8 and 9, insert the following:

GENERAL PROVISION, THIS CHAPTER

SEC. ____. The Secretary of Agriculture may waive the limitation established under the second sentence of the second paragraph of section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), on the amount of funds that may be devoted during fiscal year 1999 to any 1 agricultural commodity or product thereof.

On page 37, line 9, strike ''$285,000,000'' and insert ''$435,000,000''.

Mr. ASHCROFT. Mr. President, I rise today to join the senior senator from Missouri, Senator BOND, in offering an amendment to help the plight of the hog farmers in the state of Missouri. Hog farmers in our home state, and across the nation, are experiencing a disaster outside of their control, much like a flood, drought, or disease. It was projected that 25 to 40 percent of Missouri's pork producers would lose their family farms if we do not take immediate and substantial action. That is why we have offered this amendment.

The statistics are devastating. Since June 1998, pork farmers experienced a roughly 70 percent decline in pork prices, from $40 per hundredweight to $9 per hundredweight. The 1998 average price was an astounding 30 percent below the average price in 1932. In 1933, market hogs brought $3.53 a hundredweight, which is $47.29 in today's dollars.

There was a $2.6 billion equity meltdown on hog farms across America, and Economist Glen Grimes, at the University of Missouri, projects that hog farmers will suffer another one billion loss in 1999.

Some hog farmers have told me that they would have been better off financially if their hogs had simply been destroyed by a natural disaster. At one point, the feed the hogs were eating was worth more than the hogs themselves. And not long ago, consumers were paying more for a canned ham than the 260-pound hog it came from.

To address this disaster on hog farms across America, the Administration committed $50 million to their plight. While this amount sends a message of support to hog farmers, it is inadequate in light of the severity of the crisis to our family farms.

The Missouri Farm Bureau and the Missouri Pork Producers requested our assistance, and we have responded. Today, Senator BOND and I are offering this amendment, which makes $250 million available for farmers struggling to survive the severe drop in pork prices. Under the amendment, the U.S. Department of Agriculture would be provided with $150 million new funds and would be given the authority to use another $100 million, that the USDA already has, to help hog farmers.

The amendment sends a clear and resounding message of support to Missouri's hog farmers. In my recent trips to Missouri, I met with numerous hog farmers and was alarmed to hear them say that many of them would have to sell the family farm if we do not act expediently. This situation demands action, and I have taken immediate action at the request of Missouri's family farmers.

It is the understanding of those of us that have offered this amendment today that the majority of the funds available to the Secretary of Agriculture will be used on behalf of our nation's pork farmers. Last year, all of the major commodity groups received disaster assistance, but the hog farmers received nothing.

In current law (Section 32 of the Act of August 24, 1935) the Department of Agriculture has broad authority to reestablish farmers' purchasing power by making payments, to encourage domestic consumption by diverting surpluses to low-income groups, and to encourage the export of farm products through producer payments or other means. However, the amount devoted to any one commodity shall not exceed 25 percent of the Section 32 funds. Most recently, the USDA recently used its Section 32 authority to make a $50 million direct cash payment to pork producers.

Our amendment adds $150 million to the USDA Section 32 Fund, to be used for hog farmers, and it waives the 25 percent cap on the USDA Section 32 Fund for the remainder of fiscal year 1999. These funds would be made available to help the current emergency situation in the pork industry.

In addition to today's amendment, I would also like to mention some of the initiatives that I have worked on with the Missouri Farm Bureau and the Missouri Pork Producers in order to address the pork crisis:

Initiated a request, with Senator BOB KERREY (D-NE), to U.S. Trade Representative Charlene Barshefsky successfully urging her to add European Union pork to the U.S. trade retaliation list against the EU's unfair trade practices.

Requested that the U.S. Government buy excess hogs from farmers and ship U.S. pork as emergency assistance to Central America.

Wrote to the Prime Minister of Canada urging him to resolve work stoppage in the Ontario pork packers plant so that Canada can slaughter its hogs instead of flooding our slaughter houses with Canadian hogs.

Wrote to the President and the Secretary of Agriculture requesting that they use all their authority to ensure that no unfair competition or antitrust practices exist in domestic pork markets. It concerns me that farmer's prices for hogs at the farm gate have plummeted while prices at the cash register have not dropped equally for the consumer.

Requested of the Administration an immediate moratorium on burdensome new federal regulations affecting hog producers, and wrote to the President to ease paperwork requirements placed on farmers and banks so that the money can quickly get to those who need it.

Introduced a congressional resolution (S. Con. Res. 4) with Senator MAX BAUCUS which demands that South Korea end its unfair trade practices and subsidies that hurt American pork producers. The resolution also urges the U.S. Trade Representative, the Secretary of Treasury, and the Secretary of Agriculture to take immediate action against such harmful Korean subsidies.

AMENDMENT NO. 117

(Purpose: To provide funding for rural water infrastructure)

On page 37, line 9 strike ''$313,000,000'' and insert in lieu thereof ''$343,000,000''.

On page 5, after line 20 insert the following:

RURAL COMMUNITY ADVANCEMENT PROGRAM

For an additional amount for the costs of direct loans and grants of the rural utilities programs described in section 381E(d)(2) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009f), as provided in 7 U.S.C. 1926(a) and 7 U.S.C. 1926C for distribution through the national reserve, $30,000,000, of which $25,000,000 shall be for grants under such program: *Provided*, That the entire amount shall be available only to the extent an official budget request for $30,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

AMENDMENT NO. 118

At the appropriate place in the bill insert the following new section:

SEC. . Notwithstanding any other provision of law, monies available under section 763 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999 shall be provided by the Secretary of Agriculture directly to any state determined by the Secretary of Agriculture to have been materially affected by the commercial fishery failure or failures declared by the Secretary of Commerce in September, 1998 under section 312(a) of the Magnuson-Stevens Fishery Conservation and Management Act. Such state shall disburse the funds to individuals with family incomes below the federal poverty level who have been adversely affected by the commercial fishery failure or failures. *Provided*, That the entire amount shall be available only to the extent an official budget request for such amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress. *Provided further*, That the entire amount is designated by Congress as an emergency requirement under section 251(b)(2)(A) of such Act.

AMENDMENT NO. 119

On page 2, line 11, strike $20,000,000 and insert $25,000,000.

On page 2, line 13, strike $20,000,000 and insert $25,000,000.

On page 37, line 9, increase the amount by $5,000,000.

Mrs. FEINSTEIN. Mr. President, this amendment increases funding for USDA's Emergency Grants to Assistance Low-Income Migrant and Seasonal Farmworkers program by $5 million. The increase in funding is provided to cover additional needs, including a possible increase in WIC caseload as a result of the devastating citrus freeze which impacted California last December.

I understand the amendment has been agreed to on both sides, and I urge its adoption.

Mr. STEVENS. Mr. President, I ask for the adoption of these amendments en bloc.

The PRESIDING OFFICER. Without objection, the amendments are agreed to.

The amendments (Nos. 115 through 119) were agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the amendments were agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent that the amendment entitled ''1998 Disaster'' for Senator BOND be deleted from the list and that an amendment listed for Senator ASHCROFT entitled ''Emergency Assistance to USDA'' be deleted.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 120

(Purpose: To provide authority and appropriations for the Department of State to carry out certain counterdrug research and development activities)

Mr. STEVENS. Mr. President, I send to the desk an amendment for Senator DEWINE and others to provide authority and funds for the Department of State's counterdrug program. This amendment includes an appropriate offset for the additional spending that is authorized.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS] for Mr. DEWINE, for himself, Mr. BURNS and Mr. COVERDELL, proposes an amendment numbered 120:

On page 24, between lines 2 and 3, insert the following:

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For an additional amount for ''International Narcotics Control and Law Enforcement'', $23,000,000, for additional counterdrug research and development activities: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in such Act is transmitted by the President to the Congress.

On page 27 increase the amount of the rescission on line 9 by $23,000,000.

On page 44, between lines 11 and 12, insert the following:

(b) Section 832(a) of the Western Hemisphere Drug Elimination Act (Public Law 105–277) is amended—

(1) in the first sentence—

(A) by striking ''Secretary of Agriculture'' and inserting ''Secretary of State''; and

(B) by striking ''the Agricultural Research Service of the Department of Agriculture'' and inserting ''the Department of State'';

(2) in paragraph (5), by inserting ''(without regard to any requirement in law relating to public notice or competition)'' after ''to contract''; and

(3) by adding at the end the following:

''Any record related to a contract entered into, or to an activity funded, under this subsection shall be exempted from disclosure as described in section 552(b)(3) of title 5, United States Code.''.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I ask that we proceed with the amendment at the desk.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 120) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. STEVENS. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, earlier today we had an amendment that I did not move to reconsider and I indicated I would move to reconsider at a later time.

The PRESIDING OFFICER. That was amendment No. 80.

Mr. STEVENS. And the purpose?

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

To defer section 8 assistance for expiring contracts until October 1, 1999.

Mr. STEVENS. That amendment was agreed to. I move to reconsider the vote, and I ask unanimous consent that the motion to reconsider be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The motion to lay on the table was agreed to.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate now proceed to a period for morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, March 17, 1999, the Federal debt stood at $5,641,694,979,239.08 (Five trillion, six hundred forty-one billion, six hundred ninety-four million, nine hundred seventy-nine thousand, two hundred thirty-nine dollars and eight cents).

One year ago, March 17, 1998, the Federal debt stood at $5,536,664,000,000 (Five trillion, five hundred thirty-six billion, six hundred sixty-four million).

Five years ago, March 17, 1994, the Federal debt stood at $4,553,032,000,000 (Four trillion, five hundred fifty-three billion, thirty-two million).

Ten years ago, March 17, 1989, the Federal debt stood at $2,736,679,000,000 (Two trillion, seven hundred thirty-six billion, six hundred seventy-nine million) which reflects a debt increase of almost $3 trillion—$2,905,015,979,239.08 (Two trillion, nine hundred five billion, fifteen million, nine hundred seventy-nine thousand, two hundred thirty-nine dollars and eight cents) during the past 10 years.

CITY OF NEW ORLEANS CRASH

Mr. FITZGERALD. Mr. President, as my colleagues know, a tragic accident occurred in Bourbonnais, Illinois on Monday night when an Amtrak passenger train, the City of New Orleans, collided with a tractor trailer carrying steel rods. According to the National Transportation Safety Board, NTSB, a crew of 18 people and 196 passengers were aboard the City of New Orleans when the accident occurred.

Eleven people lost their lives in the accident, NTSB officials report. I wish to convey my deepest sympathy to the families of the victims and all others who have been touched by this tragedy. Illinois grieves with you.

I would also like to recognize the dedication of the local and State officials and citizens who have prevented this tragedy from becoming even worse. Local citizens worked through the night and into the early morning to locate victims, free them from the wreckage, and treat their injuries. Public safety officials from Bourbonnais, and from the communities and counties surrounding it, worked above and beyond the call of duty to save lives, rescue survivors, and prevent further harm from occurring.

Additionally, Federal officials from the Department of Transportation, the National Transportation Safety Board, the Highway Administration, the Railroad Administration, and Health and Human Services have traveled to Illinois to lend their expertise in the aftermath of this horrible accident.

And finally, nonprofit organizations like the American Red Cross have also served the victims, families, and friends associated with this accident. At times like this we remember the fragility of human life, and recognize the magnanimity of the human spirit. We commend the many volunteers and officials involved with the city of New Orleans accident. Their dedication to the welfare of those injured will be remembered in perpetuity.

Mr. COCHRAN. Mr. President, we were all saddened by the accident involving the City of New Orleans Amtrak train in Illinois on Monday night.

Several Mississippians lost their lives in the accident including June Bonnin of Nesbit, and Raney and Lacey Lipscomb of Lake Cormorant. I know my colleagues join me in extending our sympathy to their families.

Mr. President, as is so often the case, tragedies such as this can bring out the best in individuals. Based on information provided to my office, it appears that three of the students from Covenant Christian High School in Clinton, Mississippi, who were on the train, became heroes.

These students were part of a group of 15 students returning from a spring break trip to Canada. According to persons on the scene, Michael Freeman, Caleb McNair, and Jeffrey Sartor, all 17-year-old Clinton residents, quickly reacted to the situation.

With fire quickly approaching from a nearby car, Michael and Caleb opened a window and began rescuing people trapped inside the train. Jeffrey and Mrs. Phyllis Hurley, a chaperone who was injured herself, began helping people get out of the train too.

Caleb also assisted firefighters in getting elderly people to safety and getting a young girl freed from the wreckage. When firefighters and other help arrived, Michael was still on top of a car helping people from other cars over to the closest ladder and down from the train. Even after the young men were escorted to the side, they continued to help carry stretchers of wounded to safety.

Mr. President, I extend my sympathy to all the victims and their families affected by the tragedy, and I commend the efforts of these young people and the many firefighters and emergency personnel who acted to save lives and assist the victims.

CERTIFIED NONSENSE

Mr. GRASSLEY. Mr. President, here we go again. It seems that around this time every year we launch into certification follies. The occasion is the annual requirement that the administration report to Congress on the progress or lack of progress that countries are making in cooperating on combating drugs. This debate more recently gets personalized around the issue of the certification of Mexico.

There seems to be two basic elements in this affair: The acceptance by some in Congress that the administration only lies on certification therefore we should do away with the process and quit the pretense. And those who argue that it is unfair to judge the behavior of others and to force the President to make such judgments.

I do not think that either of these views is accurate or does justice to the seriousness of the issues we are dealing with. They are also not consonant with the actual requirements in certification.

On the first point. The annual certification process does not require the administration to lie. If an administration chooses to do so, it is not the fault of the certification process. And the fix is not to change the law to enable a lie. The fix is to insist on greater honesty in the process and compliance with the legal requirements.

Now, the Congress is no stranger to elaborate misrepresentations from administrations. Given that fact, this does mean that differences in judgment necessarily mean that one party to the difference is lying. In the past, I have not accepted all the arguments by the administration in certifying Mexico.

Indeed, self-evident facts make such an acceptance impossible and the administration's insistence upon obvious daydreams embarrassing. But I have, despite this, supported the overall decision on Mexico. I have done this for several reasons.

Before I explain, let me summarize several passages from the law that requires the President to report to Congress. There seems to be some considerable misunderstanding about what it says. The requirement is neither unusual nor burdensome. The President must inform Congress if during the previous year any given major drug producing or transit country cooperated fully with the United States or international efforts to stop production or transit. These efforts can be part of a bilateral agreement with the United States. They can be unilateral efforts. Or they can be efforts undertaken in cooperation with other countries, or in conformity with international law.

In making this determination, the President is asked to consider several things: the extent to which the country has met the goals and objectives of the 1988 U.N. Convention on illicit drugs; the extent to which similar efforts are being made to combat money laundering and the flow of precursor chemicals; and the efforts being made to combat corruption.

The purpose for these requirements is also quite simple. It is a recognition by Congress, in response to public demand, that the U.S. Government take international illegal drug production and trafficking seriously. That it make this concern a matter of national interest. And that, in conjunction with our efforts here and abroad, other countries do their part in stopping production and transit. Imagine that. A requirement that we and others should take illicit drug production and transit seriously. That we should do something concrete about it. And that, from time to time, we should get an accounting of what was done and whether it was effective.

I do not read in this requirement the problem that many seem to see. This requirement is in keeping with the reality of the threat that illegal drugs pose to the domestic well-being of U.S. citizens. Illegal drugs smuggled into this country by criminal gangs resident overseas kill more Americans annually than all the terrorist attacks on U.S. citizens in the past 10 years. It is consistent with international law. And it is not unusually burdensome on the administration—apart from holding it to some realistic standard of accountability.

I know that administrations, here and abroad, are uncomfortable with such standards. But that shilly shally should not be our guide. Congress has a constitutional foreign policy responsibility every bit as fundamental as the President's. Part of that responsibility is to expect accountability. The certification process is a key element in that with respect to drugs.

To seek to retreat from the responsibility because an administration does not like to be accountable is hardly sufficient ground for a change. To do so because another country does not like explaining how it is doing in cooperating to deal with a serious threat to U.S. national interests is equally unacceptable. To argue that we should cease judging others because we have yet to do enough at home is a logic that borders on the absurd. To believe that claims of sovereignty by some country trumps external judgment on its behavior is to argue for a dangerous standard in international law. To argue that we should bury our independent judgment on this matter of national interest in some vague multilateralized process is a confidence trick.

Try putting this argument into a different context. Imagine for a moment making these arguments with respect to terrorism. Think about the consequences of ignoring violations of human rights because a country claims it is unfair to meddle in internal matters.

When it comes to drugs, however, some seem prepared to carve out an exception. It offends Mexico, so let's not hold them accountable. The administration will not be honest, so let's stop making the judgment.

The administration, we are informed, does not want to offend an important ally. Really? Well, it seems the administration likes to pick and choose. At the moment, the administration is considering and threatening sanctions against the whole European Union—that is some of our oldest allies. And over what issue? Bananas. To my knowledge, not a single banana has killed an American. However serious the trade issue is that is involved, major international criminal gangs are not targeting Americans with banana peels. They are not smuggling tons of bananas into this country illegally. They are not corrupting whole governments.

So, what we are being asked to accept is that sanctions are an important national interest when it comes to bananas but not for drugs. That it is okay to judge allies on cooperation on tropical fruit but not on dangerous drugs. This strikes me as odd. Do not get me wrong. I am not against bananas. I believe there are serious trade issues involved in this dispute over bananas. What strikes me as odd is that the administration is prepared to deploy serious actions against allies over this issue but finds it unacceptable to defend U.S. interests when it comes to drugs with similar dedication and seriousness.

But let me come back to Mexico and certification. I have two observations. The first concerns the requirements for certification. I refer again to the law. That is a good place to start. The requirement in the law is to determine whether a country is fully cooperating. It is not to judge whether a country is fully successful.

Frankly, that is an impossible standard to meet. One that we would fail. I agree, that deciding what full cooperation looks like is a matter of judgment. But to those who argue that certification limits the President's flexibility, on the contrary, it gives scope to just that in reaching such a decision. It is a judgment call. Sometimes a very vexed judgment.

Nevertheless, one can meet a standard of cooperation that is not bringing success. In such a case, an over-reliance upon purely material standards of evaluation cannot be our only guide. How many extraditions, how many new laws, how many arrests, how many drugs seized are not our only measures for judgment. There are others. And in the case of Mexico there is a major question that must be part of our thinking.

Unless the United States can and is prepared unilaterally to stop drug production and trafficking in Mexico, then we have two choices. To seek some level of cooperation with legitimate authority in Mexico to give us some chance of addressing the problem. Or, to decide no cooperation is possible and to seal the border. The latter course, would involve an immense undertaking and is uncertain of success. It would also mean abandoning Mexico at a time of crisis to the very criminal gangs that threaten both countries. In my view, we cannot decertify Mexico until we can honestly and dispassionately answer this question: Is what we are getting in the way of cooperation from Mexico so unacceptable on this single issue that our only option is to tear up our rich and varied bilateral relationship altogether?

However frustrating our level of cooperation may be, I continue to think that we have not reached the point of hopelessness. And there are encouraging signs along with the disappointments. Having said this, I do not believe that we can or should forego judgment on the continuing nature of cooperation. With Mexico or with any country. To those who would change the certification process I would say, let's give the process a chance not a change. Let's actually apply it. This does not mean in some rote way. But wisely. With understanding. With due regard to both the nuance of particular situations and a sense of responsibility.

REFERRAL OF S. 623

Mr. STEVENS. Mr. President, I ask unanimous consent that S. 623 be discharged from the Committee on Environment and Public Works and referred to the Committee on Energy and Natural Resources.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION OF SENATE REPRESENTATION

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 70, submitted earlier today by Senators LOTT and DASCHLE.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 70) to authorize representation of Senate and Members of the Senate in the case of James E. Pietrangelo, II v. United States Senate, et al.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, this resolution concerns a civil action commenced in the United States District Court for the Northern District of Ohio against the United States Senate and all Members of the Senate by a pro se plaintiff during the impeachment trial of President Clinton. The amended complaint improperly seeks judicial intervention directing Senators on how they should have voted on the question of whether to convict on the impeachment articles.

The action is subject to dismissal on numerous jurisdictional grounds, including lack of constitutional standing, political question, sovereign immunity, and the Speech or Debate Clause. This resolution authorizes the Senate Legal Counsel to represent the Senate and Senators in this suit to move for its dismissal.

Mr. STEVENS. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 70) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 70

Whereas, in the case of *James E. Pietrangelo, II* v. *United States Senate, et al.*, Case No. 1:99–CV–323, pending in the United States District Court for the Northern District of Ohio, the plaintiff has named the United States Senate and all Members of the Senate as defendants;

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(1), the Senate may direct its counsel to defend the Senate and Members of the Senate in civil actions relating to their official responsibilities: Now, therefore, be it

Resolved, That the Senate Legal Counsel is directed to represent the Senate and all Members of the Senate in the case of *James E. Pietrangelo, II* v. *United States Senate, et al.*

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT OF THE NATIONAL ENDOWMENT FOR DEMOCRACY FOR FISCAL 1998—MESSAGE FROM THE PRESIDENT—PM 17

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations.

To the Congress of the United States:

As required by the provisions of section 504(h) of Public Law 98–164, as amended (22 U.S.C. 4413(i)), I transmit herewith the 15th Annual Report of the National Endowment for Democracy, which covers fiscal year 1998.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 18, 1999*.

REPORT OF THE CORPORATION FOR PUBLIC BROADCASTING—MESSAGE FROM THE PRESIDENT—PM 18

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Commerce, Science, and Transportation.

To the Congress of the United States:

As required by section 19(3) of the Public Telecommunications Act of 1992 (Public Law 102–356), I transmit herewith a report of the Corporation for Public Broadcasting. This report outlines, first, the Corporation's efforts to facilitate the continued development of superior, diverse, and innovative programming and, second, the Corporation's efforts to solicit the views of the public on current programming initiatives.

This report summarizes 1997 programming decisions and outlines how Corporation funds were distributed—$47.9 million for television program development, $18.8 million for radio programming development, and $15.6 million for general system support. The report also reviews the Corporation's Open to the Public campaign, which allows the public to submit comments via mail, a 24-hour toll-free telephone line, or the Corporation's Internet website.

I am confident this year's report will meet with your approval and commend, as always, the Corporation's efforts to deliver consistently high quality programming that brings together American families and enriches all our lives.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 18, 1999*.

MESSAGES FROM THE HOUSE

At 1:30 p.m., a message from the House of Representatives, delivered by Mr. Hanrahan, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 820. An act to authorize appropriations for fiscal years 2000 and 2001 for the Coast Guard, and for other purposes.

H.R. 975. An act to provide for a reduction in the volume of steel imports, and to establish a steel import notification and monitoring program.

The message also announced that pursuant to the provisions of public law 96–388, as amended by Public Law 97–84 (36- U.S.C. 1402(a)), the Speaker appoints the following Members of the House to the United States Holocaust Memorial Council: Mr. GILMAN of New York, Mr. LATOURETTE of Ohio, and Mr. CANNON of Utah.

MEASURE REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 820. An act to authorize appropriations for fiscal years 2000 and 2001 for the Coast Guard, and for other purposes; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

S. 334. A bill to amend the Federal Power Act to remove the jurisdiction of the Federal Energy Regulatory Commission to license projects on fresh waters in the State of Hawaii (Rept. No. 106–26).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. REED:

S. 656. A bill to provide for the adjustment of status of certain nationals of Liberia to that of lawful permanent residence; to the Committee on the Judiciary.

By Mr. INHOFE:

S. 657. A bill to amend the Internal Revenue Code of 1986 to expand the availability

of medical savings accounts, and for other purposes; to the Committee on Finance.

By Mr. GRAMM (for himself, Mrs. HUTCHISON, Mr. DOMENICI, Mr. BINGAMAN, Mr. KYL, Mr. MCCAIN, Mrs. FEINSTEIN, Mrs. BOXER, and Mr. GORTON):

S. 658. A bill to authorize appropriations for the United States Customs Service for fiscal years 2000 and 2001; to the Committee on Finance.

By Mr. MOYNIHAN (for himself, Mr. ROBB, and Mr. KERREY):

S. 659. A bill to amend the Internal Revenue Code of 1986 to require pension plans to provide adequate notice to individuals whose future benefit accruals are being significantly reduced, and for other purposes; to the Committee on Finance.

By Mr. BINGAMAN (for himself, Mr. CRAIG, Ms. MIKULSKI, Mr. THURMOND, Mr. DASCHLE, Ms. COLLINS, Mr. JOHNSON, Ms. SNOWE, Mr. DORGAN, Mr. MACK, Mr. HOLLINGS, Mr. REED, Mr. CONRAD, and Mr. CRAPO):

S. 660. A bill to amend title XVIII of the Social Security Act to provide for coverage under part B of the medicare program of medical nutrition therapy services furnished by registered dietitians and nutrition professionals; to the Committee on Finance.

By Mr. ABRAHAM (for himself, Mr. HATCH, Mr. LOTT, Mr. SESSIONS, Mr. NICKLES, Mr. COVERDELL, Mr. CRAIG, Mr. KYL, Mr. ENZI, Mr. MCCAIN, Mr. HUTCHINSON, Mr. SANTORUM, Mr. BROWNBACK, Mr. INHOFE, Mr. SMITH of New Hampshire, Mr. HELMS, Mr. GRASSLEY, and Mr. DEWINE):

S. 661. A bill to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions; to the Committee on the Judiciary.

By Mr. CHAFEE (for himself, Ms. MIKULSKI, Mr. MOYNIHAN, Ms. SNOWE, Mr. SMITH of Oregon, Mr. HARKIN, Mr. COCHRAN, Mr. DURBIN, Mrs. MURRAY, Mr. LEAHY, Mr. ROCKEFELLER, Mr. LIEBERMAN, Mr. LAUTENBERG, Mrs. FEINSTEIN, Mr. BINGAMAN, Mr. SARBANES, Mr. HOLLINGS, Mr. WELLSTONE, Mr. CLELAND, Mr. KENNEDY, Mr. JOHNSON, Mr. ROBB, Mrs. BOXER, Mr. REID, and Mr. KERREY):

S. 662. A bill to amend title XIX of the Social Security Act to provide medical assistance for certain women screened and found to have breast or cervical cancer under a federally funded screening program; to the Committee on Finance.

By Mr. SPECTER:

S. 663. A bill to impose certain limitations on the receipt of out-of-State municipal solid waste, to authorize State and local controls over the flow of municipal solid waste, and for other purposes; to the Committee on Environment and Public Works.

By Mr. CHAFEE (for himself, Mr. GRAHAM, Mr. JEFFORDS, and Mr. BREAUX):

S. 664. A bill to amend the Internal Revenue Code of 1986 to provide a credit against income tax to individuals who rehabilitate historic homes or who are the first purchasers of rehabilitated historic homes for use as a principal residence; to the Committee on Finance.

By Mr. COVERDELL (for himself, Mr. HAGEL, Mrs. HUTCHISON, Mr. KYL, Mr. INHOFE, and Mr. GRASSLEY):

S. 665. A bill to amend the Congressional Budget and Impoundment Control Act of 1974 to prohibit the consideration of retroactive tax increases; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, that if one Committee reports, the other Committee have thirty days to report or be discharged.

By Mr. LUGAR (for himself, Mr. GRAMM, Mr. MCCAIN, Mr. DEWINE, Mr. HAGEL, Mr. GRAMS, Mr. JEFFORDS, Ms. LANDRIEU, and Mr. LIEBERMAN):

S. 666. A bill to authorize a new trade and investment policy for sub-Saharan Africa; to the Committee on Finance.

By Mr. MCCAIN:

S. 667. A bill to improve and reform elementary and secondary education; to the Committee on Finance.

By Mr. COVERDELL:

S.J. Res. 15. A joint resolution proposing an amendment to the Constitution of the United States to prohibit retroactive increases in taxes; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. COVERDELL (for himself, Mr. HAGEL, Mrs. HUTCHISON, Mr. KYL, Mr. INHOFE, and Mr. GRASSLEY):

S. Res. 69. A resolution to prohibit the consideration of retroactive tax increases in the Senate; to the Committee on Rules and Administration.

By Mr. LOTT (for himself and Mr. DASCHLE):

S. Res. 70. A resolution to authorize representation of Senate and Members of the Senate in the case of James E. Pietrangelo, II v. United States Senate, et al; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. INHOFE:

S. 657. A bill to amend the Internal Revenue Code of 1986 to expand the availability of medical savings accounts, and for other purposes; to the Committee on Finance.

MEDICAL SAVINGS ACCOUNT EXPANSION ACT OF 1999

Mr. INHOFE. Mr. President, I am pleased to rise today to introduce the Medical Savings Account Expansion Act of 1999. There has been much said recently regarding the need to reform health care. I agree with many of my colleagues that health care is indeed in need of serious reform. However, the nature and the scope of reforms are open to debate.

During the health care debate of 1996, the Congress focused its efforts on attempting to provide the uninsured with insurance. Included in the legislation, Congress created a demonstration project in order to test the effectiveness of Medical Savings Accounts. However, in establishing the demonstration project, the Congress created numerous legislative roadblocks to the success of Medical Savings Accounts.

As we are all aware, Medical Savings Accounts combine a high deductible insurance policy and tax exempt accounts for the purpose of providing health care. MSA holders use these accounts to purchase routine health care services. When account holders spend all of the funds in their account and reach their annual deductible, their health insurance policy kicks in. If they don't spend all the money in the account, they get to keep what's left, plus interest for the following year.

The creation of Medical Savings Accounts was the result of a bipartisan coalition that many in the Senate worked long and hard to achieve. Medical Savings Accounts are really based on a simple principle that should be at the heart of the health care reform, that being, empowering people to take control of their own health care improves the system for everyone. Expanding MSAs is one small, but important, step in that regard. Providing individuals with an incentive to save money on their health care costs encourages them to be better consumers. The result is much needed cost control and consumer responsibility.

Mr. President, I think as the Congress begins to discuss health care reform this year, we must move away from the debate on the regulation and rationing of health care and focus our energies on providing health care to the uninsured. Instead of concentrating our efforts on reforms that will likely result in less health care, we should be trying to expand the opportunity for health care. At the same time, we must do so in a cost effective and market oriented way. MSAs meet that goal.

According to the General Accounting Office, more than 37% of the people who have opted to buy an MSA under the 1996 law were previously uninsured. That bears repeating; people who have previously been uninsured, are now buying health insurance. We need to make it possible for more people to obtain health care insurance. Now, compare those 37% of previously uninsured who now have health insurance with the projected 400,000 people who would lose their current health insurance if the Congress does something that would raise current health insurance premiums by just one percentage point and the argument becomes even stronger to expand the use of MSAs.

Mr. President, the legislation I am introducing today does just that, it makes Medical Savings Accounts more readily available to more people by eliminating many of the legislative and regulatory roadblocks to their continued success. The GAO report referred to earlier, points out that one of the key reasons why MSAs have not been as successful as originally thought is the complexity of the law.

Let me touch on a just few of the problems my legislation addresses. First is the scope of the demonstration project. Mr. President, I believe we should drop the 750,000 cap and extend the life of the project indefinitely. The 750,000 cap is merely an arbitrary number negotiated by the Congress. By lifting the cap and making MSAs permanent, we will be allowing the market to decide whether MSAs are a viable alternative in health insurance. The cap

and the limited time constraint create a disincentive for insurance companies to provide MSAs as an option. The GAO study I cited earlier supports this conclusion. The majority of companies who offered MSA plans did so in order to preserve a share of the market. The result, few, if any, are aggressively marketing MSAs. If Congress is serious about testing the effectiveness of MSAs in the marketplace, we must free them from unnecessary and arbitrarily imposed restraints.

Second, under current law, either an employer or an employee can contribute directly to an MSA, but not both. The legislation I am introducing would allow both employers and employees to contribute to a Medical Savings Account. This just makes sense. By limiting who can contribute to an individual MSA, the government has predetermined the limits of contributions. I think many employers would prefer to contribute to an individual's health care account, rather than continue the costly, third-party payer system. By allowing both employers and employees to contribute to MSAs, we will be giving more flexibility to Medical Savings Accounts. That flexibility will allow more people to obtain MSAs and undoubtedly contribute to their success.

One of the arguments frequently made against MSAs is that they are for the rich. Certainly that is an understandable conclusion, given the fact that we limit who can contribute to MSAs. By lifting the contribution restrictions, individuals of all income levels will find MSAs a viable health care alternative.

As I travel throughout Oklahoma, a common complaint is the access to quality health care and the rising cost of health care. In my state, managed care is not always an option for many people in rural areas. However, Medical Savings Accounts are an option for many families because MSAs give them the choice to pursue individualized health care that fits their needs. These are the sorts of solutions that our constituents have sent us to Washington to find. They are not interested in more government. In fact, many want less. Yet, all we offer them is differing degrees of government intrusion in their lives.

Mr. President, the debate in the 105th Congress clearly demonstrated we are all concerned about access to health care, doctor choice, cost, and security. As the debate moves forward in the 106th Congress, I want to urge my colleagues to consider alternatives to further big-government and to be bold enough to pursue them.

Mr. President, I ask that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 657

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 ''Medical Savings Account Expansion Act of 1999''.

SEC. 2. REPEAL OF RESTRICTIONS ON TAXPAYERS HAVING MEDICAL SAVINGS ACCOUNTS.

(a) REPEAL OF NUMERICAL LIMITATIONS AND TERMINATION.—

(1) IN GENERAL.—Section 220 of the Internal Revenue Code of 1986 (relating to medical savings accounts) is amended by striking subsections (i) and (j).

(2) MEDICARE+CHOICE.—Section 138 of such Code (relating to Medicare+Choice MSA) is amended by striking subsection (f).

(3) CONFORMING AMENDMENT.—Section 220(c)(1) of such Code is amended by striking subparagraph (D).

(b) REPEAL OF RESTRICTIONS ON INDIVIDUALS WHO HAVE MEDICAL SAVINGS ACCOUNTS.—

(1) IN GENERAL.—Section 220(c)(1)(A) of the Internal Revenue Code of 1986 (relating to eligible individual) is amended by inserting ''and'' at the end of clause (i), by striking '', and'' at the end of clause (ii)(II) and inserting a period, and by striking clause (iii).

(2) CONFORMING AMENDMENTS.—

(A) Section 220(b) of such Code is amended by striking paragraph (4) and by redesignating paragraphs (5), (6), and (7) as paragraphs (4), (5), and (6), respectively.

(B) Section 220(c)(1) of such Code, as amended by subsection (a)(3), is amended by striking subparagraph (C).

(C) Section 220(c) of such Code is amended by striking paragraph (4) and by redesignating paragraph (5) as paragraph (4).

(c) REPEAL OF RESTRICTION ON JOINT EMPLOYER-EMPLOYEE CONTRIBUTIONS.—Section 220(b) of the Internal Revenue Code of 1986 (relating to limitations) is amended by striking paragraph (4), as redesignated by subsection (b)(2)(A), and by redesignating paragraphs (5) and (6) (as so redesignated) as paragraphs (4) and (5), respectively.

(d) 100 PERCENT FUNDING OF ACCOUNT ALLOWED.—

(1) IN GENERAL.—Section 220(b)(2) of the Internal Revenue Code of 1986 (relating to monthly limitation) is amended to read as follows:

''(2) MONTHLY LIMITATION.—The monthly limitation for any month is the amount equal to 1/12 of the annual deductible of the high deductible health plan of the individual as of the first of such month.''.

(2) CONFORMING AMENDMENT.—Section 220(d)(1)(A) of such Code is amended by striking ''75 percent of''.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to months beginning after the date of enactment of this Act.

(2) COMPENSATION LIMIT REPEAL.—The amendments made by subsection (b)(2)(A) shall apply to taxable years beginning after December 31, 1999.

SEC. 3. REDUCTION IN HIGH DEDUCTIBLE PLAN MINIMUM ANNUAL DEDUCTIBLE

(a) IN GENERAL.—Section 220(c)(2)(A) of the Internal Revenue Code of 1986 (relating to high deductible health plan) is amended—

(1) by striking ''$1,500'' in clause (i) (relating to self-only coverage) and inserting ''$1,000'', and

(2) by striking ''$3,000'' in clause (ii) (relating to family coverage) and inserting ''$2,000''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2000.

By Mr. GRAMM (for himself, Mrs. HUTCHISON, Mr. DOMENICI, Mr. BINGAMAN, Mr. KYL, Mr. MCCAIN, Mrs. FEINSTEIN, Mrs. BOXER, and Mr. GORTON):

S. 658. A bill to authorize appropriations for the United States Customs Service for fiscal years 2000 and 2001; to the Committee on Finance.

PROTECTION OF U.S. BORDERS

Mr. GRAMM. Mr. President, on behalf of Senators HUTCHISON, BINGAMAN, DOMENICI, KYL, MCCAIN, BOXER, FEINSTEIN, and GORTON, I am introducing legislation today which will authorize the United States Customs Service to acquire the necessary personnel and technology to reduce delays at our border crossings with Mexico and Canada to no more than 20 minutes, while strengthening our commitment to interdict illegal narcotics and other contraband.

This bill represents the progress that we made in this regard in the last Congress, and it builds on efforts that we initiated last year. This legislation passed the Senate unanimously on October 8, 1998, and a similar companion bill passed the House of Representatives on May 19, 1998 by a vote of 320–86. In addition to the resources dedicated to our nation's land borders, this bill also incorporates the efforts of Senators GRASSLEY and GRAHAM in adding resources for interdiction efforts in the air and along our coastline, provisions that were passed by the Senate in last year's bill.

I am very concerned about the impact of narcotics trafficking on Texas and the nation and have worked closely with federal and state law enforcement officials to identify and secure the necessary resources to battle the onslaught of illegal drugs. At the same time, however, our current enforcement strategy is burdened by insufficient staffing, a gross underuse of vital interdiction technology, and is effectively closing the door to legitimate trade.

At a time when NAFTA and the expanding world marketplace are making it possible for us to create more commerce, freedom and opportunity for people on both sides of the border, it is important that we eliminate the border crossing delays that are stifling these goals. In order for all Americans to fully enjoy the benefits of growing trade with Mexico and Canada, we must ensure that the Customs Service has the resources necessary to accomplish its mission. Customs inspections should not be obstacles to legitimate trade and commerce. Customs staffing needs to be increased significantly to facilitate the flow of substantially increased traffic on both the Southwestern and Northern borders, and these additional personnel need the modern technology that will allow them to inspect more cargo, more efficiently. The practical effect of these increases will be to open all the existing primary inspection lanes where congestion is a problem during peak hours and to enhance investigative capabilities on the Southwest border.

Long traffic lines at our international crossings are counterproductive to improving our trade relationship with Mexico and Canada. This bill is designed to shorten those lines and promote legitimate commerce, while providing the Customs Service with the means necessary to tackle the drug trafficking operations that are now rampant along the 1,200-mile border that my State shares with Mexico. I will be speaking further to my colleagues about this initiative and urge their support for the bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 658

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 ''Drug Free Borders Act of 1999''.

TITLE I—AUTHORIZATION OF APPROPRIATIONS FOR UNITED STATES CUSTOMS SERVICE FOR ENHANCED INSPECTION, TRADE FACILITATION, AND DRUG INTERDICTION

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

(a) DRUG ENFORCEMENT AND OTHER NONCOMMERCIAL OPERATIONS.—Subparagraphs (A) and (B) of section 301(b)(1) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(1)(A) and (B)) are amended to read as follows:

''(A) $997,300,584 for fiscal year 2000.

''(B) $1,100,818,328 for fiscal year 2001.''.

(b) COMMERCIAL OPERATIONS.—Clauses (i) and (ii) of section 301(b)(2)(A) of such Act (19 U.S.C. 2075(b)(2)(A)(i) and (ii)) are amended to read as follows:

''(i) $990,030,000 for fiscal year 2000.

''(ii) $1,009,312,000 for fiscal year 2001.''.

(c) AIR AND MARINE INTERDICTION.—Subparagraphs (A) and (B) of section 301(b)(3) of such Act (19 U.S.C. 2075(b)(3)(A) and (B)) are amended to read as follows:

''(A) $229,001,000 for fiscal year 2000.

''(B) $176,967,000 for fiscal year 2001.''.

(d) SUBMISSION OF OUT-YEAR BUDGET PROJECTIONS.—Section 301(a) of such Act (19 U.S.C. 2075(a)) is amended by adding at the end the following:

''(3) By no later than the date on which the President submits to the Congress the budget of the United States Government for a fiscal year, the Commissioner of Customs shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate the projected amount of funds for the succeeding fiscal year that will be necessary for the operations of the Customs Service as provided for in subsection (b).''.

SEC. 102. CARGO INSPECTION AND NARCOTICS DETECTION EQUIPMENT FOR THE UNITED STATES-MEXICO BORDER, UNITED STATES-CANADA BORDER, AND FLORIDA AND GULF COAST SEAPORTS.

(a) FISCAL YEAR 2000.—Of the amounts made available for fiscal year 2000 under section 301(b)(1)(A) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(1)(A)), as amended by section 101(a) of this Act, $100,036,000 shall be available until expended for acquisition and other expenses associated with implementation and deployment of narcotics detection equipment along the United States-Mexico border, the United States-Canada border, and Florida and the Gulf Coast seaports, as follows:

(1) UNITED STATES-MEXICO BORDER.—For the United States-Mexico border, the following:

(A) $6,000,000 for 8 Vehicle and Container Inspection Systems (VACIS).

(B) $11,000,000 for 5 mobile truck x-rays with transmission and backscatter imaging.

(C) $12,000,000 for the upgrade of 8 fixed-site truck x-rays from the present energy level of 450,000 electron volts to 1,000,000 electron volts (1–MeV).

(D) $7,200,000 for 8 1–MeV pallet x-rays.

(E) $1,000,000 for 200 portable contraband detectors (busters) to be distributed among ports where the current allocations are inadequate.

(F) $600,000 for 50 contraband detection kits to be distributed among all southwest border ports based on traffic volume.

(G) $500,000 for 25 ultrasonic container inspection units to be distributed among all ports receiving liquid-filled cargo and to ports with a hazardous material inspection facility.

(H) $2,450,000 for 7 automated targeting systems.

(I) $360,000 for 30 rapid tire deflator systems to be distributed to those ports where port runners are a threat.

(J) $480,000 for 20 portable Treasury Enforcement Communications Systems (TECS) terminals to be moved among ports as needed.

(K) $1,000,000 for 20 remote watch surveillance camera systems at ports where there are suspicious activities at loading docks, vehicle queues, secondary inspection lanes, or areas where visual surveillance or observation is obscured.

(L) $1,254,000 for 57 weigh-in-motion sensors to be distributed among the ports with the greatest volume of outbound traffic.

(M) $180,000 for 36 AM traffic information radio stations, with 1 station to be located at each border crossing.

(N) $1,040,000 for 260 inbound vehicle counters to be installed at every inbound vehicle lane.

(O) $950,000 for 38 spotter camera systems to counter the surveillance of customs inspection activities by persons outside the boundaries of ports where such surveillance activities are occurring.

(P) $390,000 for 60 inbound commercial truck transponders to be distributed to all ports of entry.

(Q) $1,600,000 for 40 narcotics vapor and particle detectors to be distributed to each border crossing.

(R) $400,000 for license plate reader automatic targeting software to be installed at each port to target inbound vehicles.

(S) $1,000,000 for a demonstration site for a high-energy relocatable rail car inspection system with an x-ray source switchable from 2,000,000 electron volts (2–MeV) to 6,000,000 electron volts (6–MeV) at a shared Department of Defense testing facility for a two-month testing period.

(2) UNITED STATES-CANADA BORDER.—For the United States-Canada border, the following:

(A) $3,000,000 for 4 Vehicle and Container Inspection Systems (VACIS).

(B) $8,800,000 for 4 mobile truck x-rays with transmission and backscatter imaging.

(C) $3,600,000 for 4 1–MeV pallet x-rays.

(D) $250,000 for 50 portable contraband detectors (busters) to be distributed among ports where the current allocations are inadequate.

(E) $300,000 for 25 contraband detection kits to be distributed among ports based on traffic volume.

(F) $240,000 for 10 portable Treasury Enforcement Communications Systems (TECS) terminals to be moved among ports as needed.

(G) $400,000 for 10 narcotics vapor and particle detectors to be distributed to each border crossing based on traffic volume.

(H) $600,000 for 30 fiber optic scopes.

(I) $250,000 for 50 portable contraband detectors (busters) to be distributed among ports where the current allocations are inadequate;

(J) $3,000,000 for 10 x-ray vans with particle detectors.

(K) $40,000 for 8 AM loop radio systems.

(L) $400,000 for 100 vehicle counters.

(M) $1,200,000 for 12 examination tool trucks.

(N) $2,400,000 for 3 dedicated commuter lanes.

(O) $1,050,000 for 3 automated targeting systems.

(P) $572,000 for 26 weigh-in-motion sensors.

(Q) $480,000 for 20 portable Treasury Enforcement Communication Systems (TECS).

(3) FLORIDA AND GULF COAST SEAPORTS.—For Florida and the Gulf Coast seaports, the following:

(A) $4,500,000 for 6 Vehicle and Container Inspection Systems (VACIS).

(B) $11,800,000 for 5 mobile truck x-rays with transmission and backscatter imaging.

(C) $7,200,000 for 8 1–MeV pallet x-rays.

(D) $250,000 for 50 portable contraband detectors (busters) to be distributed among ports where the current allocations are inadequate.

(E) $300,000 for 25 contraband detection kits to be distributed among ports based on traffic volume.

(b) FISCAL YEAR 2001.—Of the amounts made available for fiscal year 2001 under section 301(b)(1)(B) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(1)(B)), as amended by section 101(a) of this Act, $9,923,500 shall be for the maintenance and support of the equipment and training of personnel to maintain and support the equipment described in subsection (a).

(c) ACQUISITION OF TECHNOLOGICALLY SUPERIOR EQUIPMENT; TRANSFER OF FUNDS.—

(1) IN GENERAL.—The Commissioner of Customs may use amounts made available for fiscal year 2000 under section 301(b)(1)(A) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(1)(A)), as amended by section 101(a) of this Act, for the acquisition of equipment other than the equipment described in subsection (a) if such other equipment—

(A)(i) is technologically superior to the equipment described in subsection (a); and

(ii) will achieve at least the same results at a cost that is the same or less than the equipment described in subsection (a); or

(B) can be obtained at a lower cost than the equipment described in subsection (a).

(2) TRANSFER OF FUNDS.—Notwithstanding any other provision of this section, the Commissioner of Customs may reallocate an amount not to exceed 10 percent of—

(A) the amount specified in any of subparagraphs (A) through (R) of subsection (a)(1) for equipment specified in any other of such subparagraphs (A) through (R);

(B) the amount specified in any of subparagraphs (A) through (Q) of subsection (a)(2) for equipment specified in any other of such subparagraphs (A) through (Q); and

(C) the amount specified in any of subparagraphs (A) through (E) of subsection (a)(3) for equipment specified in any other of such subparagraphs (A) through (E).

SEC. 103. PEAK HOURS AND INVESTIGATIVE RESOURCE ENHANCEMENT FOR THE UNITED STATES-MEXICO AND UNITED STATES-CANADA BORDERS, FLORIDA AND GULF COAST SEAPORTS, AND THE BAHAMAS.

Of the amounts made available for fiscal years 2000 and 2001 under subparagraphs (A) and (B) of section 301(b)(1) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(1)(A) and (B)), as amended by section 101(a) of this Act, $159,557,000, including $5,673,600, until expended, for investigative equipment, for fiscal year 2000 and $220,351,000 for fiscal year 2001 shall be available for the following:

(1) A net increase of 535 inspectors, 120 special agents, and 10 intelligence analysts for the United States-Mexico border and 375 inspectors for the United States-Canada border, in order to open all primary lanes on such borders during peak hours and enhance investigative resources.

(2) A net increase of 285 inspectors and canine enforcement officers to be distributed at large cargo facilities as needed to process and screen cargo (including rail cargo) and reduce commercial waiting times on the United States-Mexico border and a net increase of 125 inspectors to be distributed at large cargo facilities as needed to process and screen cargo (including rail cargo) and reduce commercial waiting times on the United States-Canada border.

(3) A net increase of 40 inspectors at sea ports in southeast Florida to process and screen cargo.

(4) A net increase of 70 special agent positions, 23 intelligence analyst positions, 9 support staff, and the necessary equipment to enhance investigation efforts targeted at internal conspiracies at the Nation's seaports.

(5) A net increase of 360 special agents, 30 intelligence analysts, and additional resources to be distributed among offices that have jurisdiction over major metropolitan drug or narcotics distribution and transportation centers for intensification of efforts against drug smuggling and money-laundering organizations.

(6) A net increase of 2 special agent positions to re-establish a Customs Attache office in Nassau.

(7) A net increase of 62 special agent positions and 8 intelligence analyst positions for maritime smuggling investigations and interdiction operations.

(8) A net increase of 50 positions and additional resources to the Office of Internal Affairs to enhance investigative resources for anticorruption efforts.

(9) The costs incurred as a result of the increase in personnel hired pursuant to this section.

SEC. 104. AIR AND MARINE OPERATION AND MAINTENANCE FUNDING.

(a) FISCAL YEAR 2000.—Of the amounts made available for fiscal year 2000 under subparagraphs (A) and (B) of section 301(b)(3) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(3) (A) and (B)) as amended by section 101(c) of this Act, $130,513,000 shall be available until expended for the following:

(1) $96,500,000 for Customs aircraft restoration and replacement initiative.

(2) $15,000,000 for increased air interdiction and investigative support activities.

(3) $19,013,000 for marine vessel replacement and related equipment.

(b) FISCAL YEAR 2001.—Of the amounts made available for fiscal year 2001 under subparagraphs (A) and (B) of section 301(b)(3) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(3) (A) and (B)) as amended by section 101(c) of this Act, $75,524,000 shall be available until expended for the following:

(1) $36,500,000 for Customs Service aircraft restoration and replacement.

(2) $15,000,000 for increased air interdiction and investigative support activities.

(3) $24,024,000 for marine vessel replacement and related equipment.

SEC. 105. COMPLIANCE WITH PERFORMANCE PLAN REQUIREMENTS.

As part of the annual performance plan for each of the fiscal years 2000 and 2001 covering each program activity set forth in the budget of the United States Customs Service, as required under section 1115 of title 31, United States Code, the Commissioner of Customs shall establish performance goals and performance indicators, and comply with all other requirements contained in paragraphs (1) through (6) of subsection (a) of such section with respect to each of the activities to be carried out pursuant to sections 102 and 103 of this Act.

SEC. 106. COMMISSIONER OF CUSTOMS SALARY.

(a) IN GENERAL.—

(1) Section 5315 of title 5, United States Code, is amended by striking the following item:

''Commissioner of Customs, Department of Treasury.''.

(2) Section 5314 of title 5, United States Code, is amended by inserting the following item:

''Commissioner of Customs, Department of Treasury.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to fiscal year 1999 and thereafter.

SEC. 107. PASSENGER PRECLEARANCE SERVICES.

(a) CONTINUATION OF PRECLEARANCE SERVICES.—Notwithstanding section 13031(f) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)) or any other provision of law, the Customs Service shall, without regard to whether a passenger processing fee is collected from a person departing for the United States from Canada and without regard to whether funds are appropriated pursuant to subsection (b), provide the same level of enhanced preclearance customs services for passengers arriving in the United States aboard commercial aircraft originating in Canada as the Customs Service provided for such passengers during fiscal year 1997.

(b) AUTHORIZATION OF APPROPRIATIONS FOR PRECLEARANCE SERVICES.—Notwithstanding section 13031(f) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)) or any other provision of law, there are authorized to be appropriated, from the date of enactment of this Act through September 30, 2001, such sums as may be necessary for the Customs Service to ensure that it will continue to provide the same, and where necessary increased, levels of enhanced preclearance customs services as the Customs Service provided during fiscal year 1997, in connection with the arrival in the United States of passengers aboard commercial aircraft whose flights originated in Canada.

TITLE II—CUSTOMS PERFORMANCE REPORT

SEC. 201. CUSTOMS PERFORMANCE REPORT.

(a) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Commissioner of Customs shall prepare and submit to the appropriate committees the report described in subsection (b).

(b) REPORT DESCRIBED.—The report described in this subsection shall include the following:

(1) IDENTIFICATION OF OBJECTIVES; ESTABLISHMENT OF PRIORITIES.—

(A) An outline of the means the Customs Service intends to use to identify enforcement priorities and trade facilitation objectives.

(B) The reasons for selecting the objectives contained in the most recent plan submitted by the Customs Service pursuant to section 1115 of title 31, United States Code.

(C) The performance standards against which the appropriate committees can assess the efforts of the Customs Service in reaching the goals outlined in the plan described in subparagraph (B).

(2) IMPLEMENTATION OF THE CUSTOMS MODERNIZATION ACT.—

(A) A review of the Customs Service's implementation of title VI of the North American Free Trade Agreement Implementation Act, commonly known as the ''Customs Modernization Act'', and the reasons why elements of that Act, if any, have not been implemented.

(B) A review of the effectiveness of the informed compliance strategy in obtaining higher levels of compliance, particularly compliance by those industries that have been the focus of the most intense efforts by the Customs Service to ensure compliance with the Customs Modernization Act.

(C) A summary of the results of the reviews of the initial industry-wide compliance assessments conducted by the Customs Service as part of the agency's informed compliance initiative.

(3) IMPROVEMENT OF COMMERCIAL OPERATIONS.—

(A) Identification of standards to be used in assessing the performance and efficiency of the commercial operations of the Customs Service, including entry and inspection procedures, classification, valuation, country-of-origin determinations, and duty drawback determinations.

(B) Proposals for—

(i) improving the performance of the commercial operations of the Customs Service, particularly the functions described in subparagraph (A), and

(ii) eliminating lengthy delays in obtaining rulings and other forms of guidance on United States customs law, regulations, procedures, or policies.

(C) Alternative strategies for ensuring that United States importers, exporters, customs brokers, and other members of the trade community have the information necessary to comply with the customs laws of the United States and to conduct their business operations accordingly.

(4) REVIEW OF ENFORCEMENT RESPONSIBILITIES.—

(A) A review of the enforcement responsibilities of the Customs Service.

(B) An assessment of the degree to which the current functions of the Customs Service overlap with the functions of other agencies and an identification of ways in which the Customs Service can avoid duplication of effort.

(C) A description of the methods used to ensure against misuse of personal search authority with respect to persons entering the United States at authorized ports of entry.

(5) STRATEGY FOR COMPREHENSIVE DRUG INTERDICTION.—

(A) A comprehensive strategy for the Customs Service's role in United States drug interdiction efforts.

(B) Identification of the respective roles of cooperating agencies, such as the Drug Enforcement Administration, the Federal Bureau of Investigation, the Coast Guard, and the intelligence community, including—

(i) identification of the functions that can best be performed by the Customs Service and the functions that can best be performed by agencies other than the Customs Service; and

(ii) a description of how the Customs Service plans to allocate the additional drug interdiction resources authorized by the Drug Free Borders Act of 1999.

(6) ENHANCEMENT OF COOPERATION WITH THE TRADE COMMUNITY.—

(A) Identification of ways to expand cooperation with United States importers and customs brokers, United States and foreign carriers, and other members of the international trade and transportation communities to improve the detection of contraband before it leaves a foreign port destined for the United States.

(B) Identification of ways to enhance the flow of information between the Customs Service and industry in order to—

(i) achieve greater awareness of potential compliance threats;

(ii) improve the design and efficiency of the commercial operations of the Customs Service;

(iii) foster account-based management;

(iv) eliminate unnecessary and burdensome regulations; and

(v) establish standards for industry compliance with customs laws.

(7) ALLOCATION OF RESOURCES.—

(A) An outline of the basis for the current allocation of inspection and investigative personnel by the Customs Service.

(B) Identification of the steps to be taken to ensure that the Customs Service can detect any misallocation of the resources described in subparagraph (A) among various ports and a description of what means the Customs Service has for reallocating resources within the agency to meet particular enforcement demands or commercial operations needs.

(8) AUTOMATION AND INFORMATION TECHNOLOGY.—

(A) Identification of the automation needs of the Customs Service and an explanation of the current state of the Automated Commercial System and the status of implementing a replacement for that system.

(B) A comprehensive strategy for reaching the technology goals of the Customs Service, including—

(i) an explanation of the proposed architecture of any replacement for the Automated Commercial System and how the architecture of the proposed replacement system best serves the core functions of the Customs Service;

(ii) identification of public and private sector automation projects that are comparable and that can be used as a benchmark against which to judge the progress of the Customs Service in meeting its technology goals;

(iii) an estimate of the total cost for each automation project currently underway at the Customs Service and a timetable for the implementation of each project; and

(iv) a summary of the options for financing each automation project.

(9) PERSONNEL POLICIES.—

(A) An overview of current personnel practices, including a description of—

(i) performance standards;

(ii) the criteria for promotion and termination;

(iii) the process for investigating complaints of bias and sexual harassment;

(iv) the criteria used for conducting internal investigations;

(v) the protection, if any, that is provided for whistleblowers; and

(vi) the methods used to discover and eliminate corruption within the Customs Service.

(B) Identification of workforce needs for the future and training needed to ensure Customs Service personnel stay abreast of developments in international business operations and international trade that affect the operations of the Customs Service, including identification of any situations in which current personnel policies or practices may impede achievement of the goals of the Customs Service with respect to both enforcement and commercial operations.

(c) APPROPRIATE COMMITTEES.—For purposes of this section, the term ''appropriate committees'' means the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives.

By Mr. MOYNIHAN (for himself, Mr. ROBB and Mr. KERREY):

S. 659. A bill to amend the Internal Revenue Code of 1986 to require pension plans to provide adequate notice to individuals whose future benefit accruals are being significantly reduced, and for other purposes; to the Committee on Finance.

THE PENSION RIGHT TO KNOW ACT OF 1999

Mr. MOYNIHAN. Mr. President, I rise today to introduce legislation to provide greater disclosure to employees about the impact on their retirement benefits of pension plan conversions.

Recent media accounts have reported that many large companies in America are converting their traditional defined benefit pension plans to something called ''cash balance plans.'' A cash balance plan is a hybrid arrangement combining certain features of ''defined contribution'' and ''defined benefit'' plans. Like defined contribution plans, they provide each employee with an account in which his or her benefits accrue. But cash balance plans are actually defined benefit plans, and therefore provide a benefit for life which is insured by the Pension Benefit Guaranty Corporation.

Cash balance plans, however, differ from other defined benefit plans in the calculation of benefits. Whereas the value of an employee's retirement benefit in a traditional defined benefit plan grows slowly in the early years and more rapidly as one approaches retirement, cash balance plans decrease this later-year growth and increase the early-year growth. Consequently, younger employees tend to do better under cash balance plans than under traditional plans, while older employees typically do worse. In some cases, upon conversion to a cash balance account an older worker's account balance may remain static for years—typically referred to as the ''wear away'' period.

It appears that very few workers who have experienced the conversion of their company retirement plan to a cash balance arrangement understand the differences between the old and new plans. Those who do often complain that the new plans treat older workers unfairly. One 49-year-old engineer profiled by the Wall Street Journal—a rare employee who knows how to calculate pension benefits—determined that his pension value dropped by $56,000 the day his company converted to a cash balance plan.

Even more disturbing are complaints from some employees that their employers obscured the adverse effects of plan amendments. When an employer changes the pension plan, the employees have a right to know the consequences. There should be no surprises when it is time to retire. Unfortunately, current law requires little in the way of disclosure when a company changes its pension plan. Section 204(h) of the Employee Retirement Income Security Act (ERISA) requires employers to inform employees of a change to a pension plan resulting in a reduction in future benefit accruals. But that is all. It does not require specifics. The 204(h) disclosure can be, and often is, satisfied with a brief statement buried deep in a company communication to employees. It is imperative that we increase these disclosure requirements regarding reductions in pension benefits.

The bill I am introducing today would require employers with 1,000 or more employees to provide a ''statement of benefit change'' when adopting plan amendments which significantly reduce benefits. The statement of benefit change would provide a comparison, under the old and new versions of the plan, of the following benefit measures; the employee's accrued benefit and present value of accrued benefit at the time of conversion; and the projected accrued benefit and projected present value of accrued benefit three years, five years, and ten years after conversion and at normal retirement age.

These benefit measures are standard concepts which will be well understood by pension administrators, actuaries and others who work with pensions. They will give the employee a clear picture of the difference between the old and new plans immediately, periodically over a ten-year period, and at retirement. The purpose of the three, five and ten-year comparisons is to disclose any ''wear away'' period, in which an employee would work without gaining any new benefits. Using these comparisons, employees can get a clear picture of the relative merits of the two plans.

In preparing this bill, my staff has consulted a number of actuaries and pension attorneys. I believe it is a good approach to resolving the problems I have discussed, and I am happy to work with others to incorporate suggestions to further improve the bill.

Of course, many call this measure as intrusive or unnecessary. Some employer groups have criticized the idea of requiring individualized benefits calculations for every employee, saying that this requires reviewing each employee's salary history. But that seems a strange complaint given that we are talking about cash balance plans, which already require highly individualized calculations. If an employer can provide personalized account balances under a cash balance arrangement, then the employer can provide such information for the old plan.

Moreover, recently completed regulations appear already to contemplate individualized comparisons. Regulation 1.411(d)–6, just finalized by the Internal Revenue Service, requires that in order

to determine if a reduction in future benefit accrual is ''significant,'' employers must compare the annual benefit at retirement age under the amended plan with the same benefit under the plan prior to amendment. Therefore, the concept of benefit comparisons is not a new one.

And indeed, some companies are proving by their actions that benefit comparisons are not unduly burdensome. Kodak, the prominent employer headquartered in Rochester, New York, recently announced that it will convert to a cash balance plan, and that it will give its 35,000 participants in the company-sponsored pension plan the choice between the old plan and the new. To help employees make an informed decision, Kodak will provide every plan participant with an individualized comparison of his or her benefits under the old and new versions of the plan. The company is also providing computer software that will allow employees to make the comparisons themselves. That is the difference between corporate behavior that is responsible and corporate behavior that is unscrupulous. As usual, Kodak sets a fine example.

I believe that such disclosure not only is in the best interest of employees, but also of the employer. Several class action lawsuits have been filed in the last three years challenging conversions to cash balance plans. These suits will likely cost hundreds of thousands, if not millions, of dollars in attorneys' fees. But with proper disclosure, they might not have occurred.

In closing, let me be clear about one thing. I take no position on the underlying merit of cash balance plans. Ours is a voluntary pension system, and companies must do what is right for them and their employees. But I feel strongly that companies must fully and comprehensibly inform their employees regarding whatever pension benefits the company offers. Companies have no right to misrepresent the projected benefit employees will receive under a cash balance plan or any other pension arrangement.

It is time to let the sun shine on pension plan conversions. I urge the Senate to support this important legislation.

I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 659

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 ''Pension Right to Know Act''.

SEC. 2. NOTICE REQUIREMENTS FOR LARGE PENSION PLANS SIGNIFICANTLY REDUCING FUTURE PENSION BENEFIT ACCRUALS.

(a) PLAN REQUIREMENT.—Section 401(a) of the Internal Revenue Code of 1986 (relating to qualified pension, profit-sharing, and stock bonus plans) is amended by inserting after paragraph (34) the following new paragraph:

''(35) NOTICE REQUIREMENTS FOR LARGE DEFINED BENEFIT PLANS SIGNIFICANTLY REDUCING FUTURE BENEFIT ACCRUALS.—

''(A) IN GENERAL.—If a large defined benefit plan adopts an amendment which has the effect of significantly reducing the rate of future benefit accrual of 1 or more participants, a trust which is part of such plan shall not constitute a qualified trust under this section unless, after adoption of such amendment and not less than 15 days before its effective date, the plan administrator provides—

''(i) a written statement of benefit change described in subparagraph (B) to each applicable individual, and

''(ii) a written notice setting forth the plan amendment and its effective date to each employee organization representing participants in the plan.

Any such notice may be provided to a person designated, in writing, by the person to which it would otherwise be provided. The plan administrator shall not be treated as failing to meet the requirements of this subparagraph merely because the statement or notice is provided before the adoption of the plan amendment if no material modification of the amendment occurs before the amendment is adopted.

''(B) STATEMENT OF BENEFIT CHANGE.—A statement of benefit change described in this subparagraph shall—

''(i) be written in a manner calculated to be understood by the average plan participant, and

''(ii) include the information described in subparagraph (C).

''(C) INFORMATION CONTAINED IN STATEMENT OF BENEFIT CHANGE.—The information described in this subparagraph includes the following:

''(i) Notice setting forth the plan amendment and its effective date.

''(ii) A comparison of the following amounts under the plan with respect to an applicable individual, determined both with and without regard to the plan amendment:

''(I) The accrued benefit and the present value of the accrued benefit as of the effective date.

''(II) The projected accrued benefit and the projected present value of the accrued benefit as of the date which is 3 years, 5 years, and 10 years from the effective date and as of the normal retirement age.

''(iii) A table of all annuity factors used to calculate benefits under the plan, presented in the form provided in section 72 and the regulations thereunder.

Benefits described in clause (ii) shall be stated separately and shall be calculated by using the applicable mortality table and the applicable interest rate under section 417(e)(3)(A).

''(D) LARGE DEFINED BENEFIT PLAN; APPLICABLE INDIVIDUAL.—For purposes of this paragraph—

''(i) LARGE DEFINED BENEFIT PLAN.—The term 'large defined benefit plan' means any defined benefit plan which had 1,000 or more participants who had accrued a benefit under the plan (whether or not vested) as of the last day of the plan year preceding the plan year in which the plan amendment becomes effective.

''(ii) APPLICABLE INDIVIDUAL.—The term 'applicable individual' means—

''(I) each participant in the plan, and

''(II) each beneficiary who is an alternate payee (within the meaning of section 414(p)(8)) under an applicable qualified domestic relations order (within the meaning of section 414(p)(1)(A)).

''(E) ACCRUED BENEFIT; PROJECTED RETIREMENT BENEFIT.—For purposes of this paragraph—

''(i) PRESENT VALUE OF ACCRUED BENEFIT.—The present value of an accrued benefit of any applicable individual shall be calculated as if the accrued benefit were in the form of a single life annuity commencing at the participant's normal retirement age (and by taking into account any early retirement subsidy).

''(ii) PROJECTED ACCRUED BENEFIT.—

''(I) IN GENERAL.—The projected accrued benefit of any applicable individual shall be calculated as if the benefit were payable in the form of a single life annuity commencing at the participant's normal retirement age (and by taking into account any early retirement subsidy).

''(II) COMPENSATION AND OTHER ASSUMPTIONS.—Such benefit shall be calculated by assuming that compensation and all other benefit factors would increase for each plan year beginning after the effective date of the plan amendment at a rate equal to the median average of the CPI increase percentage (as defined in section 215(i) of the Social Security Act) for the 5 calendar years immediately preceding the calendar year before the calendar year in which such effective date occurs.

''(III) BENEFIT FACTORS.—For purposes of subclause (II), the term 'benefit factors' means social security benefits and all other relevant factors under section 411(b)(1)(A) used to compute benefits under the plan which had increased from the 2d plan year preceding the plan year in which the effective date of the plan amendment occurs to the 1st such preceding plan year.

''(iii) NORMAL RETIREMENT AGE.—The term 'normal retirement age' means the later of—

''(I) the date determined under section 411(a)(8), or

''(II) the date a plan participant attains age 62.''

(b) AMENDMENTS TO ERISA.—

(1) BENEFIT STATEMENT REQUIREMENT.—Section 204(h) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1054(h)) is amended by adding at the end the following new paragraphs:

''(3)(A) If paragraph (1) applies to the adoption of a plan amendment by a large defined benefit plan, the plan administrator shall, after adoption of such amendment and not less than 15 days before its effective date, provide with the notice under paragraph (1) a written statement of benefit change described in subparagraph (B) to each applicable individual.

''(B) A statement of benefit change described in this subparagraph shall—

''(i) be written in a manner calculated to be understood by the average plan participant, and

''(ii) include the information described in subparagraph (C).

''(C) The information described in this subparagraph includes the following:

''(i) A comparison of the following amounts under the plan with respect to an applicable individual, determined both with and without regard to the plan amendment:

''(I) The accrued benefit and the present value of the accrued benefit as of the effective date.

''(II) The projected accrued benefit and the projected present value of the accrued benefit as of the date which is 3 years, 5 years, and 10 years from the effective date and as of the normal retirement age.

''(ii) A table of all annuity factors used to calculate benefits under the plan, presented in the form provided in section 72 of the Internal Revenue Code of 1986 and the regulations thereunder.

Benefits described in clause (i) shall be stated separately and shall be calculated by using the applicable mortality table and the applicable interest rate under section 417(e)(3)(A) of such Code.

''(D) For purposes of this paragraph—

''(i) The term 'large defined benefit plan' means any defined benefit plan which had 1,000 or more participants who had accrued a benefit under the plan (whether or not vested) as of the last day of the plan year preceding the plan year in which the plan amendment becomes effective.

''(ii) The term 'applicable individual' means an individual described in subparagraph (A) or (B) of paragraph (1).

''(E) For purposes of this paragraph—

''(i) The present value of an accrued benefit of any applicable individual shall be calculated as if the accrued benefit were in the form of a single life annuity commencing at the participant's normal retirement age (and by taking into account any early retirement subsidy).

''(ii)(I) The projected accrued benefit of any applicable individual shall be calculated as if the benefit were payable in the form of a single life annuity commencing at the participant's normal retirement age (and by taking into account any early retirement subsidy).

''(II) Such benefit shall be calculated by assuming that compensation and all other benefit factors would increase for each plan year beginning after the effective date of the plan amendment at a rate equal to the median average of the CPI increase percentage (as defined in section 215(i) of the Social Security Act) for the 5 calendar years immediately preceding the calendar year before the calendar year in which such effective date occurs.

''(III) For purposes of subclause (II), the term 'benefit factors' means social security benefits and all other relevant factors under section 204(b)(1)(A) used to compute benefits under the plan which had increased from the 2d plan year preceding the plan year in which the effective date of the plan amendment occurs to the 1st such preceding plan year.

''(iii) The term 'normal retirement age' means the later of—

''(I) the date determined under section 3(24), or

''(II) the date a plan participant attains age 62.

''(4) A plan administrator shall not be treated as failing to meet the requirements of this subsection merely because the notice or statement is provided before the adoption of the plan amendment if no material modification of the amendment occurs before the amendment is adopted.''

(2) CONFORMING AMENDMENT.—Section 204(h)(1) of such Act (29 U.S.C. 1054(h)(1)) is amended by inserting ''(including any written statement of benefit change if required by paragraph (3))'' after ''written notice''.

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply to plan amendments taking effect in plan years beginning on or after the earlier of—

(A) the later of—

(i) January 1, 1999, or

(ii) the date on which the last of the collective bargaining agreements pursuant to which the plan is maintained terminates (determined without regard to any extension thereof after the date of the enactment of this Act), or

(B) January 1, 2001.

(2) EXCEPTION WHERE NOTICE GIVEN.—The amendments made by this section shall not apply to any plan amendment for which written notice was given to participants or their representatives before March 17, 1999, without regard to whether the amendment was adopted before such date.

(3) SPECIAL RULE.—The period for providing any notice required by, or any notice the contents of which are changed by, the amendments made by this Act shall not end before the date which is 6 months after the date of the enactment of this Act.

By Mr. BINGAMAN (for himself, Mr. CRAIG, Ms. MIKULSKI, Mr. THURMOND, Mr. DASCHLE, Ms. COLLINS, Mr. JOHNSON, Ms. SNOWE, Mr. DORGAN, Mr. MACK, Mr. HOLLINGS, Mr. REED, Mr. CONRAD, and Mr. CRAPO):

S. 660. A bill to amend title XVIII of the Social Security Act to provide for coverage under part B of the medicare program of medical nutrition therapy services furnished by registered dietitians and nutrition professionals; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, I rise today to introduce the Medical Nutrition Therapy Act of 1999 on behalf of myself, my friend and colleague from Idaho, Senator CRAIG, and a bipartisan group of additional Senators.

This bipartisan measure provides for coverage under Part B of the Medicare program for medical nutrition therapy services by a registered dietician. Medical nutrition therapy is generally defined as the assessment of patient nutritional status followed by therapy, ranging from diet modification to administration of specialized nutrition therapies such as intravenous or tube feedings. It has proven to be a medically necessary and cost-effective way of treating and controlling many disease entities such as diabetes, renal disease, cardiovascular disease and severe burns.

Currently there is no consistent Part B coverage policy for medical nutrition and this legislation will bring needed uniformity to the delivery of this important care, as well as save taxpayer money. Coverage for medical nutrition therapy can save money by reducing hospital admissions, shortening hospital stays, decreasing the number of complications, and reducing the need for physician follow-up visits.

The treatment of patients with diabetes and cardiovascular disease accounts for a full 60% of Medicare expenditures. I want to use diabetes as an example for the need for this legislation. There are very few families who are not touched by diabetes. The burden of diabetes is disproportionately high among ethnic minorities in the United States. According to the American Journal of Epidemiology, mortality due to diabetes is higher nationwide among blacks than whites. It is higher among American Indians than among any other ethnic group.

In my state of New Mexico, Native Americans are experiencing an epidemic of Type II diabetes. Medical nutrition therapy is integral to their diabetes care. In fact, information from the Indian Health Service shows that medical nutrition therapy provided by professional dieticians results in significant improvements in medical outcomes in people with Type II diabetes. For example, complications of diabetes such as end stage renal failure that leads to dialysis can be prevented with adequate intervention. Currently, the number of dialysis patients in the Navajo population is doubling every five years. Mr, President, we must place our dollars in the effective, preventive treatment of medical nutrition therapy rather than face the grim reality of having to continue to build new dialysis units.

Ensuring the solvency of the Medicare Part A Trust Fund is one of our most difficult challenges and one that calls for creative, effective solutions. Coverage for medical nutrition therapy is one important way to help address that challenge. It is exactly the type of cost effective care we should encourage. It will satisfy two of our most important priorities in Medicare: providing program savings while maintaining a high level of quality care.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 660

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

SECTION 1. SHORT TITLE; FINDINGS.

(a) SHORT TITLE.—This Act may be cited as the ''Medicare Medical Nutrition Therapy Act of 1999''.

(b) FINDINGS.—Congress finds as follows:

(1) Medical nutrition therapy is a medically necessary and cost-effective way of treating and controlling many diseases and medical conditions affecting the elderly, including HIV, AIDS, cancer, kidney disease, diabetes, heart disease, pressure ulcers, severe burns, and surgical wounds.

(2) Medical nutrition therapy saves health care costs by speeding recovery and reducing the incidence of complications, resulting in fewer hospitalizations, shorter hospital stays, and reduced drug, surgery, and treatment needs.

(3) A study conducted by The Lewin Group shows that, after the third year of coverage, savings would be greater than costs for coverage of medical nutrition therapy for all medicare beneficiaries, with savings projected to grow steadily in following years.

(4) The Agency for Health Care Policy and Research has indicated in its practice guidelines that nutrition is key to both the prevention and the treatment of pressure ulcers (also called bed sores) which annually cost the health care system an estimated $1,300,000,000 for treatment.

(5) Almost 17,000,000 patients each year are treated for illnesses or injuries that stem from or place them at risk of malnutrition.

(6) Because medical nutrition therapy is not covered under part B of the medicare program and because more and more health care is delivered on an outpatient basis, many patients are denied access to the effective, low-tech treatment they need, resulting in an increased incidence of complications and a need for higher cost treatments.

SEC. 2. MEDICARE COVERAGE OF MEDICAL NUTRITION THERAPY SERVICES.

(a) COVERAGE.—Section 1861(s)(2) of the Social Security Act (42 U.S.C. 1395x(s)(2)) is amended—

(1) by striking ''and'' at the end of subparagraph (S);

(2) by striking the period at the end of subparagraph (T) and inserting ''; and''; and

(3) by adding at the end the following new subparagraph:

''(U) medical nutrition therapy services (as defined in subsection (uu)(1));''.

(b) SERVICES DESCRIBED.—Section 1861 of such Act (42 U.S.C. 1395x) is amended by adding at the end the following new subsection:

''Medical Nutrition Therapy Services; Registered Dietitian or Nutrition Professional

''(uu)(1) The term 'medical nutrition therapy services' means nutritional diagnostic, therapy, and counseling services for the purpose of disease management which are furnished by a registered dietitian or nutrition professional (as defined in paragraph (2)) pursuant to a referral by a physician (as defined in subsection (r)(1)).

''(2) Subject to paragraph (3), the term 'registered dietitian or nutrition professional' means an individual who—

''(A) holds a baccalaureate or higher degree granted by a regionally accredited college or university in the United States (or an equivalent foreign degree) with completion of the academic requirements of a program in nutrition or dietetics, as accredited by an appropriate national accreditation organization recognized by the Secretary for this purpose;

''(B) has completed at least 900 hours of supervised dietetics practice under the supervision of a registered dietitian or nutrition professional; and

''(C)(i) is licensed or certified as a dietitian or nutrition professional by the State in which the services are performed, or

''(ii) in the case of an individual in a State that does not provide for such licensure or certification, meets such other criteria as the Secretary establishes.

''(3) Subparagraphs (A) and (B) of paragraph (2) shall not apply in the case of an individual who, as of the date of enactment of this subsection, is licensed or certified as a dietitian or nutrition professional by the State in which medical nutrition therapy services are performed.''.

(c) PAYMENT.—Section 1833(a)(1) of such Act (42 U.S.C. 1395l(a)(1)) is amended—

(1) by striking ''and'' before ''(S)'', and

(2) by inserting before the semicolon at the end the following: '', and (T) with respect to medical nutrition therapy services (as defined in section 1861(uu)), the amount paid shall be 80 percent of the lesser of the actual charge for the services or the amount determined under the fee schedule established under section 1848(b) for the same services if furnished by a physician''.

(d) EFFECTIVE DATE.—The amendments made by this section apply to services furnished on or after January 1, 2000.

Mr. CRAIG. Mr. President, today Senator BINGAMAN and I join to introduce a very important piece of legislation, the Medical Nutrition Therapy Act. I'm pleased to have the support of a number of Senators in introducing this legislation: Senators MACK, THURMOND, MIKULSKI, SNOWE, DASCHLE, COLLINS, JOHNSON, CRAPO, DORGAN, HOLLINGS, REED, and CONRAD. This bill simply expands Medicare Part B coverage to give seniors access to medical nutrition therapy services by registered dietitians and other nutrition professionals. Currently there is no direct coverage for services provided by registered dietitians, and, because they are uniquely qualified to provide medical nutrition therapy, beneficiaries are essentially denied access to this cost effective and efficacious form of care.

Nutrition is one of the most basic elements of life. From the moment we are born to the moment we die, nutrition plays a critical role. It influences how we grow, how our brain develops, how we feel, and how our bodies prevent and fight disease. For decades we have known that nutrition can influence the most serious life threatening diseases, such as cancer, heart disease, stroke, diabetes, and high blood cholesterol.

Experts have proven that proper nutrition may not only help prevent disease, but also is central to controlling and treating disease.

Medical nutrition therapy plays a major role in treating some of the most threatening illnesses. It significantly improves the quality of life of seriously ill patients. It also saves health care costs by speeding recovery and reducing the incidence of complications, resulting in fewer hospitalizations, shorter hospital stays, and reduced drug, surgery, and treatment needs.

Because medical nutrition therapy is not currently covered by Medicare Part B and because more and more health care is delivered on an outpatient basis, many patients are denied access to the effective, low-tech treatment they need, resulting in an increased incidence of complications and a need for higher cost treatments.

Medical nutritional therapy is an integral part of cost effective health care.

Our legislation would remedy this defect in Medicare Part B, improving health care and lowering costs. I invite all our colleagues to join Senator BINGAMAN and myself in working for this important reform.

By Mr. ABRAHAM (for himself, Mr. HATCH, Mr. LOTT, Mr. SESSIONS, Mr. NICKLES, Mr. COVERDELL, Mr. CRAIG, Mr. KYL, Mr. ENZI, Mr. MCCAIN, Mr. HUTCHINSON, Mr. SANTORUM, Mr. BROWNBACK, Mr. INHOFE, Mr. SMITH of New Hampshire, Mr. HELMS, Mr. GRASSLEY, and Mr. DEWINE):

S. 661. A bill to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions; to the Committee on the Judiciary.

CHILD CUSTODY PROTECTION ACT

Mr. ABRAHAM. Mr. President, today, I along with 19 of my colleagues will be re-introducing the Child Custody Protection Act. This legislation will make it a federal offense to transport a minor across state lines to obtain an abortion if this action circumvents a state parental involvement law.

Last year, this bill received a majority of votes but fell short of the sixty votes needed for cloture. It is my hope that this year the Senate will listen to the 74 percent of Americans who favor parental consent prior to a minor girl receiving an abortion. This Baseline & Associates poll, conducted last summer, reveals that the American public favors parental consent laws and when asked specifically about this legislation, the American public is even more supportive. Eighty five percent of those who participated in the poll believed that minor girls should not be taken across state lines to obtain an abortion without their parents' knowledge.

These poll numbers reinforce what common sense already tells us: parents need to be involved with the major medical and emotional decisions of their children. When they are not involved, the health and emotional well being of their child is in jeopardy.

Last year, we heard from Joyce Farley, whose 13 year old daughter was raped, taken across state lines for a secret abortion by the rapist's mother, and dropped off 30 miles from home suffering from complications from an incomplete abortion. Mrs. Farley told of the trauma to her daughter from this stranger's actions. Luckily, Mrs. Farley found out about the abortion and could obtain appropriate medical care for her daughter. If this abortion had remained secret, Mrs. Farley's daughter's life could have been in danger.

Whatever one's position on abortion, every American should recognize the crucial role of parents in their minor child's decision whether or not to undergo this procedure. Parental notification and consent laws exist for a reason. While most such laws provide for possible judicial bypass, they by nature intend to protect the rights and integrity of the family. More than 20 states have recognized the need to protect both the minor and the integrity of the family and have parental involvement laws in effect. My legislation adds no new provisions to state-enacted parental involvement laws. It does not impose parental involvement requirements on states that have not passed such laws. The Child Custody Protection Act simply prevents the undermining of parental involvement laws in states that have them.

I hope my colleagues will support me in working to quickly pass this common sense legislation. I ask unanimous consent that the text of the bill and section by section analysis be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 661

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 ''Child Custody Protection Act''.

SEC. 2. TRANSPORTATION OF MINORS IN CIRCUMVENTION OF CERTAIN LAWS RELATING TO ABORTION.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 117 the following:

"CHAPTER 117A—TRANSPORTATION OF MINORS IN CIRCUMVENTION OF CERTAIN LAWS RELATING TO ABORTION

''Sec.
''2431. Transportation of minors in circumvention of certain laws relating to abortion.

"§ 2431. Transportation of minors in circumvention of certain laws relating to abortion

''(a) OFFENSE.—

''(1) GENERALLY.—Except as provided in subsection (b), whoever knowingly transports an individual who has not attained the age of 18 years across a State line, with the intent that such individual obtain an abortion, and thereby in fact abridges the right of a parent under a law requiring parental involvement in a minor's abortion decision, in force in the State where the individual resides, shall be fined under this title or imprisoned not more than one year, or both.

''(2) DEFINITION.—For the purposes of this subsection, an abridgement of the right of a parent occurs if an abortion is performed on the individual, in a State other than the State where the individual resides, without the parental consent or notification, or the judicial authorization, that would have been required by that law had the abortion been performed in the State where the individual resides.

''(b) EXCEPTIONS.—(1) The prohibition of subsection (a) does not apply if the abortion was necessary to save the life of the minor because her life was endangered by a physical disorder, physical injury, or physical illness, including a life endangering physical condition caused by or arising from the pregnancy itself.

''(2) An individual transported in violation of this section, and any parent of that individual, may not be prosecuted or sued for a violation of this section, a conspiracy to violate this section, or an offense under section 2 or 3 based on a violation of this section.

''(c) AFFIRMATIVE DEFENSE.—It is an affirmative defense to a prosecution for an offense, or to a civil action, based on a violation of this section that the defendant reasonably believed, based on information the defendant obtained directly from a parent of the individual or other compelling facts, that before the individual obtained the abortion, the parental consent or notification, or judicial authorization took place that would have been required by the law requiring parental involvement in a minor's abortion decision, had the abortion been performed in the State where the individual resides.

''(d) CIVIL ACTION.—Any parent who suffers legal harm from a violation of subsection (a) may obtain appropriate relief in a civil action.

''(e) DEFINITIONS.—For the purposes of this section—

''(1) a law requiring parental involvement in a minor's abortion decision is a law—

''(A) requiring, before an abortion is performed on a minor, either—

''(i) the notification to, or consent of, a parent of that minor; or

''(ii) proceedings in a State court; and

''(B) that does not provide as an alternative to the requirements described in subparagraph (A) notification to or consent of any person or entity who is not described in that subparagraph;

''(2) the term 'parent' means—

''(A) a parent or guardian;

''(B) a legal custodian; or

''(C) a person standing in loco parentis who has care and control of the minor, and with whom the minor regularly resides;

who is designated by the law requiring parental involvement in the minor's abortion decision as a person to whom notification, or from whom consent, is required;

''(3) the term 'minor' means an individual who is not older than the maximum age requiring parental notification or consent, or proceedings in a State court, under the law requiring parental involvement in a minor's abortion decision; and

''(4) the term 'State' includes the District of Columbia and any commonwealth, possession, or other territory of the United States.''.

(b) CLERICAL AMENDMENT.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 117 the following new item:'Q02

''117A. Transportation of minors in circumvention of certain laws relating to abortion ..... 2431.''.

.....

THE CHILD CUSTODY PROTECTION ACT—SECTION-BY-SECTION ANALYSIS

Section 1. Short title

This section states that the short title of this bill is the ''Child Custody Protection Act.''

Section 2. Transportation of minors to avoid certain laws relating to abortion

Section 2(a) amends title 18 of the United States Code by inserting after chapter 117 a proposed new chapter 117A titled ''Transportation of minors to avoid certain laws relating to abortion,'' within which would be included a new section 2431 on this subject.

Subsection (a) of proposed section 2431 outlaws the knowing transportation across a State line of a person under 18 years of age with the intent that she obtain an abortion, in abridgement of a parent's right of involvement according to State law. This subsection requires only knowledge by the defendant that he or she was transporting the person across State lines with the intent that she obtain an abortion. It does not require that the transporter know the requirement of the home State law, know that they have not been complied with, or indeed know anything about the existence of the State law. By the same token, it does not require that the defendant know that his or her actions violate Federal law, or indeed know anything about the Federal law. A reasonable belief that parental notice or consent, or judicial authorization, has been given, is an affirmative defense whose terms are set out in subsection (c).

Subsection (a), paragraph (1), imposes a maximum of 1 year imprisonment or a fine, or both.

Subsection (a), paragraph (2), specifies the criteria for a violation of the parental right under this statute as follows: an abortion must be performed on a minor in a State other than the minor's residence and without the parental consent or notification, or the judicial authorization, that would have been required had the abortion been performed in the minor's State or residence.

Subsection (b), paragraph (1) specifies that subsection (a) does not apply if the abortion is necessary to save the life of the minor. This subsection is not intended to preempt any other exceptions that a State parental involvement law that meets the definitions set out in subsection (e)(1) and (e)(2) may recognize.

Subsection (b), paragraph (2), clarifies that neither the minor being transported nor her parents may be prosecuted or sued for a violation of this bill.

Subsection (c) provides an affirmative defense to prosecution or civil action based on violation of the act where the defendant reasonably believed, based on information obtained directly from the girl's parent or other compelling factors, that the requirements of the girl's State of residence regarding parental involvement or judicial authorization in abortions had been satisfied. A minor's own assertion to a defendant that her parents knew or had consented would not, by itself, constitute sufficient basis to make out this affirmative defense.

Subsection (d) establishes a civil cause of action for a parent who suffers legal harm from a violation of subsection (a).

Subsection (e) sets forth definitions of certain terms in this bill.

Subsection (e)(1)(A) defines ''a law requiring parental involvement in a minor's abortion decision'' to be a law requiring either ''the notification to, or consent of, a parent of that minor or proceedings in a State court.''

Subsection (e)(1)(B) stipulates that a law conforming to the definition in (e)(1)(A) cannot provide notification to or consent of any person or entity other than a ''parent'' as defined in the subsequent section.

Subsection (e)(2) defines ''parent'' to mean a parent or guardian, or a legal custodian, or a person standing in loco parentis (if that person has ''care and control'' of the minor and is a person with whom the minor ''regularly resides'') and who is designated by the applicable State parental involvement law as the person to whom notification, or from whom consent, is required. In this context, a person in loco parentis has the meaning it has at common law: a person who effectively functions as a child's guardian, but without the legal formalities of guardianship having been met. It would not include individuals who are not truly exercising the responsibilities of parents, such as an adult boyfriend with whom the minor may be living.

Subsection (e)(3) defines ''minor'' to mean a person not older than the maximum age requiring parental notification or consent, or proceedings in a State court, under the parental involvement law of the State, where the minor resides.

Subsection (E)(4) defines ''State'' to include the District of Columbia ''and any commonwealth, possession, or other territory of the United States.''

Section 2(b) is a clerical amendment to insert the new chapter in the table of chapters for part I of title 18.

By Mr. CHAFEE (for himself, Ms. MIKULSKI, Mr. MOYNIHAN, Ms. SNOWE, Mr. SMITH of Oregon, Mr. HARKIN, Mr. COCHRAN, Mr. DURBIN, Mrs. MURRAY, Mr. LEAHY, Mr. ROCKEFELLER, Mr. LIEBERMAN, Mr. LAUTENBERG, Mrs. FEINSTEIN, Mr. BINGAMAN, Mr. SARBANES, Mr. HOLLINGS, Mr. WELLSTONE, Mr. CLELAND, Mr. KENNEDY, Mr. JOHNSON, Mr. ROBB, Mrs. BOXER, Mr. REID, and Mr. KERREY):

S. 662. A bill to amend title XIX of the Social Security Act to provide medical assistance for certain women screened and found to have breast or cervical cancer under a federally funded screening program; to the Committee on Finance.

THE BREAST AND CERVICAL CANCER TREATMENT ACT OF 1999

• Mr. CHAFEE. Mr. President, I am pleased today to introduce legislation that will provide life-saving treatment to women who have been diagnosed with breast and cervical cancer. I am very proud of this legislation and want to thank everyone who worked so hard to put this bill together.

I want to take just a few minutes to explain what this legislation does. In

1990 Congress created a program, run by the Centers for Disease Control, to provide breast and cervical cancer screening for low-income, uninsured women. This program is run in all 50 states and is tremendously successful. The CDC screens more than 500,000 women ever year, detecting more than 3,000 cases of breast cancer and 350 cases of cervical cancer.

The problem comes about when these women try to get treatment for the cancer. They are uninsured, and are not eligible for either Medicaid or Medicare. They must rely on volunteers and charitable providers to find treatment services. Treatment for many is delayed, and many do not receive the crucial follow-up care. Some never receive treatment and others are left with huge medical bills they cannot pay.

The legislation we are introducing today provides a simple solution to this problem. It gives states the option to provide those women, many of whom are mothers of young children, who are diagnosed with breast or cervical cancer under the CDC's screening program to obtain treatment through the medicaid program. The coverage would continue until the treatment and follow-up visits are completed.

This is a modest, low-cost solution to a life or death problem. It costs less than $60 million per year to provide this critical treatment. I hope very much that we will be able to pass this bill this year.

I ask that the legislation be printed in the RECORD.

The bill follows:

S. 662

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

SECTION 1. OPTIONAL MEDICAID COVERAGE OF CERTAIN BREAST OR CERVICAL CANCER PATIENTS.

(a) COVERAGE AS OPTIONAL CATEGORICALLY NEEDY GROUP.—

(1) IN GENERAL.—Section 1902(a)(10)(A)(ii) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(ii)) is amended—

(A) in subclause (XIII), by striking ''or'' at the end;

(B) in subclause (XIV), by adding ''or'' at the end; and

(C) by adding at the end the following:

''(XV) who are described in subsection (aa) (relating to certain breast or cervical cancer patients);''.

(2) GROUP DESCRIBED.—Section 1902 of the Social Security Act (42 U.S.C. 1396a) is amended by adding at the end the following:

''(aa) Individuals described in this paragraph are individuals who—

''(1) are not described in subsection (a)(10)(A)(i);

''(2) have not attained age 65;

''(3) have been screened for breast and cervical cancer under the Centers for Disease Control and Prevention breast and cervical cancer early detection program established under title XV of the Public Health Service Act (42 U.S.C. 300k et seq.) in accordance with the requirements of section 1504 of that Act (42 U.S.C. 300n) and need treatment for breast or cervical cancer; and

''(4) are not otherwise covered under creditable coverage, as defined in section 2701(c) of the Public Health Service Act (45 U.S.C. 300gg(c)).''.

(3) LIMITATION ON BENEFITS.—Section 1902(a)(10) of the Social Security Act (42 U.S.C. 1396a(a)(10)) is amended in the matter following subparagraph (F)—

(A) by striking ''and (XIII)'' and inserting ''(XIII)''; and

(B) by inserting '', and (XIV) the medical assistance made available to an individual described in subsection (aa) who is eligible for medical assistance only because of subparagraph (A)(ii)(XV) shall be limited to medical assistance provided during the period in which such an individual requires treatment for breast or cervical cancer'' before the semicolon.

(4) CONFORMING AMENDMENTS.—Section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)) is amended in the matter preceding paragraph (1)—

(A) in clause (x), by striking ''or'' at the end;

(B) in clause (xi), by adding ''or'' at the end; and

(C) by inserting after clause (xi) the following:

''(xii) individuals described in section 1902(aa),''.

(b) PRESUMPTIVE ELIGIBILITY.—

(1) IN GENERAL.—Title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) is amended by inserting after section 1920A the following:

''PRESUMPTIVE ELIGIBILITY FOR CERTAIN BREAST OR CERVICAL CANCER PATIENTS

''SEC. 1920B. (a) STATE OPTION.—A State plan approved under section 1902 may provide for making medical assistance available to an individual described in section 1902(aa) (relating to certain breast or cervical cancer patients) during a presumptive eligibility period.

''(b) DEFINITIONS.—For purposes of this section:

''(1) PRESUMPTIVE ELIGIBILITY PERIOD.—The term 'presumptive eligibility period' means, with respect to an individual described in subsection (a), the period that—

''(A) begins with the date on which a qualified entity determines, on the basis of preliminary information, that the individual is described in section 1902(aa); and

''(B) ends with (and includes) the earlier of—

''(i) the day on which a determination is made with respect to the eligibility of such individual for services under the State plan; or

''(ii) in the case of such an individual who does not file an application by the last day of the month following the month during which the entity makes the determination referred to in subparagraph (A), such last day.

''(2) QUALIFIED ENTITY.—

''(A) IN GENERAL.—Subject to subparagraph (B), the term 'qualified entity' means any entity that—

''(i) is eligible for payments under a State plan approved under this title; and

''(ii) is determined by the State agency to be capable of making determinations of the type described in paragraph (1)(A).

''(B) REGULATIONS.—The Secretary may issue regulations further limiting those entities that may become qualified entities in order to prevent fraud and abuse and for other reasons.

''(C) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed as preventing a State from limiting the classes of entities that may become qualified entities, consistent with any limitations imposed under subparagraph (B).

''(c) ADMINISTRATION.—

''(1) IN GENERAL.—The State agency shall provide qualified entities with—

''(A) such forms as are necessary for an application to be made by an individual described in subsection (a) for medical assistance under the State plan; and

''(B) information on how to assist such individuals in completing and filing such forms.

''(2) NOTIFICATION REQUIREMENTS.—A qualified entity that determines under subsection (b)(1)(A) that an individual described in subsection (a) is presumptively eligible for medical assistance under a State plan shall—

''(A) notify the State agency of the determination within 5 working days after the date on which determination is made; and

''(B) inform such individual at the time the determination is made that an application for medical assistance under the State plan is required to be made by not later than the last day of the month following the month during which the determination is made.

''(3) APPLICATION FOR MEDICAL ASSISTANCE.—In the case of an individual described in subsection (a) who is determined by a qualified entity to be presumptively eligible for medical assistance under a State plan, the individual shall apply for medical assistance under such plan by not later than the last day of the month following the month during which the determination is made.

''(d) PAYMENT.—Notwithstanding any other provision of this title, medical assistance that—

''(1) is furnished to an individual described in subsection (a)—

''(A) during a presumptive eligibility period;

''(B) by a entity that is eligible for payments under the State plan; and

''(2) is included in the care and services covered by the State plan;

shall be treated as medical assistance provided by such plan for purposes of section 1903(a)(5)(B).''.

(2) CONFORMING AMENDMENTS.—

(A) Section 1902(a)(47) of the Social Security Act (42 U.S.C. 1396a(a)(47)) is amended by inserting before the semicolon at the end the following: ''and provide for making medical assistance available to individuals described in subsection (a) of section 1920B during a presumptive eligibility period in accordance with such section''.

(B) Section 1903(u)(1)(D)(v) of such Act (42 U.S.C. 1396b(u)(1)(D)(v)) is amended—

(i) by striking ''or for'' and inserting '', for''; and

(ii) by inserting before the period the following: '', or for medical assistance provided to an individual described in subsection (a) of section 1920B during a presumptive eligibility period under such section''.

(c) ENHANCED MATCH.—Section 1903(a)(5) of the Social Security Act (42 U.S.C. 1396b(a)(5)) is amended—

(1) by striking ''an'' and inserting ''(A) an'';

(2) by adding ''plus'' after the semicolon; and

(3) by adding at the end the following:

''(B) an amount equal to 75 percent of the sums expended during such quarter which are attributable to the offering, arranging, and furnishing (directly or on a contract basis) of medical assistance to an individual described in section 1902(aa); plus''.

(d) EFFECTIVE DATE.—The amendments made by this section apply to medical assistance furnished on or after October 1, 1999, without regard to whether final regulations to carry out such amendments have been promulgated by such date.●

● Ms. MIKULSKI. Mr. President, I rise to join my distinguished colleagues Senators CHAFEE, MOYNIHAN, SNOWE, and to introduce legislation providing breast and cervical cancer treatment services to women who were diagnosed

with these cancers through the National Breast and Cervical Cancer Early Detection Program (NBCCEDP). This bill would give states the option to provide Medicaid coverage for the duration of breast and cervical cancer treatment to eligible women who were screened through the CDC program and found to have these cancers. This is a bill whose time has come.

In 1990, I was proud to be the chief Senate sponsor of the Breast and Cervical Cancer Mortality Prevention Act which created the National Breast and Cervical Cancer Early Detection Program (NBCCEDP) at the CDC. The time was right for us to create that program. Since its inception, the CDC screening program has provided more than 721,000 mammograms and 851,000 Pap tests to more than 1.2 million women. Among the women screened, over 3,600 cases of breast cancer and over 400 cases of invasive cervical cancer have been diagnosed since the beginning of the program. In Maryland alone, the state had provided more than 54,000 mammograms and 35,000 Pap tests, and diagnosed over 450 women with breast cancer and 15 women with invasive cervical cancer.

Now as we prepare to enter the 21st century, it is time for us to finish what we started and provide treatment services for breast and cervical cancer for women who are screened through this program. We made the down payment in 1990 and we've been making payments ever since, but it's time for the final payment. It is time to do the right thing. We screen the women in this program for breast and cervical cancer. But we don't provide the federal follow-up to ensure that these women are treated.

The CDC screening program does not pay for breast and cervical cancer treatment services, but it does require participating states to provide treatment services. A study of the program done for the Centers for Disease Control and Prevention found that while treatment was eventually found for almost all of the women screened, some women did not get treated at all, some refused treatment, and some experienced delays. While states and localities have been diligent and creative in finding treatment services for these women, the reality is that the system is overloaded. The CDC study found that when it came to treatment services, state efforts to obtain these services were short-term, labor-intensive solutions that diverted resources away from screening activities.

Of those women diagnosed with cancer in the United States, nearly 3,000 women have no way to afford treatment—they have no health care insurance coverage or are underinsured. One woman in Massachusetts reported that she cashed in her life insurance policy to cover the costs of her treatment. These women depend on the time of staff and volunteers who help them find free or more affordable treatment; they depend on the generosity of doctors, nurses, hospitals and clinics who provide them with free or reduced-cost treatment. In the end, thousands of women who run local screening programs are spending countless hours finding treatment services for women diagnosed with breast cancer. I salute the efforts of these individuals who spend their time and resources to help these women.

But we must not force these women to rely on the goodwill of others. These treatment efforts will become even more difficult as more women are screened by the NBCCEDP, which currently services only 12–15% of all women who are eligible nationally. The lack of coverage for diagnostic and treatment services has also had a very negative impact on the program's ability to recruit providers, further restricting the number of women screened. The CDC study also shows there are already additional stresses on the program as increasing numbers of physicians do not have the autonomy in today's ever increasing managed care system to offer free or reduced-fee services. While CDC has expanded its case management services to help more women get treatment, even CDC admits that ''more formalized and sustained mechanisms need to be instituted to ensure that all women screened have ready access to appropriate treatment and follow-up.'' It is an outrage that women with cancer must go begging for treatment, especially if the federal government has held out the promise of early detection. We should follow through on our responsibility to treat the cancer that these women were diagnosed with through the CDC program.

That's why I've introduced this important legislation with my colleagues. This bill gives states the option to provide Medicaid coverage for the duration of breast and cervical cancer treatment to eligible women who were screened through the CDC program and found to have these cancers. This is not a mandate for states; it is the federal government saying to the states ''we will help you provide treatment services to these women, if you decide to do so.'' By choosing this option, states would in effect, extend the federal-state partnership that exists for the screening services in the CDC program to treatment services.

I'm proud that my own state of Maryland realized the importance of providing treatment services to women who were screened through the CDC screening program. Maryland appropriated over $6 million in state funds to establish a Breast and Cervical Cancer Diagnostic and Treatment Program for uninsured, low income women. The breast cancer mortality rate in Maryland has started to decline, in part because of programs like the CDC program. But not all states have the resources to do what Maryland has done. That's why this bill is needed. It provides a long-term solution. Screening alone does not prevent cancer deaths; but treatment can. It's a cruel and heart-breaking irony for the federal government to promise to screen low-income women for breast and cervical cancer, but not to establish a program to treat those women who have been diagnosed with cancer through a federal program.

It is clear that the short-term, ad-hoc strategies of providing treatment have broken down: for the women who are screened; for the local programs that fund the screening program; and for the states that face increasing burdens. Because there is not coverage for treatment, state programs are having a hard time recruiting providers, volunteers are spending a disproportionate amount of time finding treatment for women, and fewer women are receiving treatment. We can't grow the program to serve the other 78% of eligible women if we can't promise treatment to those we already screen.

This bill is the best long-term solution. It is strongly supported by the National Breast Cancer Coalition representing over 400 organizations and 100,000's of women across the nation; the American Cancer Society, the National Association of Public Hospitals and Health Systems, the National Partnership for Women and Families, YWCA, National Women's Health Network, Oncology Nursing Society, Association of Women's Health, Obstetric, and Neonatal Nurses, the Rhode Island Breast Cancer Coalition, Y–ME, and Arm in Arm. I urge my colleagues to cosponsor and support this critical piece of legislation and make good on the promise of early detection.●

● Mr. MOYNIHAN. Mr. President, today, I join with my colleagues Senators CHAFEE, MIKULSKI, and SNOWE in introducing legislation to ensure that women with breast or cervical cancer will receive coverage for their treatment. The Federal Centers for Disease Control and Prevention (CDC) has a successful nationwide program—National Breast and Cervical Cancer Early Detection program—that provides funding for states to screen low-income uninsured women for breast and cervical cancer. However, the CDC program is not designed and does not have funding to treat these women after they are diagnosed.

The women eligible for cancer screening under the CDC program are low-income individuals, yet are not poor enough to qualify for Medicaid coverage. They do not have health insurance coverage for these screenings and for subsequent cancer treatment.

From July of 1991 to September of 1997, the CDC program provided mammography screening to 722,000 women and diagnosed 3,600 cases of breast cancer. During this same period, the program also provided over 852,000 pap smears and found more than 400 cases of invasive cervical cancer.

The CDC screening program has had to divert a significant amount of its resources from screenings in order to find treatment for the women found to have

breast and cervical cancer. The lack of subsequent funding for treatment has, therefore, jeopardized the programs' primary function: to screen low-income uninsured women for breast and cervical cancer. Currently, the program screens only about 12 to 15 percent of all eligible women.

A study conducted at Battelle Centers for Public Health Research and Evaluation and the University of Michigan School of Public Health on treatment funding for women screened by the CDC program found that, although funding for treatment services were found for most of these women, treatment was not always available when needed. In addition, during the search for treatment funding, the CDC program lost contact with several women. The study also found that the sources of treatment funding are uncertain, tenuous and fragmented. The burden of funding treatment often fell upon providers themselves. Seeking charity care from public hospitals adds to hospitals' uncompensated care costs. It is no surprise that the National Association of Public Hospitals supports our bill to provide coverage for these women.

The legislation would allow states to provide treatment coverage for low-income women who are screened and diagnosed through the CDC program and who are uninsured. States will have the option to provide this coverage through its Medicaid program. States choosing this option would receive an enhanced match for the treatment coverage, similar to the federal match provided to the state for the CDC screening program. With this legislation, the Federal Government will follow through on its intent to assist low-income women with breast and cervical cancer.

Mr. President, the Senate has approved this proposal in the past. A similar provision was included in the Senate version of the Balanced Budget bill. I urge the Senate to again support this important legislation.●

By Mr. SPECTER:

S. 663. A bill to impose certain limitations on the receipt of out-of-State municipal solid waste, to authorize State and local controls over the flow of municipal solid waste, and for other purposes; to the Committee on Environment and Public Works.

THE SOLID WASTE INTERSTATE TRANSPORTATION AND LOCAL AUTHORITY ACT OF 1999

● Mr. SPECTER. Mr. President, I have sought recognition to introduce a bill that would allow states to pass laws limiting the import of waste from other states. Addressing the interstate shipment of solid waste is a top environmental priority for millions of Americans, millions of Pennsylvanians and for me. As you are aware, Congress came very close to enacting legislation to address this issue in 1994, and the Senate passed interstate waste and flow control legislation in May, 1995 by an overwhelming 94–6 margin, only to see it die in the House of Representatives. I am confident that with the strong leadership of my colleagues Chairman CHAFEE and Senator SMITH, we can get quick action on a strong waste bill and pressure the House to conclude this effort once and for all.

As you are aware, the Supreme Court has put us in the position of having to intervene in the issue of trash shipments. In recent years, the Court has struck down State laws restricting the importation of solid waste from other jurisdictions under the Interstate Commerce Clause of the U.S. Constitution. The only solution is for Congress to enact legislation conferring such authority on the States, which would then be Constitutional.

It is time that the largest trash exporting States bite the bullet and take substantial steps towards self-sufficiency for waste disposal. The legislation passed by the Senate in the 103rd and 104th Congresses would have provided much-needed relief to Pennsylvania, which is by far the largest importer of out-of-State waste in the nation. According to the Pennsylvania Department of Environmental Protection, 3.9 million tons of out-of-State municipal solid waste entered Pennsylvania in 1993, rising to 4.3 million tons in 1994, 5.2 million in 1995, and a record 6.3 million tons from out-of-State in 1996 and 1997, which are the most recent statistics available. Most of this trash came from New York and New Jersey, with New York responsible for 2.7 million tons and New Jersey responsible for 2.4 million tons in 1997, representing 82 percent of the municipal solid waste imported into Pennsylvania.

This is not a problem limited to one small corner of my State. Millions of tons of trash generated in other States find their final resting place in more than 50 landfills throughout Pennsylvania.

Now, more than ever, we need legislation which will go a long way toward resolving the landfill problems facing Pennsylvania, Indiana, and similar waste importing States. I am particularly concerned by the developments in New York, where Governor Pataki and Mayor Giuliani have announced the closure of the City's one remaining landfill, Fresh Kills, in 2001. I am advised that 13,200 tons per day of New York City trash are sent there and that Pennsylvania is a likely destination once Fresh Kills begins its shut-down.

On several occasions, I have met with country officials, environmental groups, and other Pennsylvanians to discuss the solid waste issue specifically, and it often comes up in the public open house town meetings I conduct in all of Pennsylvania's 67 counties. I came away from those meetings impressed by the deep concerns expressed by the residents of communities which host a landfill rapidly filing up with the refuse of millions of New Yorkers and New Jerseyans whose States have failed to adequately manage the waste they generate.

Recognizing the recurrent problem of landfill capacity in Pennsylvania, since 1989 I have pushed to resolve the interstate waste crisis. I have introduced legislation with my late colleague, Senator JOHN HEINZ, and then with former Senator Dan Coats along with cosponsors from both sides of the aisle which would have authorized States to restrict the disposal of out-of-State municipal waste in any landfill or incinerator within its jurisdiction. I was pleased when many of the concepts in our legislation were incorporated in the Environment and Public Works Committee's reported bills in the 103rd and 104th Congresses, and I supported these measures during floor consideration.

During the 103rd Congress, we encountered a new issue with respect to municipal solid waste—the issue of waste flow control authority. On May 16, 1994, the Supreme Court held (6–3) in Carbone versus Clarkstown that a flow control ordinance, which requires all solid waste to be processed at a designated waste management facility, violates the Commerce Clause of the United States Constitution. In striking down the Clarkstown ordinance, the Court stated that the ordinance discriminated against interstate commerce by allowing only the favored operator to process waste that is within the town's limits. As a result of the Court's decision, flow control ordinances in Pennsylvania and other States are considered unconstitutional.

I have met with county commissioners who have made clear that this issue is vitally important to the local governments in Pennsylvania and my office has, over the past years received numerous phone calls and letters from individual Pennsylvania counties and municipal solid waste authorities that support waste flow control legislation. Since 1988, flow control has been the primary tool used by Pennsylvania counties to enforce solid waste plans and meet waste reduction and recycling goals or mandates. Many Pennsylvania jurisdictions have spent a considerable amount of public funds on disposal facilities, including upgraded sanitary landfills, state-of-the-art resource recovery facilities, and co-composting facilities. In the absence of flow control authority, I am advised that many of these worthwhile projects could be jeopardized and that there has been a fiscal impact on some communities where there are debt service obligations.

In order to fix these problems, my legislation would provide a presumptive ban on all out-of-state municipal solid waste, including construction and demolition debris, unless a landfill obtains the agreement of the local government to allow for the importation of waste. It would provide a freeze authority to allow a State to place a limit on the amount of out-of-state waste received annually at each facility. It would also provide a ratchet authority to allow a State to gradually

reduce the amount of out-of-state municipal waste that may be received at facilities. These provisions will provide a concrete incentive for the largest states to get a handle on their solid waste management immediately. To address the problem of flow control my bill would provide authority to allow local governments to designate where privately collected waste must be disposed. This would be a narrow fix for only those localities that constructed facilities before the 1994 Supreme Court ruling and who relied on their ability to regulate the flow of garbage to pay for their municipal bonds.

This is an issue that affects numerous states, and I urge my colleagues to support this very important legislation.●

By Mr. CHAFEE (for himself, Mr. GRAHAM, Mr. JEFFORDS, and Mr. BREAUX):

S. 664. A bill to amend the Internal Revenue Code of 1986 to provide a credit against income tax to individuals who rehabilitate historic homes or who are the first purchasers of rehabilitated historic homes for use as a principal residence; to the Committee on Finance.

THE HISTORIC HOMEOWNERSHIP ASSISTANCE ACT

● Mr. CHAFEE. Mr. President, all across America, in the small towns and great cities of this country, our heritage as a nation—the physical evidence of our past—is at risk. In virtually every corner of this land, homes in which grandparents and parents grew up, communities and neighborhoods that nurtured vibrant families, schools that were good places to learn and churches and synagogues that were filled on days of prayer, have suffered the ravages of abandonment and decay.

In the decade from 1980 to 1990, Chicago lost 41,000 housing units through abandonment, Philadelphia 10,000 and St. Louis 7,000. The story in our older small communities has been the same, and the trend continues. It is important to understand that it is not just buildings that we are losing. It is the sense of our past, the vitality of our communities and the shared values of those precious places.

We need not stand hopelessly by as passive witnesses to the loss of these irreplaceable historic resources. We can act, and to that end I am introducing today the Historic Homeownership Assistance Act along with my distinguished colleagues, Senator GRAHAM of Florida, Senator JEFFORDS, and Senator BREAUX.

This legislation is patterned after the existing Historic Rehabilitation Investment Tax Credit. That legislation has been enormously successful in stimulating private investment in the rehabilitation of buildings of historic importance all across the country. Through its use we have been able to save and re-use a rich and diverse array of historic buildings: landmarks such as Union Station right here in Washington, DC, the Fox River Mills, a mixed use project that was once a derelict paper mill in Appleton, WI, and the Rosa True School, an eight-unit low and moderate income rental project in an historic school building in Portland, ME.

In my own state of Rhode Island, federal tax incentives stimulated the rehabilitation and commercial reuse of more than three hundred historic properties. The properties saved include the Hotel Manisses on Block Island, the former Valley Falls Mills complex in Central Falls, and the Honan Block in Woonsocket.

The legislation that I am introducing builds on the familiar structure of the existing tax credit, but with a different focus and a more modest scope and cost. It is designed to empower the one major constituency that has been barred from using the existing credit—homeowners. Only those persons who rehabilitate or purchase a newly rehabilitated home and occupy it as their principal residence would be entitled to this new credit. There would be no passive losses, no tax shelters and no syndications under this bill.

Like the existing investment credit, the bill would provide a credit to homeowners equal to 20 percent of the qualified rehabilitation expenditures made on an eligible building which is used as a principal residence by the owner. Eligible buildings are those individually listed on the National Register of Historic Places or on a nationally certified state or local historic register, or are contributing buildings in national, state or local historic districts. As is the case with the existing credit, the rehabilitation work would have to be performed in compliance with the Secretary of the Interior's Standards for Rehabilitation, although the bill clarifies that such Standards should be interpreted in a manner that takes into consideration economic and technical feasibility.

The bill also allows lower income homebuyers, who may not have sufficient federal income tax liability to use a tax credit, to convert the credit to mortgage assistance. The legislation would permit such persons to receive an Historic Rehabilitation Mortgage Credit Certificate which they can use with their work bank to obtain a lower interest rate on their mortgage or to lower the amount of their downpayment.

The credit would be available for condominiums and coops, as well as single-family buildings. If a building is rehabilitated by a developer for resale, the credit would pass through to the homeowner.

One goal of the bill is to provide incentives for middle- and upper-income families to return to older towns and cities. Therefore, the bill does not limit the tax benefits on the basis of income. However, it does impose a cap of $40,000 on the amount of credit which may be taken for a principal residence.

The Historic Homeownership Assistance Act will make ownership of a rehabilitated older home more affordable for homebuyers of modest incomes. It will encourage more affluent families to claim a stake in older towns and neighborhoods. It affords fiscally stressed cities and towns a way to put abandoned buildings back on the tax rolls, while strengthening their income and sales tax bases. It offers developers, realtors, and homebuilders a new realm of economic opportunity in revitalizing decaying buildings.

In addition to preserving our heritage, extending this credit will provide an important supplemental benefit—it will boost the economy. Every dollar of federal investment in historic rehabilitation leverages many more from the private sector. Rhode Island, for example, has used the credit to leverage $252 million in private investment. This investment has created more than 10,000 jobs and $187 million in wages.

An increasing concern to many mayors, country executives and governors is the issue of urban sprawl. Wherein new housing is constructed on nearby farmland, older housing stock is abandoned. This legislation encourages the rehabilitation of that housing stock and will help curb urban sprawl.

The American dream of owning one's own home is a powerful force. This bill can help it come true for those who are prepared to make a personal commitment to join in the rescue of our priceless heritage. By their actions they can help to revitalize decaying resources of historic importance, create jobs and stimulate economic development, and restore to our older towns and cities a lost sense of purpose and community. I ask that a summary of this bill be printed in the RECORD.

The summary follows:

THE HISTORIC HOMEOWNERSHIP ASSISTANCE ACT—SUMMARY

Purpose. To provide homeownership incentives and opportunities through the rehabilitation of older buildings in historic districts.

Rate of Credit. 20% credit for expenditures to rehabilitate or purchase a newly-rehabilitated eligible home and occupy it as a principal residence.

Eligible Buildings. Eligible buildings would be buildings individually listed on the National Register of Historic Places or a nationally certified state or local register, and contributing buildings in national, state or local historic districts.

Maximum Credit: Minimum Expenditures. The amount of the credit would be limited to $40,000 for each principal residence. The amount of qualified rehabilitation expenditures would be required to exceed the greater of $5,000 or the adjusted tax basis of the building (excluding the land). At least five percent of the qualified rehabilitation expenditures would have to be spent on the exterior of the building.

Carry-Forward: Recapture. Any unused amounts of credit would be carried forward until fully exhausted. In the event the taxpayer failed to maintain his or her principal residence in the building for five years, the credit would be subject to ratable recapture.

Historic Rehabilitation Mortgage Credit Certificates. Lower income taxpayers, who may not have sufficient Federal Income Tax liability to make effective use of a homeownership credit would be able to convert the credit into a mortgage credit certificate

which can be used to obtain an interest rate reduction on his or her home mortgage loan. For homes purchased in distressed areas, the credit certificate could be used to lower an individual's downpayment.

In many distressed neighborhoods, the cost of rehabilitating a home and bringing it to market significantly exceeds the value at which the property is appraised by the mortgage lender. This gap imposes a significant burden on a potential homeowner because the required downpayment exceeds his or her means. The legislation permits the mortgage credit certificate to be used to reduce the buyer's down payment, rather than to reduce the interest rate, in order to close this gap. This provision is limited to historic districts which qualify as targeted under the existing Mortgage Revenue Bond program or are located in enterprise or empowerment zones.●

● Mr. GRAHAM. Mr. President, today I join my good friend and colleague Senator CHAFEE in support of the Historic Homeownership Assistance Act. This bill will spur growth and preservation of historic neighborhoods across the country by providing a limited tax credit for qualified rehabilitation expenditures to historic homes.

In virtually every corner of this land, homes in which our grandparents and parents grew up, communities and neighborhoods that nurtured vibrant families, schools that were good places to learn and churches and synagogues that were filled on days of prayer, have suffered the ravages of decay. Every year we lose thousands of historic housing units that are either demolished or abandoned. We are losing both physical structures and the historic past that these physical structures represent.

The Historic Homeownership Assistance Act will stimulate rehabilitation of historic homes while contributing to the revitalization of urban communities. The Federal tax credit provided in the legislation is modeled after the existing Federal commercial historic rehabilitation tax credit. Since 1981, this commercial tax credit has facilitated the preservation of many historic structures such as Union Station in Washington, DC. In my home state of Florida, the existing Historic Rehabilitation Investment tax credit has resulted in over 300 rehabilitation projects since 1974. These projects range from the restoration of art deco hotels in Miami Beach, to the preservation of Ybor City in Tampa and the Springfield Historic District in Jacksonville.

The tax credit, however, has never applied to personal residences. This legislation that Senator CHAFEE and I are cosponsoring is designed to empower the one major constituency that has been barred from using the existing credit—homeowners. It is time we provide this incentive to homeowners to restore and preserve homes in America's historic communities.

Like the existing investment credit, this bill would provide a credit to homeowners equal to 20 percent of a qualified rehabilitation expenditures made on an eligible building that is used as a principle residence by the owner. The amount of the credit would be limited to $40,000 for each principal residence. Eligible buildings would be those that are listed individually on the National Register of Historic Places, or a nationally certified state or local register, and contributing buildings in national, state or local historic districts. Recognizing that the states can best administer laws affecting unique communities, the act gives power to the Secretary of the Interior to work with states to implement a number of provisions.

The bill also targets Americans at all economic levels. It provides lower income Americans with the option to elect a Mortgage Credit Certificate in lieu of the tax credit. This certificate allows Americans who cannot take advantage of the tax credit to reduce the interest rate on the mortgage that secures the purchase and rehabilitation of a historic home.

The credit would also be available for condominiums and co-ops, as well as single-family buildings. If a building were to be rehabilitated by a developer for sale to a homeowner, the credit would pass through to the homeowner. Since one purpose of the bill is to provide incentives for middle-income and more affluent families to return to older towns and cities, the bill does not discriminate among taxpayers on the basis of income.

Mr. President, the time has come for Congress to get serious about urban renewal. For too long, we have sat on the sidelines watching idly as our citizens slowly abandoned entire homes and neighborhoods in urban settings, leaving cities like Miami in Florida and others around the nation in financial jeopardy. This legislation affords fiscally stressed cities and towns a way to put abandoned buildings back on the tax rolls, while strengthening their income and sales tax base. It will encourage more affluent families to claim a stake in older towns and neighborhoods. It offers developers, realtors, and homebuilders a new realm of economic opportunity in revitalizing decaying buildings.

The Historic Homeownership Assistance Act does not reinvent the wheel. In addition to the existing commercial historic rehabilitation credit, the proposed bill incorporates features from several tax incentives for the preservation of historic homes. Colorado, Maryland, New Mexico, Rhode Island, Wisconsin, and Utah have pioneered their own successful versions of the historic preservation tax incentive for homeownership.

At the federal level, this legislation would promote historic home preservation nationwide, allowing future generations of Americans to visit and reside in homes that tell the unique history of our communities. The Historic Homeownership Assistance Act will offer enormous potential for saving historic homes and bringing entire neighborhoods back to life. I urge all my colleagues to support this important piece of legislation.●

By Mr. COVERDELL (for himself, Mr. HAGEL, Mrs. HUTCHISON, Mr. KYL, Mr. INHOFE, and Mr. GRASSLEY):

S. 665. A bill to amend the Congressional Budget and Impoundment Control Act of 1974 to prohibit the consideration of retroactive tax increases; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, that if one Committee reports, the other Committee has 30 days to report or be discharged.

COVERDELL RETROACTIVE TAX BAN PACKAGE

Mr. COVERDELL. Mr. President, today I rise to offer a tax reform package to provide greater tax fairness and to protect citizens from retroactive taxation. This package includes three initiatives: a constitutional amendment called the retroactive tax ban amendment, a bill to establish a new budget point of order against retroactive taxation, and a proposed Senate Rule change.

The first, the retroactive tax ban amendment, is a constitutional amendment to prevent the Federal Government from imposing any tax increase retroactively. The amendment states simply ''No Federal tax shall be imposed for the period before the date of enactment.'' We have heard directly from the taxpayers, and looking backward for extra taxes is unacceptable. It is not a fair way to deal with taxpayers.

In addition, I am introducing a bill that would create a point of order under the Budget Act against retroactive tax rate increases. Because amending the Constitution can be a very long prospect—just look at the decades-long effort on behalf of a balanced budget amendment—I believe this legislation is necessary to provide needed protection for American families from the destabilizing effects of retroactive taxation.

Finally, I am proposing a Senate Rule change making it out of order for the Senate to consider retroactive tax rate increases.

Both proposals, the point of order under the Budget Act and the Senate Rule change, are modeled after the existing House Rules preventing that body from considering retroactive taxation. In other words, by virtue of the fact that the House cannot consider legislation so too has the Senate been de facto unable to consider retroactive tax rate increases. Now is the time for the Senate to come forward and incorporate this fact in its proceedings.

It was clear to Thomas Jefferson that the only way to preserve freedom was to protect its citizens from oppressive taxation. Even the Russian Constitution does not allow you to tax retroactively. Retroactive taxation is wrong, and it is morally incorrect.

Families and businesses and communities must know what the rules of the road are and that those rules will not change. They have to be able to plan their lives, plan their families, and

plan their tax burdens in advance. They cannot come to the end of a year and have a Congress of the United States and a President come forward and say, ''All your planning was for naught, and we don't care.''

I encourage my Colleagues to join me in protecting taxpayers from retroactive tax rate increases.

By Mr. LUGAR (for himself, Mr. GRAMM, Mr. MCCAIN, Mr. DEWINE, Mr. HAGEL, Mr. GRAMS, Mr. JEFFORDS, MS. LANDRIEU, and Mr. LIEBERMAN):

S. 666. A bill to authorize a new trade and investment policy for sub-Saharan Africa; to the Committee on Finance.

AFRICAN GROWTH AND OPPORTUNITY ACT (AGOA)

• Mr. LUGAR. Mr. President, I rise to introduce the African Growth and Opportunity Act (AGOA). I'm pleased to be joined by Senators MCCAIN, GRAMM, HAGEL, DEWINE and GRAMS as original cosponsors. Our bill is designed to provide a broad U.S. policy framework towards the nearly fifty countries in sub-Sahara Africa. Specifically, the bill seeks to develop active partnerships with African countries through a set of trade and investment initiatives and incentives in exchange for a commitment from those countries to make the transition to market economies.

For decades U.S. policy towards Africa was based largely on a series of bilateral aid relationships. Our involvement in Africa was influenced by strategic considerations inherent in the cold war. Our assistance programs targeted humanitarian crises and natural disasters and they helped nurture a variety of health, nutritional, educational and agricultural programs. As important as these programs have been, they have not promoted much economic development, fostered much self-reliance or promoted political stability for the vast majority of the people of sub-Sahara Africa. Nor have they particularly benefitted the American economy. For these reasons, it is long past due that the United States reevaluate this policy. That is the purpose of our bill.

Last year, a similar bill was introduced and passed in the House of Representatives but did not reach the floor of the Senate. The bill has been introduced last month in the House and the House committees have been active. Already, the bill is scheduled to be reported by both the Ways and Means and International Relations Committees very soon. I understand that it is scheduled for a floor vote in the House in the next several weeks.

The Administration supports this legislation because it mirrors its own initiatives on Africa. Indeed, President Clinton cited the initiative and the bill in his last two State of the Union addresses before the Congress. Virtually all African Ambassadors have endorsed this bill and are committed to working to pass and enact it this year. Our bill enjoys support within the American business community and among many non-governmental organizations involved in Africa.

Mr. President, the AGOA is intended to promote greater economic self-reliance in Africa through enhanced private sector activity and trade incentives for those countries meeting eligibility requirements and wishing to participate. The bill authorizes the President to grant duty-free treatment to certain products currently excluded from the GSP program, subject to the sensitivity analysis of the International Trade Commission. It extends the GSP program for Africa for 10 years, a provision which is important for long-term business planning.

The bill also would increase access to U.S. markets for African textiles and other products. It would remove U.S. quotas on African textile imports which now amount to less than one percent of our worldwide textile imports. The bill includes unusually strong transshipment language that is the toughest ever proposed. The U.S. International Trade Commission estimated last year that reducing tariffs on textiles from Africa would have a negligible effect on our economy but would give a high boost to Africa's fledgling manufacturing base. The jobs and foreign exchange earnings that would be gained in Africa under this initiative will enable Africans to purchase more products from the United States.

In my judgement, the AGOA is a modest bill which, if adopted, could have immodest results in Africa. It takes a long-term view and provides a policy road map for achieving economic growth and opportunity. It will take some time for the initiatives embedded in this legislation to have a measurable impact on economic growth in Africa. Nonetheless, we need to look ahead over the next decades and to assist wherever possible in the development of those areas that have not been successfully or fully integrated into the world economy. Much of Africa falls into this category. My bill is intended to help facilitate that transition. Strategic planning now will help create a better, more productive and prosperous future.

Mr. President, our bill includes a number of other attractive provisions. It includes two new private sector financed funds—an equity fund and an infrastructure fund both of which would be backed by the Overseas Private Investment Corporation (OPIC). If successful, these funds will lead to improvements in such areas as African roads, telecommunications and power plants each of which can accelerate economic activity in Africa. It includes provisions for enhanced visibility for Africa in our international deliberations on trade and finance and increased technical assistance for economic management. It establishes a Forum to facilitate high level discussions on trade and investment policies between the U.S. and Africa.

Most importantly, our bill signals the start of a new era in U.S.-African relations based less on bilateral aid ties and more business relationships, less on paternalism and more on partnerships, and one that builds upon the long term prospects of African societies rather than on short-term, reactive policies.

Many African societies have been undergoing impressive political and economic transformations. Africa's economic potential is substantial. There are more than 600 million people in sub-Sahara Africa, but Africa's share of foreign annual direct investment commands less than two percent of global direct investment flows. Much of that capital comes from Europe which has an established market and investment presence in Africa. Nonetheless, several African countries enjoy sustained economic growth at or above 6%, despite the strains in the global economy that began in Southeast Asia and spread to other parts of the world. Indeed, U.S. Trade with sub-Sahara Africa exceeds our trade with all the states of the former Soviet Union combined and the potential for expansion will grow as these economies expand and mature.

The enhanced trade and private investment benefits in the bill will be available to all African societies but especially to those countries which undertake sustained economic reform, maintain acceptable human rights practices and make progress towards good governance. These standards are similar to those applied in other parts of the world. Indeed, without these standards the private sector would be unlikely to invest in Africa.

The United States can play a significant role in helping promote Africa development. We have a historic opportunity to help integrate African countries into the global economy, to rethink dependency on foreign assistance and to help strengthen civil society and economic and political institutions. No one believes this bill is a panacea for Africa, but it is very much in our interests to play a constructive role in the evolving economic transition in Africa. If the United States has the vision to be a major player in Africa's economic and political improvement, we will also be a major beneficiary. If we are successful, Africa will provide new trade and investment opportunities for the United States. It will also improve the quality of life for a broader segment of the people of Africa, a goal we must all support and applaud.

Mr. President, I ask that the proposed African Growth and Opportunity Act (AGOA) section-by-section description be printed in the RECORD.

The material follows:

S. 666

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''African Growth and Opportunity Act''.

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.

Sec. 2. Findings.
Sec. 3. Statement of policy.
Sec. 4. Eligibility requirements.
Sec. 5. Sub-Saharan Africa defined.

TITLE I—TRADE POLICY FOR SUB-SAHARAN AFRICA

Sec. 101. United States-Sub-Saharan Africa Trade and Economic Cooperation Forum.
Sec. 102. United States-Sub-Saharan Africa Free Trade Area.
Sec. 103. Eliminating trade barriers and encouraging exports.
Sec. 104. Generalized system of preferences.
Sec. 105. Assistant United States trade representative for Sub-Saharan Africa.
Sec. 106. Reporting requirement.

TITLE II—INTERNATIONAL FINANCIAL AND FOREIGN RELATIONS POLICY FOR SUB-SAHARAN AFRICA

Sec. 201. International financial institutions and debt reduction.
Sec. 202. Executive branch initiatives.
Sec. 203. Sub-Saharan Africa Infrastructure Fund.
Sec. 204. Overseas Private Investment Corporation and Export-Import Bank initiatives.
Sec. 205. Expansion of the United States and foreign commercial service in Sub-Saharan Africa.
Sec. 206. Donation of air traffic control equipment to eligible Sub-Saharan African countries.

SEC. 2. FINDINGS.

The Congress finds that it is in the mutual economic interest of the United States and sub-Saharan Africa to promote stable and sustainable economic growth and development in sub-Saharan Africa and that sustained economic growth in sub-Saharan Africa depends in large measure upon the development of a receptive environment for trade and investment. To that end, the United States seeks to facilitate market-led economic growth in, and thereby the social and economic development of, the countries of sub-Saharan Africa. In particular, the United States seeks to assist sub-Saharan African countries, and the private sector in those countries, to achieve economic self-reliance by—

(1) strengthening and expanding the private sector in sub-Saharan Africa, especially women-owned businesses;

(2) encouraging increased trade and investment between the United States and sub-Saharan Africa;

(3) reducing tariff and nontariff barriers and other trade obstacles;

(4) expanding United States assistance to sub-Saharan Africa's regional integration efforts;

(5) negotiating free trade areas;

(6) establishing a United States-Sub-Saharan Africa Trade and Investment Partnership;

(7) focusing on countries committed to accountable government, economic reform, and the eradication of poverty;

(8) establishing a United States-Sub-Saharan Africa Economic Cooperation Forum; and

(9) continuing to support development assistance for those countries in sub-Saharan Africa attempting to build civil societies.

SEC. 3. STATEMENT OF POLICY.

The Congress supports economic self-reliance for sub-Saharan African countries, particularly those committed to—

(1) economic and political reform;

(2) market incentives and private sector growth;

(3) the eradication of poverty; and

(4) the importance of women to economic growth and development.

SEC. 4. ELIGIBILITY REQUIREMENTS.

(a) IN GENERAL.—A sub-Saharan African country shall be eligible to participate in programs, projects, or activities, or receive assistance or other benefits under this Act if the President determines that the country does not engage in gross violations of internationally recognized human rights and has established, or is making continual progress toward establishing, a market-based economy, such as the establishment and enforcement of appropriate policies relating to—

(1) promoting free movement of goods and services between the United States and sub-Saharan Africa and among countries in sub-Saharan Africa;

(2) promoting the expansion of the production base and the transformation of commodities and nontraditional products for exports through joint venture projects between African and foreign investors;

(3) trade issues, such as protection of intellectual property rights, improvements in standards, testing, labeling and certification, and government procurement;

(4) the protection of property rights, such as protection against expropriation and a functioning and fair judicial system;

(5) appropriate fiscal systems, such as reducing high import and corporate taxes, controlling government consumption, participation in bilateral investment treaties, and the harmonization of such treaties to avoid double taxation;

(6) foreign investment issues, such as the provision of national treatment for foreign investors, removing restrictions on investment, and other measures to create an environment conducive to domestic and foreign investment;

(7) supporting the growth of regional markets within a free trade area framework;

(8) governance issues, such as eliminating government corruption, minimizing government intervention in the market such as price controls and subsidies, and streamlining the business license process;

(9) supporting the growth of the private sector, in particular by promoting the emergence of a new generation of African entrepreneurs;

(10) encouraging the private ownership of government-controlled economic enterprises through divestiture programs; and

(11) observing the rule of law, including equal protection under the law and the right to due process and a fair trial.

(b) ADDITIONAL FACTORS.—In determining whether a sub-Saharan African country is eligible under subsection (a), the President shall take into account the following factors:

(1) An expression by such country of its desire to be an eligible country under subsection (a).

(2) The extent to which such country has made substantial progress toward—

(A) reducing tariff levels;

(B) binding its tariffs in the World Trade Organization and assuming meaningful binding obligations in other sectors of trade; and

(C) eliminating nontariff barriers to trade.

(3) Whether such country, if not already a member of the World Trade Organization, is actively pursuing membership in that Organization.

(4) Where applicable, the extent to which such country is in material compliance with its obligations to the International Monetary Fund and other international financial institutions.

(5) The extent to which such country has a recognizable commitment to reducing poverty, increasing the availability of health care and educational opportunities, the expansion of physical infrastructure in a manner designed to maximize accessibility, increased access to market and credit facilities for small farmers and producers, and improved economic opportunities for women as entrepreneurs and employees, and promoting and enabling the formation of capital to support the establishment and operation of micro-enterprises.

(6) Whether or not such country engages in activities that undermine United States national security or foreign policy interests.

(c) CONTINUING COMPLIANCE.—

(1) MONITORING AND REVIEW OF CERTAIN COUNTRIES.—The President shall monitor and review the progress of sub-Saharan African countries in order to determine their current or potential eligibility under subsection (a). Such determinations shall be based on quantitative factors to the fullest extent possible and shall be included in the annual report required by section 106.

(2) INELIGIBILITY OF CERTAIN COUNTRIES.—A sub-Saharan African country described in paragraph (1) that has not made continual progress in meeting the requirements with which it is not in compliance shall be ineligible to participate in programs, projects, or activities, or receive assistance or other benefits, under this Act.

SEC. 5. SUB-SAHARAN AFRICA DEFINED.

For purposes of this Act, the terms ''sub-Saharan Africa'', ''sub-Saharan African country'', ''country in sub-Saharan Africa'', and ''countries in sub-Saharan Africa'' refer to the following or any successor political entities:

Republic of Angola (Angola)
Republic of Botswana (Botswana)
Republic of Burundi (Burundi)
Republic of Cape Verde (Cape Verde)
Republic of Chad (Chad)
Democratic Republic of Congo
Republic of the Congo (Congo)
Republic of Djibouti (Djibouti)
State of Eritrea (Eritrea)
Gabonese Republic (Gabon)
Republic of Ghana (Ghana)
Republic of Guinea-Bissau (Guinea-Bissau)
Kingdom of Lesotho (Lesotho)
Republic of Madagascar (Madagascar)
Republic of Mali (Mali)
Republic of Mauritius (Mauritius)
Republic of Namibia (Namibia)
Federal Republic of Nigeria (Nigeria)
Democratic Republic of Sao Tomé and Principe (Sao Tomé and Principe)
Republic of Sierra Leone (Sierra Leone)
Somalia
Kingdom of Swaziland (Swaziland)
Republic of Togo (Togo)
Republic of Zimbabwe (Zimbabwe)
Republic of Benin (Benin)
Burkina Faso (Burkina)
Republic of Cameroon (Cameroon)
Central African Republic
Federal Islamic Republic of the Comoros (Comoros)
Republic of Côte d'Ivoire (Côte d'Ivoire)
Republic of Equatorial Guinea (Equatorial Guinea)
Ethiopia
Republic of the Gambia (Gambia)
Republic of Guinea (Guinea)
Republic of Kenya (Kenya)
Republic of Liberia (Liberia)
Republic of Malawi (Malawi)
Islamic Republic of Mauritania (Mauritania)
Republic of Mozambique (Mozambique)
Republic of Niger (Niger)
Republic of Rwanda (Rwanda)
Republic of Senegal (Senegal)
Republic of Seychelles (Seychelles)
Republic of South Africa (South Africa)
Republic of Sudan (Sudan)
United Republic of Tanzania (Tanzania)
Republic of Uganda (Uganda)
Republic of Zambia (Zambia)

TITLE I—TRADE POLICY FOR SUB-SAHARAN AFRICA

SEC. 101. UNITED STATES-SUB-SAHARAN AFRICA TRADE AND ECONOMIC COOPERATION FORUM.

(a) DECLARATION OF POLICY.—The President shall convene annual high-level meetings between appropriate officials of the United States Government and officials of the governments of sub-Saharan African countries in order to foster close economic ties between the United States and sub-Saharan Africa.

(b) ESTABLISHMENT.—Not later than 12 months after the date of the enactment of this Act, the President, after consulting with Congress and the governments concerned, shall establish a United States-Sub-Saharan Africa Trade and Economic Cooperation Forum (in this section referred to as the ''Forum'').

(c) REQUIREMENTS.—In creating the Forum, the President shall meet the following requirements:

(1) The President shall direct the Secretary of Commerce, the Secretary of the Treasury, the Secretary of State, and the United States Trade Representative to host the first annual meeting with the counterparts of such Secretaries from the governments of sub-Saharan African countries eligible under section 4, the Secretary General of the Organization of African Unity, and government officials from other appropriate countries in Africa, to discuss expanding trade and investment relations between the United States and sub-Saharan Africa and the implementation of this Act including encouraging joint ventures between small and large businesses.

(2)(A) The President, in consultation with the Congress, shall encourage United States nongovernmental organizations to host annual meetings with nongovernmental organizations from sub-Saharan Africa in conjunction with the annual meetings of the Forum for the purpose of discussing the issues described in paragraph (1).

(B) The President, in consultation with the Congress, shall encourage United States representatives of the private sector to host annual meetings with representatives of the private sector from sub-Saharan Africa in conjunction with the annual meetings of the Forum for the purpose of discussing the issues described in paragraph (1).

(3) The President shall, to the extent practicable, meet with the heads of governments of sub-Saharan African countries eligible under section 4 not less than once every two years for the purpose of discussing the issues described in paragraph (1). The first such meeting should take place not later than twelve months after the date of the enactment of this Act.

(d) DISSEMINATION OF INFORMATION BY USIA.—In order to assist in carrying out the purposes of the Forum, the United States Information Agency shall disseminate regularly, through multiple media, economic information in support of the free market economic reforms described in this Act.

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

(f) LIMITATION ON USE OF FUNDS.—None of the funds authorized under this section may be used to create or support any nongovernmental organization for the purpose of expanding or facilitating trade between the United States and sub-Saharan Africa.

SEC. 102. UNITED STATES–SUB-SAHARAN AFRICA FREE TRADE AREA.

(a) DECLARATION OF POLICY.—The Congress declares that a United States–Sub-Saharan Africa Free Trade Area should be established, or free trade agreements should be entered into, in order to serve as the catalyst for increasing trade between the United States and sub-Saharan Africa and increasing private sector development in sub-Saharan Africa.

(b) PLAN REQUIREMENT.—

(1) IN GENERAL.—The President, taking into account the provisions of the treaty establishing the African Economic Community and the willingness of the governments of sub-Saharan African countries to engage in negotiations to enter into free trade agreements, shall develop a plan for the purpose of entering into one or more trade agreements with sub-Saharan African countries eligible under section 4 in order to establish a United States–Sub-Saharan Africa Free Trade Area (in this section referred to as the ''Free Trade Area'').

(2) ELEMENTS OF PLAN.—The plan shall include the following:

(A) The specific objectives of the United States with respect to the establishment of the Free Trade Area and a suggested timetable for achieving those objectives.

(B) The benefits to both the United States and sub-Saharan Africa with respect to the Free Trade Area.

(C) A mutually agreed-upon timetable for establishing the Free Trade Area.

(D) The implications for and the role of regional and sub-regional organizations in sub-Saharan Africa with respect to the Free Trade Area.

(E) Subject matter anticipated to be covered by the agreement for establishing the Free Trade Area and United States laws, programs, and policies, as well as the laws of participating eligible African countries and existing bilateral and multilateral and economic cooperation and trade agreements, that may be affected by the agreement or agreements.

(F) Procedures to ensure the following:

(i) Adequate consultation with the Congress and the private sector during the negotiation of the agreement or agreements for establishing the Free Trade Area.

(ii) Consultation with the Congress regarding all matters relating to implementation of the agreement or agreements.

(iii) Approval by the Congress of the agreement or agreements.

(iv) Adequate consultations with the relevant African governments and African regional and subregional intergovernmental organizations during the negotiations of the agreement or agreements.

(c) REPORTING REQUIREMENT.—Not later than 12 months after the date of the enactment of this Act, the President shall prepare and transmit to the Congress a report containing the plan developed pursuant to subsection (b).

SEC. 103. ELIMINATING TRADE BARRIERS AND ENCOURAGING EXPORTS.

(a) FINDINGS.—The Congress makes the following findings:

(1) The lack of competitiveness of sub-Saharan Africa in the global market, especially in the manufacturing sector, make it a limited threat to market disruption and no threat to United States jobs.

(2) Annual textile and apparel exports to the United States from sub-Saharan Africa represent less than 1 percent of all textile and apparel exports to the United States, which totaled $54,001,863,000 in 1997.

(3) Sub-Saharan Africa has limited textile manufacturing capacity. During 1999 and the succeeding 4 years, this limited capacity to manufacture textiles and apparel is projected to grow at a modest rate. Given this limited capacity to export textiles and apparel, it will be very difficult for these exports from sub-Saharan Africa, during 1999 and the succeeding 9 years, to exceed 3 percent annually of total imports of textile and apparel to the United States. If these exports from sub-Saharan Africa remain around 3 percent of total imports, they will not represent a threat to United States workers, consumers, or manufacturers.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

(1) it would be to the mutual benefit of the countries in sub-Saharan Africa and the United States to ensure that the commitments of the World Trade Organization and associated agreements are faithfully implemented in each of the member countries, so as to lay the groundwork for sustained growth in textile and apparel exports and trade under agreed rules and disciplines;

(2) reform of trade policies in sub-Saharan Africa with the objective of removing structural impediments to trade, consistent with obligations under the World Trade Organization, can assist the countries of the region in achieving greater and greater diversification of textile and apparel export commodities and products and export markets; and

(3) the President should support textile and apparel trade reform in sub-Saharan Africa by, among other measures, providing technical assistance, sharing of information to expand basic knowledge of how to trade with the United States, and encouraging business-to-business contacts with the region.

(c) TREATMENT OF QUOTAS.—

(1) KENYA AND MAURITIUS.—Pursuant to the Agreement on Textiles and Clothing, the United States shall eliminate the existing quotas on textile and apparel exports to the United States—

(A) from Kenya within 30 days after that country adopts an efficient visa system to guard against unlawful transshipment of textile and apparel goods and the use of counterfeit documents; and

(B) from Mauritius within 30 days after that country adopts such a visa system.

The Customs Service shall provide the necessary technical assistance to Kenya and Mauritius in the development and implementation of those visa systems.

(2) OTHER SUB-SAHARAN COUNTRIES.—The President shall continue the existing no quota policy for countries in sub-Saharan Africa. The President shall submit to the Congress, not later than March 31 of each year, a report on the growth in textiles and apparel exports to the United States from countries in sub-Saharan Africa in order to protect United States consumers, workers, and textile manufacturers from economic injury on account of the no quota policy.

(d) CUSTOMS PROCEDURES AND ENFORCEMENT.—

(1) ACTIONS BY COUNTRIES AGAINST TRANSSHIPMENT AND CIRCUMVENTION.—The President should ensure that any country in sub-Saharan Africa that intends to export textile and apparel goods to the United States—

(A) has in place a functioning and effective visa system and domestic laws and enforcement procedures to guard against unlawful transshipment of textile and apparel goods and the use of counterfeit documents; and

(B) will cooperate fully with the United States to address and take action necessary to prevent circumvention, as provided in Article 5 of the Agreement on Textiles and Clothing.

(2) PENALTIES AGAINST EXPORTERS.—If the President determines, based on sufficient evidence, that an exporter has willfully falsified information regarding the country of origin, manufacture, processing, or assembly of a textile or apparel article for which duty-free treatment under section 503(a)(1)(C) of the Trade Act of 1974 is claimed, then the President shall deny to such exporter, and any successors of such exporter, for a period

of 2 years, duty-free treatment under such section for textile and apparel articles.

(3) APPLICABILITY OF UNITED STATES LAWS AND PROCEDURES.—All provisions of the laws, regulations, and procedures of the United States relating to the denial of entry of articles or penalties against individuals or entities for engaging in illegal transshipment, fraud, or other violations of the customs laws shall apply to imports from Sub-Saharan countries.

(4) MONITORING AND REPORTS TO CONGRESS.—The Customs Service shall monitor and the Commissioner of Customs shall submit to the Congress, not later than March 31 of each year, a report on the effectiveness of the visa systems described in subsection (c)(1) and paragraph (1) of this subsection and on measures taken by countries in Sub-Saharan Africa which export textiles or apparel to the United States to prevent circumvention as described in Article 5 of the Agreement on Textiles and Clothing.

(e) DEFINITION.—For purposes of this section, the term ''Agreement on Textiles and Clothing'' means the Agreement on Textiles and Clothing referred to in section 101(d)(4) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(4)).

SEC. 104. GENERALIZED SYSTEM OF PREFERENCES.

(a) PREFERENTIAL TARIFF TREATMENT FOR CERTAIN ARTICLES.—Section 503(a)(1) of the Trade Act of 1974 (19 U.S.C. 2463(a)(1)) is amended—

(1) by redesignating subparagraph (C) as subparagraph (D); and

(2) by inserting after subparagraph (B) the following:

''(C) ELIGIBLE COUNTRIES IN SUB-SAHARAN AFRICA.—The President may provide duty-free treatment for any article set forth in paragraph (1) of subsection (b) that is the growth, product, or manufacture of an eligible country in sub-Saharan Africa that is a beneficiary developing country, if, after receiving the advice of the International Trade Commission in accordance with subsection (e), the President determines that such article is not import-sensitive in the context of imports from eligible countries in sub-Saharan Africa. This subparagraph shall not affect the designation of eligible articles under subparagraph (B).''.

(b) RULES OF ORIGIN.—Section 503(a)(2) of the Trade Act of 1974 (19 U.S.C. 2463(a)(2)) is amended by adding at the end the following:

''(C) ELIGIBLE COUNTRIES IN SUB-SAHARAN AFRICA.—For purposes of determining the percentage referred to in subparagraph (A) in the case of an article of an eligible country in sub-Saharan Africa that is a beneficiary developing country—

''(i) if the cost or value of materials produced in the customs territory of the United States is included with respect to that article, an amount not to exceed 15 percent of the appraised value of the article at the time it is entered that is attributed to such United States cost or value may be applied toward determining the percentage referred to in subparagraph (A); and

''(ii) the cost or value of the materials included with respect to that article that are produced in any beneficiary developing country that is an eligible country in sub-Saharan Africa shall be applied in determining such percentage.''.

(c) WAIVER OF COMPETITIVE NEED LIMITATION.—Section 503(c)(2)(D) of the Trade Act of 1974 (19 U.S.C. 2463(c)(2)(D)) is amended to read as follows:

''(D) LEAST-DEVELOPED BENEFICIARY DEVELOPING COUNTRIES AND ELIGIBLE COUNTRIES IN SUB-SAHARAN AFRICA.—Subparagraph (A) shall not apply to any least-developed beneficiary developing country or any eligible country in sub-Saharan Africa.''.

(d) EXTENSION OF PROGRAM.—Section 505 of the Trade Act of 1974 (19 U.S.C. 2465) is amended to read as follows:

''SEC. 505. DATE OF TERMINATION.

''(a) COUNTRIES IN SUB-SAHARAN AFRICA.—No duty-free treatment provided under this title shall remain in effect after June 30, 2009, with respect to beneficiary developing countries that are eligible countries in sub-Saharan Africa.

''(b) OTHER COUNTRIES.—No duty-free treatment provided under this title shall remain in effect after June 30, 1999, with respect to beneficiary developing countries other than those provided for in subsection (a).''.

(e) DEFINITION.—Section 507 of the Trade Act of 1974 (19 U.S.C. 2467) is amended by adding at the end the following:

''(6) ELIGIBLE COUNTRY IN SUB-SAHARAN AFRICA.—The terms 'eligible country in sub-Saharan Africa' and 'eligible countries in sub-Saharan Africa' mean a country or countries that the President has determined to be eligible under section 4 of the African Growth and Opportunity Act.''.

(f) EFFECTIVE DATE.—The amendments made by this section take effect on July 1, 1999.

SEC. 105. ASSISTANT UNITED STATES TRADE REPRESENTATIVE FOR SUB-SAHARAN AFRICA.

(a) SENSE OF CONGRESS.—It is the sense of the Congress that the position of Assistant United States Trade Representative for African Affairs is integral to the United States commitment to increasing United States—sub-Saharan African trade and investment.

(b) MAINTENANCE OF POSITION.—The President shall maintain a position of Assistant United States Trade Representative for African Affairs within the Office of the United States Trade Representative to direct and coordinate interagency activities on United States-Africa trade policy and investment matters and serve as—

(1) a primary point of contact in the executive branch for those persons engaged in trade between the United States and sub-Saharan Africa; and

(2) the chief advisor to the United States Trade Representative on issues of trade with Africa.

(c) FUNDING AND STAFF.—The President shall ensure that the Assistant United States Trade Representative for African Affairs has adequate funding and staff to carry out the duties described in subsection (b), subject to the availability of appropriations.

SEC. 106. REPORTING REQUIREMENT.

The President shall submit to the Congress, not later than 1 year after the date of the enactment of this Act, and not later than the end of each of the next 6 1-year periods thereafter, a comprehensive report on the trade and investment policy of the United States for sub-Saharan Africa, and on the implementation of this Act. The last report required by section 134(b) of the Uruguay Round Agreements Act (19 U.S.C. 3554(b)) shall be consolidated and submitted with the first report required by this section.

TITLE II—INTERNATIONAL FINANCIAL AND FOREIGN RELATIONS POLICY FOR SUB-SAHARAN AFRICA

SEC. 201. INTERNATIONAL FINANCIAL INSTITUTIONS AND DEBT REDUCTION.

(a) BETTER MECHANISMS TO FURTHER GOALS FOR SUB-SAHARAN AFRICA.—It is the sense of the Congress that the Secretary of the Treasury should instruct the United States Executive Directors of the International Bank for Reconstruction and Development, the International Monetary Fund, and the African Development Bank to use the voice and votes of the Executive Directors to encourage vigorously their respective institutions to develop enhanced mechanisms which further the following goals in eligible countries in sub-Saharan Africa:

(1) Strengthening and expanding the private sector, especially among women-owned businesses.

(2) Reducing tariffs, nontariff barriers, and other trade obstacles, and increasing economic integration.

(3) Supporting countries committed to accountable government, economic reform, the eradication of poverty, and the building of civil societies.

(4) Supporting deep debt reduction at the earliest possible date with the greatest amount of relief for eligible poorest countries under the ''Heavily Indebted Poor Countries'' (HIPC) debt initiative.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that relief provided to countries in sub-Saharan Africa which qualify for the Heavily Indebted Poor Countries debt initiative should primarily be made through grants rather than through extended-term debt, and that interim relief or interim financing should be provided for eligible countries that establish a strong record of macroeconomic reform.

SEC. 202. EXECUTIVE BRANCH INITIATIVES.

(a) STATEMENT OF CONGRESS.—The Congress recognizes that the stated policy of the executive branch in 1997, the ''Partnership for Growth and Opportunity in Africa'' initiative, is a step toward the establishment of a comprehensive trade and development policy for sub-Saharan Africa. It is the sense of the Congress that this Partnership is a companion to the policy goals set forth in this Act.

(b) TECHNICAL ASSISTANCE TO PROMOTE ECONOMIC REFORMS AND DEVELOPMENT.—In addition to continuing bilateral and multilateral economic and development assistance, the President shall target technical assistance toward—

(1) developing relationships between United States firms and firms in sub-Saharan Africa through a variety of business associations and networks;

(2) providing assistance to the governments of sub-Saharan African countries to—

(A) liberalize trade and promote exports;

(B) bring their legal regimes into compliance with the standards of the World Trade Organization in conjunction with membership in that Organization;

(C) make financial and fiscal reforms; and

(D) promote greater agribusiness linkages;

(3) addressing such critical agricultural policy issues as market liberalization, agricultural export development, and agribusiness investment in processing and transporting agricultural commodities;

(4) increasing the number of reverse trade missions to growth-oriented countries in sub-Saharan Africa;

(5) increasing trade in services; and

(6) encouraging greater sub-Saharan participation in future negotiations in the World Trade Organization on services and making further commitments in their schedules to the General Agreement on Trade in Services in order to encourage the removal of tariff and nontariff barriers.

SEC. 203. SUB-SAHARAN AFRICA INFRASTRUCTURE FUND.

(a) INITIATION OF FUNDS.—It is the sense of the Congress that the Overseas Private Investment Corporation should exercise the authorities it has to initiate an equity fund or equity funds in support of projects in the countries in sub-Saharan Africa, in addition to the existing equity fund for sub-Saharan Africa created by the Corporation.

(b) STRUCTURE AND TYPES OF FUNDS.—

(1) STRUCTURE.—Each fund initiated under subsection (a) should be structured as a partnership managed by professional private sector fund managers and monitored on a continuing basis by the Corporation.

(2) CAPITALIZATION.—Each fund should be capitalized with a combination of private equity capital, which is not guaranteed by the Corporation, and debt for which the Corporation provides guaranties.

(3) INFRASTRUCTURE FUND.—One or more of the funds, with combined assets of up to $500,000,000, should be used in support of infrastructure projects in countries of sub-Saharan Africa.

(4) EMPHASIS.—The Corporation shall ensure that the funds are used to provide support in particular to women entrepreneurs and to innovative investments that expand opportunities for women and maximize employment opportunities for poor individuals.

SEC. 204. OVERSEAS PRIVATE INVESTMENT CORPORATION AND EXPORT-IMPORT BANK INITIATIVES.

(a) OVERSEAS PRIVATE INVESTMENT CORPORATION.—

(1) ADVISORY COMMITTEE.—Section 233 of the Foreign Assistance Act of 1961 (22 U.S.C. 2193) is amended by adding at the end the following:

''(e) ADVISORY COMMITTEE.—The Board shall take prompt measures to increase the loan, guarantee, and insurance programs, and financial commitments, of the Corporation in sub-Saharan Africa, including through the use of an advisory committee to assist the Board in developing and implementing policies, programs, and financial instruments with respect to sub-Saharan Africa. In addition, the advisory committee shall make recommendations to the Board on how the Corporation can facilitate greater support by the United States for trade and investment with and in sub-Saharan Africa. The advisory committee shall terminate 4 years after the date of the enactment of this subsection.''.

(2) REPORTS TO THE CONGRESS.—Within 6 months after the date of the enactment of this Act, and annually for each of the 4 years thereafter, the Board of Directors of the Overseas Private Investment Corporation shall submit to the Congress a report on the steps that the Board has taken to implement section 233(e) of the Foreign Assistance Act of 1961 (as added by paragraph (1)) and any recommendations of the advisory board established pursuant to such section.

(b) EXPORT-IMPORT BANK.—

(1) ADVISORY COMMITTEE FOR SUB-SAHARAN AFRICA.—Section 2(b) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)) is amended by inserting after paragraph (12) the following:

''(13)(A) The Board of Directors of the Bank shall take prompt measures, consistent with the credit standards otherwise required by law, to promote the expansion of the Bank's financial commitments in sub-Saharan Africa under the loan, guarantee, and insurance programs of the Bank.

''(B)(i) The Board of Directors shall establish and use an advisory committee to advise the Board of Directors on the development and implementation of policies and programs designed to support the expansion described in subparagraph (A).

''(ii) The advisory committee shall make recommendations to the Board of Directors on how the Bank can facilitate greater support by United States commercial banks for trade with sub-Saharan Africa.

''(iii) The advisory committee shall terminate 4 years after the date of the enactment of this subparagraph.''.

(2) REPORTS TO THE CONGRESS.—Within 6 months after the date of the enactment of this Act, and annually for each of the 4 years thereafter, the Board of Directors of the Export-Import Bank of the United States shall submit to the Congress a report on the steps that the Board has taken to implement section 2(b)(13)(B) of the Export-Import Bank Act of 1945 (as added by paragraph (1)) and any recommendations of the advisory committee established pursuant to such section.

SEC. 205. EXPANSION OF THE UNITED STATES AND FOREIGN COMMERCIAL SERVICE IN SUB-SAHARAN AFRICA.

(a) FINDINGS.—The Congress makes the following findings:

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

(2) During the 1980s, the presence of the Commercial Service in sub-Saharan Africa consisted of 14 professionals providing services in eight countries. By early 1997, that presence had been reduced by half to seven, in only four countries.

(3) Since 1997, the Department of Commerce has slowly begun to increase the presence of the Commercial Service in sub-Saharan Africa, adding five full-time officers to established posts.

(4) Although the Commercial Service Officers in these countries have regional responsibilities, this kind of coverage does not adequately service the needs of United States businesses attempting to do business in sub-Saharan Africa.

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

(6) Because market information is not widely available in many sub-Saharan African countries, the presence of additional Commercial Service Officers and resources can play a significant role in assisting United States businesses in markets in those countries.

(b) APPOINTMENTS.—Subject to the availability of appropriations, by not later than December 31, 2000, the Secretary of Commerce, acting through the Assistant Secretary of Commerce and Director General of the United States and Foreign Commercial Service, shall take steps to ensure that—

(1) at least 20 full-time Commercial Service employees are stationed in sub-Saharan Africa; and

(2) full-time Commercial Service employees are stationed in not less than ten different sub-Saharan African countries.

(c) COMMERCIAL SERVICE INITIATIVE FOR SUB-SAHARAN AFRICA.—In order to encourage the export of United States goods and services to sub-Saharan African countries, the Commercial Service shall make a special effort to—

(1) identify United States goods and services which are not being exported to sub-Saharan African countries but which are being exported to those countries by competitor nations;

(2) identify, where appropriate, trade barriers and noncompetitive actions, including violations of intellectual property rights, that are preventing or hindering sales of United States goods and services to, or the operation of United States companies in, sub-Saharan Africa;

(3) present, periodically, a list of the goods and services identified under paragraph (1), and any trade barriers or noncompetitive actions identified under paragraph (2), to appropriate authorities in sub-Saharan African countries with a view to securing increased market access for United States exporters of goods and services;

(4) facilitate the entrance by United States businesses into the markets identified under paragraphs (1) and (2); and

(5) monitor and evaluate the results of efforts to increase the sales of goods and services in such markets.

(d) REPORTS TO CONGRESS.—Not later than one year after the date of the enactment of this Act, and each year thereafter for five years, the Secretary of Commerce, in consultation with the Secretary of State, shall report to the Congress on actions taken to carry out subsections (b) and (c). Each report shall specify—

(1) in what countries full-time Commercial Service Officers are stationed, and the number of such officers placed in each such country;

(2) the effectiveness of the presence of the additional Commercial Service Officers in increasing United States exports to sub-Saharan African countries; and

(3) the specific actions taken by Commercial Service Officers, both in sub-Saharan African countries and in the United States, to carry out subsection (c), including identifying a list of targeted export sectors and countries.

SEC. 206. DONATION OF AIR TRAFFIC CONTROL EQUIPMENT TO ELIGIBLE SUB-SAHARAN AFRICAN COUNTRIES.

It is the sense of the Congress that, to the extent appropriate, the United States Government should make every effort to donate to governments of sub-Saharan African countries (determined to be eligible under section 4 of this Act) air traffic control equipment that is no longer in use, including appropriate related reimbursable technical assistance.

AFRICAN GROWTH AND OPPORTUNITY ACT (AGOA)—SECTION-BY-SECTION SUMMARY

Policy. The AGOA establishes as U.S. policy the creation of a transition path from development assistance to economic self-reliance for those sub-Sahara countries committed to economic and political reform, market incentives and private sector growth. Eligibility requirements are established for participation in the programs and benefits of the bill. The bill will not require any cuts or increases in the USAID budget. The bill includes separate Trade and Foreign Policy Titles.

Free Trade Area. The AGOA directs the President to develop a plan for trade agreements to establish a U.S.-Sub Sahara Africa Free Trade Area to provide an incentive for increasing trade between the U.S. and Africa and to stimulate private sector development in the region.

Trade Initiative. The AGOA would eliminate quotas on textiles and apparel from Kenya and Mauritius after these countries adopt a visa system to guard against transshipment. It continues the existing no-quota policy in Africa through 2005. Further, it authorizes the President to grant duty-free treatment for certain products from Africa currently excluded from the GSP program, subject to an import sensitivity analysis by the ITC, and extends the GSP program for Africa for 10 years.

U.S.-Africa Economic Forum. The AGOA would establish a U.S.-Africa Economic Forum to facilitate annual high level discussions of bilateral and multilateral trade and investment policies and initiatives. The Forum would work with the private sector to develop a long term trade and investment agenda.

Equity and Investment Funds. The AGOA directs OPIC to create a privately-funded $150 million equity fund and privately-funded $500

Million infrastructure fund for Africa. Both funds would support innovative investment policies to expand opportunities for women and to maximize employment opportunities for the poor.

Greater Attention to Africa. The AGOA calls for at least one member of the board of directors of the EX-IM Bank and the OPIC to have extensive private sector experience in Africa. Both the Bank and OPIC would establish private sector advisory committees with experience in Africa and both would report periodically to the Congress on their loan, guarantee and insurance programs in Africa.●

● Mr. McCAIN. Mr. President, I rise today to support legislation introduced by my esteemed colleague, Senator LUGAR. The African Growth and Opportunity Act will create an historic new U.S. trade and investment policy for Africa.

It is regrettable that the public perception of Sub-Saharan Africa remains a region which is underdeveloped, poor, ravaged by famine and wars, and ruled by authoritarian leaders. This is not an accurate picture of today's Africa.

The Africa of the late 1990s is a continent struggling on the road to economic and political reform. Some 30 Sub-Saharan African countries are implementing economic reforms, including liberalizing trade and investment regimes, rationalizing tariff and exchange rates, and reducing barriers to investment and stock market development. In addition, more than 30 Sub-Saharan African countries are also in various stages of democratic transformation that will allow their citizens to have the same type of participation in their governments that, as Americans, we hold dear. Nigeria's recent election, despite its flaws, is a concrete example of the movement toward democracy in Africa.

The African Growth and Opportunity Act is an important piece of legislation designed to promote continued reform in Africa. The main strength of the bill is its reliance on trade incentives, not financial aid. These trade incentives are intended to result in the political and economic well-being of African citizens. American companies are given incentives to invest in these countries, and help them learn how to become members of the world marketplace. For many years, we have poured our financial resources into foreign aid programs that have met with limited success. This bill is based on the commonsense principle that if you give a nation a handout, you feed it for a day, but if you teach it to grow and trade, you assist it to reach permanent independence and self-reliance.

There is also a benefit for the United States in this legislation. Currently, United States' exports to Sub-Saharan Africa are $6 billion, which support 100,000 American jobs. However, the U.S. has only a 7% share in the African market, while Europe has a 40% share. More U.S. trade and investment in Sub-Saharan Africa will increase U.S. market share, and create more jobs here in the U.S.

More important, it should be pointed out that this legislation will foster interdependence and economic growth between countries that have been torn apart by war, disease, and harmful economic policies. By trading with the United States and each other, these nations will see the benefits of peace and stability to economic growth. An interdependent and democratic Africa will be less likely to suffer from civil strife.

I hope that my colleagues will join us in supporting this legislation that will open up a new chapter in U.S.-African relations.●

By Mr. McCAIN:

S. 667. A bill to improve and reform elementary and secondary education; to the Committee on Finance.

EDUCATING AMERICA'S CHILDREN FOR TOMORROW (ED-ACT)

Mr. McCAIN. President, centuries ago, Aristotle wrote, ''All who have meditated in the art of governing mankind have been convinced that the fate of empires depends on the education of the youth.'' His words still hold true today. Educating our children is a critical component in their quest for personal success and fulfillment, but it also plays a pivotal role in the success of our nation economically, intellectually, civically and morally.

Like many Americans, I have grave concerns about the current condition of our nation's education system. If a report card on our educational system were sent home today, it would be full of unsatisfactory and incomplete marks. In fact, it would be full of ''D's'' and ''F's.'' These abominable grades demonstrate our failure to meet the needs of our nation's students in kindergarten through twelfth grade.

Failure is clearly evident throughout the educational system. One prominent illustration of our nation's failure is seen in the results of the Third International Mathematics and Science Study (TIMSS.) Over forty countries participated in the 1996 study which tested science and mathematical abilities of students in the fourth, eighth and twelfth grades. Tragically, American students scored lower than students in other countries. According to this study, our twelfth graders scored near the bottom, placing 19th out of 21 nations in math and 16th in science, while scoring at the absolutely bottom in physics.

Meanwhile, students in countries which are struggling economically, socially and politically, such as Russia, outscored U.S. children in math and scored far above them in advanced math and physics. Clearly, we must make significant changes in our children's academic performance in order to remain a viable force in the world economy.

We can also see our failure when we look at the federal government's efforts to combat illiteracy. We spend over $8 billion a year on programs to eradicate illiteracy across the country. Yet, we have not seen any significant improvement in literacy in any segment of our population. Today, more than 40 million Americans cannot read a menu, instructions, medicine labels or a newspaper. And, tragically, four out of ten children in third grade cannot read.

For too long, Washington has been creating new educational programs which provide good sound-bites for politicians, make great campaign slogans, or serve the specific needs of select interests groups, but completely ignore the fundamental academic needs of our children. The time has come for us to free our schools from the shackles of the federal government and give them the freedom and the tools to educate children.

The first step is putting parents back in charge. Federal education dollars should be spent where they do the most good. The ED-ACT would funnel millions of dollars directly into our classrooms, rather than wasting education dollars on federal red tape. By sending federal elementary and secondary education funds directly to local education agencies (LEAs), schools will be able to utilize the funds for the unique needs of their students rather than wasting their time jumping through hoops for government bureaucrats. Giving the money directly to the LEAs with strong accountability requirements for the academic performance and improvement of our children is the right thing to do.

We must have higher learning expectations for our children, but we cannot and should not have these standards controlled at the national level. States and local communities must control the development, implementation and assessment of academic standards. This bill would prohibit federal funds from being used to develop or implement national education tests. National tests and standards only result in new bureaucracies, depriving parents of the opportunity to manage the education of their children.

ED-ACT strengthens and reauthorizes the successful Troops to Teachers program. As many of my colleagues know, the Troops to Teachers program was initially created in 1993 to assist military personnel affected by defense downsizing who were interested in utilizing their knowledge, professional skills and expertise as teachers. Unfortunately, the authorization for this program is set to expire at the end of this fiscal year.

Local school districts across the city are facing a shortage of two million teachers over the next decade, and the Troops to Teachers program is an important resource to help schools address this shortfall by recruiting, funding and retaining new teachers to make America's children ready for tomorrow, particularly in the areas of math, reading and science.

ED-ACT would also encourage states to ensure that all Americans are fluent in English, while helping develop innovative initiatives to promote the importance of foreign language skills.

The ability to speak one or more languages, in addition to English, is a tremendous resource to the U.S. because it enhances our competitiveness in global markets. Multilingualism also enhances our nation's diplomatic efforts and leadership role on the international front by fostering greater communication and understanding between people of all nations and cultures.

ED-ACT provides educational opportunities for disadvantaged children by providing parents and students the freedom to choose the best school for their unique academic needs, while encouraging schools to be creative and responsive to the needs of all students. This three-year demonstration would allow up to ten states or localities to implement a voucher program empowering low-income parents with more options for their child's education. Parents should be allowed to use their tax dollars to send their children to the school of their choice, public or private. Tuition vouchers would give low-income families the same choice.

ED–ACT also creates additional financial opportunities for parents, guardians and communities to plan for the educational expenses of their children. First, it would increase the amount allowed to be contributed to a higher education IRA from $500 to $1,000 annually. Under current law, the maximum amount which could be saved for a child throughout their lifetime is $9,000, which would not cover the basic costs of tuition at a private institution, let alone books, foods and living expenses for a student. This amount barely covers the tuition at a public four-year institution, but that is before factoring in inflation, expenses, room and board. In my home state of Arizona, a four-year degree from one of the three state colleges costs about $8,800—and that is just for tuition, not books, food, room and board. In addition, ED–ACT allows a $500 tax credit for taxpayers who make a voluntary contribution to public or private schools.

This bill would also help develop better educational tools for our children by gathering and analyzing pertinent data regarding some of our most vulnerable students, while collecting information about how we can ensure the best teachers are in our classrooms.

Finally, the last section of the ED–ACT reduces the bureaucratic costs at the Department of Education by thirty-five percent no later than October 1, 2004. Far too many resources are spent on funding bureaucrats in Washington, D.C., rather than teaching our children.

Thomas Jefferson said, ''The purpose of education is to create young citizens with knowing heads and loving hearts.'' If we fail to give our children the education they need to nurture their heads and hearts, then we threaten their futures and the future of our nation. The bill I am introducing today is an important step towards ensuring that our children have both the love in their hearts and the knowledge in their heads to not only dream, but to make their dreams a reality.

Mr. President, I ask unanimous consent that a copy of this bill be printed in the RECORD.

There being no objection, the bill was ordered printed in the RECORD, as follows:

S. 667

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS; DEFINITIONS.

(a) SHORT TITLE.—This Act may be cited as the ''EDucating America's Children for Tomorrow (ED–ACT)''.

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents; definitions.

TITLE I—EMPOWERING PARENTS AND STUDENTS

Sec. 101. Empowering parents and students.

TITLE II—PROHIBITION REGARDING FUNDING FOR DEVELOPING OR IMPLEMENTING NATIONAL EDUCATION STANDARDS

Sec. 201. Prohibition regarding funding for developing or implementing national education standards.

TITLE III—TROOPS-TO-TEACHERS PROGRAM

Sec. 301. Short title.
Sec. 302. Improvement and transfer of jurisdiction of troops-to-teachers program.

TITLE IV—ENGLISH PLUS AND MULTILINGUALISM

Sec. 401. English plus.
Sec. 402. Multilingualism study.

TITLE V—EDUCATIONAL OPPORTUNITIES FOR DISADVANTAGED CHILDREN

Sec. 501. Purposes.
Sec. 502. Authorization of appropriations; program authority.
Sec. 503. Eligibility.
Sec. 504. Scholarships.
Sec. 505. Eligible children; award rules.
Sec. 506. Applications.
Sec. 507. Approval of programs.
Sec. 508. Amounts and length of grants.
Sec. 509. Uses of funds.
Sec. 510. Effect of programs.
Sec. 511. National evaluation.
Sec. 512. Enforcement.
Sec. 513. Definitions.

TITLE VI—TAX PROVISIONS

Sec. 601. Credit for contributions to schools.
Sec. 602. Increase in annual contribution limit for education individual retirement accounts.

TITLE VII—DEVELOPING BETTER EDUCATION TOOLS

Sec. 701. Educational tools for underserved students.
Sec. 702. Teacher training.
Sec. 703. Putting the best teachers in the classroom.

TITLE VIII—EMPOWERING STUDENTS

Sec. 801. Empowering students.

(c) DEFINITIONS.—In this Act:

(1) COMPTROLLER GENERAL.—The term ''Comptroller General'' means the Comptroller General of the United States.

(2) ELEMENTARY SCHOOL; LOCAL EDUCATIONAL AGENCY; PARENT; SECONDARY SCHOOL; STATE EDUCATIONAL AGENCY.—The terms ''elementary school'', ''local educational agency'', ''parent'', ''secondary school'', and ''State educational agency'' have the meanings given the terms in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801 et seq.).

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

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

(5) STATE.—The term ''State'' means each of the several States of the United States and the District of Columbia.

TITLE I—EMPOWERING PARENTS AND STUDENTS

SEC. 101. EMPOWERING PARENTS AND STUDENTS.

(a) DIRECT AWARDS TO LOCAL EDUCATIONAL AGENCIES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, for each fiscal year the Secretary shall award the total amount of funds described in paragraph (2) directly to local educational agencies in accordance with paragraph (4) to enable the local educational agencies to carry out the authorized activities described in paragraph (5).

(2) APPLICABLE FUNDING.—The total amount of funds referred to in paragraph (1) are all funds that are appropriated for the Department of Education for a fiscal year to carry out programs or activities under the following provisions of law:

(A) Title III of the Goals 2000: Educate America Act (20 U.S.C. 5881 et seq.).

(B) Title IV of the Goals 2000: Educate America Act (20 U.S.C. 5911 et seq.).

(C) Title VI of the Goals 2000: Educate America Act (20 U.S.C. 5951).

(D) The School-to-Work Opportunities Act of 1994 (20 U.S.C. 6101 et seq.).

(E) Section 1502 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6492).

(F) Title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6601 et seq.).

(G) Title III of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6801 et seq.).

(H) Title IV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7101 et seq.).

(I) Part A of title V of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7201 et seq.).

(J) Part B of title V of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7231 et seq.).

(K) Title VI of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7301 et seq.).

(L) Title VII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7401 et seq.).

(M) Part B of title IX of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7901 et seq.).

(N) Part C of title IX of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7931 et seq.).

(O) Part A of title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8001 et seq.).

(P) Part B of title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8031 et seq.).

(Q) Part D of title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8091 et seq.).

(R) Part F of title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8141 et seq.).

(S) Part G of title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8161 et seq.).

(T) Part I of title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8241 et seq.).

(U) Part J of title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8271 et seq.).

(V) Part K of title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8331 et seq.).

(W) Part L of title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8351 et seq.).

(X) Part A of title XIII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8621 et seq.).

(Y) Part C of title XIII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8671 et seq.).

(Z) Part B of title VII of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11421 et seq.).

(3) CENSUS DETERMINATION.—

(A) IN GENERAL.—Each local educational agency shall conduct a census to determine the number of kindergarten through grade 12 students that are in the school district served by the local educational agency for an academic year.

(B) PRIVATE SCHOOL STUDENTS.—In carrying out subparagraph (A), each local educational agency shall determine the number of private school students described in such paragraph for an academic year on the basis of data the local educational agency determines reliable.

(C) SUBMISSION.—Each local educational agency shall submit the total number of public and private school children described in this paragraph for an academic year to the Secretary not later than March 1 of the academic year.

(D) PENALTY.—If the Secretary determines that a local educational agency has knowingly submitted false information under this subsection for the purpose of gaining additional funds under this section, then the local educational agency shall be fined an amount equal to twice the difference between the amount the local educational agency received under this section, and the correct amount the local educational agency would have received if the agency had submitted accurate information under this subsection.

(4) DETERMINATION OF ALLOTMENTS.—From the total applicable funding available for a fiscal year, the Secretary shall make allotments to each local educational agency in a State in an amount that bears the same relation—

(A) to 50 percent of such total applicable funding as the number of individuals in the school district served by the local educational agency who are aged 5 through 17 bears to the total number of such individuals in all school districts served by all local educational agencies in all States; and

(B) to 50 percent of such total amount as the total amount all local educational agencies in the State are eligible to receive under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) for the fiscal year bears to the total amount all local educational agencies in all States are eligible to receive under such part for the fiscal year.

(5) AUTHORIZED ACTIVITIES.—

(A) IN GENERAL.—A local educational agency receiving an allotment under paragraph (4) shall use the allotted funds for innovative assistance programs described in subparagraph (B).

(B) INNOVATIVE ASSISTANCE.—The innovative assistance programs referred to in subparagraph (A) include—

(i) technology programs related to the implementation of school-based reform programs, including professional development to assist teachers and other school officials regarding how to use effectively such equipment and software;

(ii) programs for the acquisition and use of instructional and educational materials, including library services and materials (including media materials), assessments, reference materials, computer software and hardware for instructional use, and other curricular materials that—

(I) are tied to high academic standards;

(II) will be used to improve student achievement; and

(III) are part of an overall education reform program;

(iii) promising education reform programs, including effective schools and magnet schools;

(iv) programs to improve the higher order thinking skills of disadvantaged elementary school and secondary school students and to prevent students from dropping out of school;

(v) programs to combat illiteracy in the student and adult populations, including parent illiteracy;

(vi) programs to provide for the educational needs of gifted and talented children;

(vii) hiring of teachers or teaching assistants to decrease a school, school district, or statewide student-to-teacher ratio; and

(viii) school improvement programs or activities described in sections 1116 and 1117 of the Elementary and Secondary Education Act of 1965.

(6) ACCOUNTABILITY.—

(A) LOCAL EDUCATIONAL AGENCY.—A local educational agency that receives funds under this section in any fiscal year shall make available for review by parents, community members, the State educational agency and the Department of Education—

(i) a proposed budget regarding how such funds shall be used; and

(ii) an accounting of the actual use of such funds at the end of the fiscal year of the local educational agency.

(B) SCHOOL.—Each school receiving assistance under this section in any fiscal year shall prepare and submit to the Secretary and make available to the public a detailed plan that outlines—

(i) clear academic performance objectives for students at the school;

(ii) a timetable for improving the academic performance of the students; and

(iii) methods for officially evaluating and measuring the academic growth or progress of the students.

(b) DIRECT AWARDS OF PART A OF TITLE I FUNDING.—

(1) IN GENERAL.—Notwithstanding any other provision of law and subject to paragraph (3), the Secretary shall award the total amount of funds appropriated to carry out part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) for a fiscal year directly to local educational agencies in accordance with paragraph (2) to enable the local educational agencies to support programs or activities, for kindergarten through grade 12 students, that the local educational agencies deem appropriate.

(2) ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—The Secretary shall make awards under this section for a fiscal year only to local educational agencies that are eligible for assistance under part A of title I of the Elementary and Secondary Education Act of 1965 for the fiscal year.

(3) AMOUNT.—Each local educational agency shall receive an amount awarded under this subsection for a fiscal year equal to the amount the local educational agency is eligible to receive under part A of title I of the Elementary and Secondary Education Act of 1965 for the fiscal year.

TITLE II—PROHIBITION REGARDING FUNDING FOR DEVELOPING OR IMPLEMENTING NATIONAL EDUCATION STANDARDS

SEC. 201. PROHIBITION REGARDING FUNDING FOR DEVELOPING OR IMPLEMENTING NATIONAL EDUCATION STANDARDS.

No Federal funds may be obligated or expended to develop or implement national education standards.

TITLE III—TROOPS-TO-TEACHERS PROGRAM

SEC. 301. SHORT TITLE.

This title may be cited as the ''Troops-to-Teachers Program Improvement Act of 1999''.

SEC. 302. IMPROVEMENT AND TRANSFER OF JURISDICTION OF TROOPS-TO-TEACHERS PROGRAM.

(a) RECODIFICATION, IMPROVEMENT, AND TRANSFER OF PROGRAM.—(1) Section 1151 of title 10, United States Code, is amended to read as follows:

''§ 1151. Assistance to certain separated or retired members to obtain certification and employment as teachers

''(a) PROGRAM AUTHORIZED.—The Secretary of Education, in consultation with the Secretary of Defense and the Secretary of Transportation with respect to the Coast Guard, may carry out a program—

''(1) to assist eligible members of the armed forces after their discharge or release, or retirement, from active duty to obtain certification or licensure as elementary or secondary school teachers or as vocational or technical teachers; and

''(2) to facilitate the employment of such members by local educational agencies identified under subsection (b)(1).

''(b) IDENTIFICATION OF LOCAL EDUCATIONAL AGENCIES AND STATES.—(1)(A) In carrying out the program authorized by subsection (a), the Secretary of Education shall periodically identify local educational agencies that—

''(i) are receiving grants under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) as a result of having within their jurisdictions concentrations of children from low-income families; or

''(ii) are experiencing a shortage of qualified teachers, in particular a shortage of science, mathematics, reading, special education, or vocational or technical teachers.

''(B) The Secretary may identify local educational agencies under subparagraph (A) through surveys conducted for that purpose or by utilizing information on local educational agencies that is available to the Secretary from other sources.

''(2) In carrying out the program, the Secretary shall also conduct a survey of States to identify those States that have alternative certification or licensure requirements for teachers, including those States that grant credit for service in the armed forces toward satisfying certification or licensure requirements for teachers.

''(c) ELIGIBLE MEMBERS.—(1) The following members shall be eligible for selection to participate in the program:

''(A) Any member who—

''(i) during the period beginning on October 1, 1990, and ending on September 30, 1999, was involuntarily discharged or released from active duty for purposes of a reduction of force after six or more years of continuous active duty immediately before the discharge or release; and

''(ii) satisfies such other criteria for selection as the Secretary of Education, in consultation with the Secretary of Defense and

the Secretary of Transportation, may prescribe.

''(B) Any member—

''(i) who, on or after October 1, 1999—

''(I) is retired for length of service with at least 20 years of active service computed under section 3925, 3926, 8925, or 8926 of this title or for purposes of chapter 571 of this title; or

''(II) is retired under section 1201 or 1204 of this title;

''(ii) who—

''(I) in the case of a member applying for assistance for placement as an elementary or secondary school teacher, has received a baccalaureate or advanced degree from an accredited institution of higher education; or

''(II) in the case of a member applying for assistance for placement as a vocational or technical teacher—

''(aa) has received the equivalent of one year of college from an accredited institution of higher education and has 10 or more years of military experience in a vocational or technical field; or

''(bb) otherwise meets the certification or licensure requirements for a vocational or technical teacher in the State in which such member seeks assistance for placement under the program; and

''(iii) who satisfies the criteria prescribed under subparagraph (A)(ii).

''(2) A member who is discharged or released from active duty, or retires from service, under other than honorable conditions shall not be eligible to participate in the program.

''(d) INFORMATION REGARDING PROGRAM.—(1) The Secretary of Education, in consultation with the Secretary of Defense and the Secretary of Transportation, shall provide information regarding the program, and make applications for the program available, to members as part of preseparation counseling provided under section 1142 of this title.

''(2) The information provided to members shall—

''(A) indicate the local educational agencies identified under subsection (b)(1); and

''(B) identify those States surveyed under subsection (b)(2) that have alternative certification or licensure requirements for teachers, including those States that grant credit for service in the armed forces toward satisfying such requirements.

''(e) SELECTION OF PARTICIPANTS.—(1)(A) Selection of members to participate in the program shall be made on the basis of applications submitted to the Secretary of Education on a timely basis. An application shall be in such form and contain such information as the Secretary may require.

''(B) An application shall be considered to be submitted on a timely basis if the application is submitted as follows:

''(i) In the case of an applicant who is eligible under subsection (c)(1)(A), not later than September 30, 2003.

''(ii) In the case of an applicant who is eligible under subsection (c)(1)(B), not later than four years after the date of the retirement of the applicant from active duty.

''(2) In selecting participants to receive assistance for placement as elementary or secondary school teachers or vocational or technical teachers, the Secretary shall give priority to members who—

''(A) have educational or military experience in science, mathematics, reading, special education, or vocational or technical subjects and agree to seek employment as science, mathematics, reading, or special education teachers in elementary or secondary schools or in other schools under the jurisdiction of a local educational agency; or

''(B) have educational or military experience in another subject area identified by the Secretary, in consultation with the National Governors Association, as important for national educational objectives and agree to seek employment in that subject area in elementary or secondary schools.

''(3) The Secretary may not select a member to participate in the program unless the Secretary has sufficient appropriations for the program available at the time of the selection to satisfy the obligations to be incurred by the United States under subsection (g) with respect to that member.

''(f) AGREEMENT.—A member selected to participate in the program shall be required to enter into an agreement with the Secretary of Education in which the member agrees—

''(1) to obtain, within such time as the Secretary may require, certification or licensure as an elementary or secondary school teacher or vocational or technical teacher; and

''(2) to accept an offer of full-time employment as an elementary or secondary school teacher or vocational or technical teacher for not less than four school years with a local educational agency identified under subparagraph (A) or (B) of subsection (b)(1), to begin the school year after obtaining that certification or licensure.

''(g) STIPEND AND BONUS FOR PARTICIPANTS.—(1)(A) Subject to subparagraph (B), the Secretary of Education shall pay to each participant in the program a stipend in an amount equal to $5,000.

''(B) The total number of stipends that may be paid under this paragraph in any fiscal year may not exceed 3,000.

''(2)(A) Subject to subparagraph (B), the Secretary may, in lieu of paying a stipend under paragraph (1), pay a bonus of $10,000 to each participant in the program who agrees under subsection (f) to accept full-time employment as an elementary or secondary school teacher or vocational or technical teacher for not less than four years in a high need school.

''(B) The total number of bonuses that may be paid under this paragraph in any fiscal year may not exceed 1,000.

''(C) In this paragraph, the term 'high need school' means an elementary school or secondary school that meets one or more of the following criteria:

''(i) A school with a drop out rate that exceeds the national average school drop out rate.

''(ii) A school having a large percentage of students (as determined by the Secretary in consultation with the National Assessment Governing Board) who speak English as a second language.

''(iii) A school having a large percentage of students (as so determined) who are at risk of educational failure by reason of limited proficiency in English, poverty, race, geographic location, or economic circumstances.

''(iv) A school at least one-half of whose students are from families with an income below the poverty line (as that term is defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved.

''(v) A school with a large percentage of students (as so determined) who qualify for assistance under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.).

''(vi) A school located on an Indian reservation (as that term is defined in section 403(9) of the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3202(9)).

''(vii) A school located in a rural area.

''(viii) A school meeting any other criteria established by the Secretary in consultation with the National Governors Association.

''(3) Stipends and bonuses paid under this subsection shall be taken into account in determining the eligibility of the participant concerned for Federal student financial assistance provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

''(h) REIMBURSEMENT UNDER CERTAIN CIRCUMSTANCES.—(1) If a participant in the program fails to obtain teacher certification or licensure or employment as an elementary or secondary school teacher or vocational or technical teacher as required under the agreement or voluntarily leaves, or is terminated for cause, from the employment during the four years of required service, the participant shall be required to reimburse the Secretary of Education for any stipend paid to the participant under subsection (g)(1) in an amount that bears the same ratio to the amount of the stipend as the unserved portion of required service bears to the four years of required service.

''(2) If a participant in the program who is paid a bonus under subsection (g)(2) fails to obtain employment for which such bonus was paid, or voluntarily leaves or is terminated for cause from the employment during the four years of required service, the participant shall be required to reimburse the Secretary for any bonus paid to the participant under that subsection in an amount that bears the same ratio to the amount of the bonus as the unserved portion of required service bears to the four years of required service.

''(3)(A) The obligation to reimburse the Secretary under this subsection is, for all purposes, a debt owing the United States.

''(B) A discharge in bankruptcy under title 11 shall not release a participant from the obligation to reimburse the Secretary.

''(C) Any amount owed by a participant under paragraph (1) or (2) shall bear interest at the rate equal to the highest rate being paid by the United States on the day on which the reimbursement is determined to be due for securities having maturities of ninety days or less and shall accrue from the day on which the participant is first notified of the amount due.

''(i) EXCEPTIONS TO REIMBURSEMENT PROVISIONS.—(1) A participant in the program shall not be considered to be in violation of an agreement entered into under subsection (f) during any period in which the participant—

''(A) is pursuing a full-time course of study related to the field of teaching at an eligible institution;

''(B) is serving on active duty as a member of the armed forces;

''(C) is temporarily totally disabled for a period of time not to exceed three years as established by sworn affidavit of a qualified physician;

''(D) is unable to secure employment for a period not to exceed 12 months by reason of the care required by a spouse who is disabled;

''(E) is seeking and unable to find full-time employment as a teacher in an elementary or secondary school or as a vocational or technical teacher for a single period not to exceed 27 months; or

''(F) satisfies the provisions of additional reimbursement exceptions that may be prescribed by the Secretary of Education.

''(2) A participant shall be excused from reimbursement under subsection (h) if the participant becomes permanently totally disabled as established by sworn affidavit of a qualified physician. The Secretary may also waive reimbursement in cases of extreme hardship to the participant, as determined

by the Secretary in consultation with the Secretary of Defense or the Secretary of Transportation, as the case may be.

''(j) RELATIONSHIP TO EDUCATIONAL ASSISTANCE UNDER MONTGOMERY GI BILL.—The receipt by a participant in the program of any assistance under the program shall not reduce or otherwise affect the entitlement of the participant to any benefits under chapter 30 of title 38 or chapter 1606 of this title.

''(k) DISCHARGE OF STATE ACTIVITIES THROUGH CONSORTIA OF STATES.—The Secretary of Education may permit States participating in the program authorized by this section to carry out activities authorized for such States under this section through one or more consortia of such States.

''(*l*) ASSISTANCE TO STATES IN ACTIVITIES UNDER PROGRAM.—(1) Subject to paragraph (2), the Secretary of Education may make grants to States participating in the program authorized by this section, or to consortia of such States, in order to permit such States or consortia of States to operate offices for purposes of recruiting eligible members for participation in the program and facilitating the employment of participants in the program in schools in such States or consortia of States.

''(2) The total amount of grants under paragraph (1) in any fiscal year may not exceed $4,000,000.

''(m) LIMITATION ON USE OF FUNDS FOR MANAGEMENT INFRASTRUCTURE.—The Secretary of Education may utilize not more than five percent of the funds available to carry out the program authorized by this section for a fiscal year for purposes of establishing and maintaining the management infrastructure necessary to support the program.

''(n) DEFINITIONS.—In this section:

''(1) The term 'State' includes the District of Columbia, American Samoa, the Federated States of Micronesia, Guam, the Republic of the Marshall Islands, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, the Republic of Palau, and the United States Virgin Islands.

''(2) The term 'alternative certification or licensure requirements' means State or local teacher certification or licensure requirements that permit a demonstrated competence in appropriate subject areas gained in careers outside of education to be substituted for traditional teacher training course work.''.

(2) The table of sections at the beginning of chapter 58 of such title is amended by striking the item relating to section 1151 and inserting the following new item:

''1151. Assistance to certain separated or retired members to obtain certification and employment as teachers.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 1999.

(c) TRANSFER OF JURISDICTION OVER CURRENT PROGRAM.—(1) The Secretary of Defense, Secretary of Transportation, and Secretary of Education shall provide for the transfer to the Secretary of Education of any on-going functions and responsibilities of the Secretary of Defense and the Secretary of Transportation with respect the program authorized by section 1151 of title 10, United States Code, for the period beginning on October 23, 1992, and ending on September 30, 1999.

(2) The Secretaries shall complete the transfer under paragraph (1) not later than October 1, 1999.

(d) REPORTS.—(1) Not later than March 31, 2002, the Secretary of Education and the Comptroller General shall each submit to Congress a report on the effectiveness of the program authorized by section 1151 of title 10, United States Code (as amended by subsection (a)), in the recruitment and retention of qualified personnel by local educational agencies identified under subsection (b)(1) of such section 1151 (as so amended).

(2) The report under paragraph (1) shall include information on the following:

(A) The number of participants in the program.

(B) The schools in which such participants are employed.

(C) The grade levels at which such participants teach.

(D) The subject matters taught by such participants.

(E) The effectiveness of the teaching of such participants, as indicated by any relevant test scores of the students of such participants.

(F) The extent of any academic improvement in the schools in which such participants teach by reason of their teaching.

(G) The rates of retention of such participants by the local educational agencies employing such participants.

(H) The effect of any stipends or bonuses under subsection (g) of such section 1151 (as so amended) in enhancing participation in the program or in enhancing recruitment or retention of participants in the program by the local educational agencies employing such participants.

(I) Such other matters as the Secretary or the Comptroller General, as the case may be, considers appropriate.

(3) The report of the Comptroller General under paragraph (1) shall also include any recommendations of the Comptroller General as to means of improving the program, including means of enhancing the recruitment and retention of participants in the program.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Department of Education $25,000,000 for each of fiscal years 2000 through 2004 for purposes of carrying out the program authorized by section 1151 of title 10, United States Code (as amended by subsection (a)).

TITLE IV—ENGLISH PLUS AND MULTILINGUALISM

SEC. 401. ENGLISH PLUS.

(a) FINDINGS.—Congress makes the following findings:

(1) Immigrants to the United States have powerful incentives to learn English in order to fully participate in American society and the Nation's economy, and 90 percent of all immigrant families become fluent in English within the second generation.

(2) A common language promotes unity among citizens, and fosters greater communication.

(3) The reality of a global economy is an ever-present international development that is fostered by trade.

(4) The United States is well postured for the global economy and international development with its diverse population and rich heritage of cultures and languages from around the world.

(5) Foreign language skills are a tremendous resource to the United States and enhance American competitiveness in the global economy.

(6) It is clearly in the interest of the United States to encourage educational opportunities for all citizens and to take steps to realize the opportunities.

(7) Many American Indian languages are preserved, encouraged, and utilized, as the languages were during World War II when the Navajo Code Talkers created a code that could not be broken by the Japanese or the Germans, for example.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) our Nation must support literacy programs, including programs designed to teach English, as well as those dedicated to helping Americans learn and maintain languages in addition to English;

(2) our Nation must recognize the importance of English as the unifying language of the United States;

(3) as a Nation we must support and encourage Americans of every age to master English in order to succeed in American society and ensure a productive workforce;

(4) our Nation must recognize that a skilled labor force is crucial to United States competitiveness in a global economy, and the ability to speak languages in addition to English is a significant skill; and

(5) our Nation must recognize the benefits, both on an individual and a national basis, of developing the Nation's linguistic resources.

SEC. 402. MULTILINGUALISM STUDY.

(a) FINDINGS.—Congress finds that—

(1) even though all residents of the United States should be proficient in English, without regard to their country of birth, it is also of vital importance to the competitiveness of the United States that those residents be encouraged to learn other languages; and

(2) education is the primary responsibility of State and local governments and communities, and the governments and communities are responsible for developing policies in the area of education.

(b) RESIDENT OF THE UNITED STATES DEFINED.—In this section, the term ''resident of the United States'' means an individual who resides in the United States, other than an alien who is not lawfully present in the United States.

(c) STUDY.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Comptroller General shall conduct a study of multilingualism in the United States in accordance with this section.

(2) REQUIREMENTS.—

(A) IN GENERAL.—The study conducted under this section shall determine—

(i) the percentage of residents in the United States who are proficient in English and at least 1 other language;

(ii) the predominant language other than English in which residents referred to in clause (i) are proficient;

(iii) the percentage of the residents described in clause (i) who were born in a foreign country;

(iv) the percentage of the residents described in clause (i) who were born in the United States;

(v) the percentage of the residents described in clause (iv) who are second-generation residents of the United States; and

(vi) the percentage of the residents described in clause (iv) who are third-generation residents of the United States.

(B) AGE-SPECIFIC CATEGORIES.—The study under this section shall, with respect to the residents described in subparagraph (A)(i), determine the number of those residents in each of the following categories:

(i) Residents who have not attained the age of 12.

(ii) Residents who have attained the age of 12, but have not attained the age of 18.

(iii) Residents who have attained the age of 18, but have not attained the age of 50.

(iv) Residents who have attained the age of 50.

(C) FEDERAL PROGRAMS.—In conducting the study under this section, the Comptroller General shall establish a list of each Federal program that encourages multilingualism with respect to any category of residents described in subparagraph (B).

(D) COMPARISONS.—In conducting the study under this section, the Comptroller General shall compare the multilingual population described in subparagraph (A) with the multilingual populations of foreign countries—

(i) in the Western Hemisphere; and

(ii) in Asia.

(d) REPORT.—Upon completion of the study under this section, the Comptroller General shall prepare, and submit to Congress, a report that contains the results of the study conducted under this section, and such findings and recommendations as the Comptroller General determines to be appropriate.

TITLE V—EDUCATIONAL OPPORTUNITIES FOR DISADVANTAGED CHILDREN

SEC. 501. PURPOSES.

The purposes of this title are—

(1) to assist and encourage States and localities to—

(A) give children from low-income families more of the same choices of all elementary and secondary schools and other academic programs that children from wealthier families already have;

(B) improve schools and other academic programs by giving low-income parents increased consumer power to choose the schools and programs that the parents determine best fit the needs of their children; and

(C) more fully engage low-income parents in their children's schooling; and

(2) to demonstrate, through a competitive discretionary grant program, the effects of State and local programs that give middle- and low-income families more of the same choices of all schools, public, private or religious, that wealthier families have.

SEC. 502. AUTHORIZATION OF APPROPRIATIONS; PROGRAM AUTHORITY.

(a) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this title, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2003.

(b) PROGRAM AUTHORITY.—The Secretary is authorized to award grants to not more than 10 States or localities, on a competitive basis, to enable the States or localities to carry out educational choice programs in accordance with this title.

SEC. 503. ELIGIBILITY.

A State or locality is eligible for a grant under this title if—

(1) the State or locality has taken significant steps to provide a choice of schools to families with school children residing in the program area described in the application submitted under section 506, including families who are not eligible for scholarships under this title;

(2) during the year for which assistance is sought, the State or locality provides assurances in the application submitted under section 506 that if awarded a grant under this title such State or locality will provide scholarships to parents of eligible children that may be redeemed for elementary schools or secondary education for their children at a broad variety of public and private elementary schools and secondary schools, including religious schools, if any, serving the area;

(3) the State or locality agrees to match 50 percent of the Federal funds provided for the scholarships; and

(4) the State or locality allows lawfully operating public and private elementary schools and secondary schools, including religious schools, if any, serving the area to participate in the program.

SEC. 504. SCHOLARSHIPS.

(a) SCHOLARSHIP AWARDS.—With funds awarded under this title, each State or locality awarded a grant under this title shall provide scholarships to the parents of eligible children, in accordance with section 505.

(b) SCHOLARSHIP VALUE.—The value of each scholarship shall be the sum of—

(1) $2,000 from funds provided under this title;

(2) $1,000 in matching funds from the State or locality; and

(3) an additional amount, if any, of State, local, or nongovernmental funds.

(c) TAX EXEMPTION.—Scholarships awarded under this title shall not be considered income of the parents for Federal income tax purposes or for determining eligibility for any other Federal program.

SEC. 505. ELIGIBLE CHILDREN; AWARD RULES.

(a) ELIGIBLE CHILD.—In this title the term ''eligible child'' means a child who—

(1) resides in the program area described in the application submitted under section 506;

(2) will attend a public or private elementary school or secondary school that is participating in the program; and

(3) subject to subsection (b)(1)(C), is from a low-income family, as determined by the State or locality in accordance with regulations of the Secretary, except that the maximum family income for eligibility under this title shall not exceed the State or national median family income adjusted for family size, whichever is higher, as determined by the Secretary, in consultation with the Bureau of the Census, on the basis of the most recent satisfactory data available.

(b) AWARD RULES.—

(1) CONTINUING ELIGIBILITY.—Each State or locality receiving a grant under this title shall provide a scholarship in each year of its program to each child who received a scholarship during the previous year of the program, unless—

(A) the child no longer resides in the program area;

(B) the child no longer attends school;

(C) the child's family income exceeds, by 20 percent or more, the maximum family income of families who received scholarships in the preceding year; or

(D) the child is expelled or convicted of a felony, including felonious drug possession, possession of a weapon on school grounds, or violent acts against other students or a member of the school's faculty.

(2) PRIORITY.—If the amount of the grant provided under this title is not sufficient to provide a scholarship to each eligible child from a family that meets the requirements of subsection (a)(3), the State or locality shall provide scholarships to eligible children from the lowest income families.

SEC. 506. APPLICATIONS.

(a) APPLICATION.—Each State or locality that wishes to receive a grant under this title shall submit an application to the Secretary at such time and in such manner as the Secretary may reasonably require.

(b) CONTENTS.—Each such application shall contain—

(1) a description of the program area;

(2) an economic profile of children residing in the program area, in terms of family income and poverty status;

(3) the family income range of children who will be eligible to participate in the proposed program, consistent with section 505(a)(3), and a description of the applicant's method for identifying children who fall within that range;

(4) an estimate of the number of children, within the income range specified in paragraph (3), who will be eligible to receive scholarships under the program;

(5) information demonstrating that the applicant's proposed program complies with the requirements of section 503 and with the other requirements of this title;

(6) a description of the procedures the applicant has used, including timely and meaningful consultation with private school officials—

(A) to encourage public and private elementary schools and secondary schools to participate in the program; and

(B) to ensure maximum educational choices for the parents of eligible children and for other children residing in the program area;

(7) an identification of the public, private, and religious elementary schools and secondary schools that are eligible and have chosen to participate in the program;

(8) a description of how the applicant will inform children and their parents of the program and of the choices available to the parents under the program, including the availability of supplementary academic services under section 509(2);

(9) a description of the procedures to be used to provide scholarships to parents and to enable parents to use such scholarships, such as the issuance of checks payable to schools;

(10) a description of the procedures by which a school will make a pro rata refund to the Department of Education for any participating child who, before completing 50 percent of the school attendance period for which the scholarship was provided—

(A) is released or expelled from the school; or

(B) withdraws from school for any reason;

(11) a description of procedures the applicant will use to—

(A) determine a child's continuing eligibility to participate in the program; and

(B) bring new children into the program;

(12) an assurance that the applicant will cooperate in carrying out the national evaluation described in section 511;

(13) an assurance that the applicant will maintain such records relating to the program as the Secretary may require and will comply with the Secretary's reasonable requests for information about the program;

(14) a description of State or local funds (including tax benefits) and nongovernmental funds, that will be available under section 504(b)(2) to supplement scholarship funds provided under this title; and

(16) such other assurance and information as the Secretary may require.

(c) REVISIONS.—Each such application shall be updated annually as may be needed to reflect revised conditions.

SEC. 507. APPROVAL OF PROGRAMS.

(a) SELECTION.—From applications received each year the Secretary shall select not more than 10 scholarship programs on the basis of—

(1) the number and variety of educational choices that are available under the program to families of eligible children;

(2) the extent to which educational choices among public, private, and religious schools are available to all families in the program area, including families that are not eligible for scholarships under this title;

(3) the proportion of children who will participate in the program who are from families at or below the poverty line;

(4) the applicant's financial support of the program, including the amount of State, local, and nongovernmental funds that will be provided to match Federal funds, including not only direct expenditures for scholarships, but also other economic incentives provided to families participating in the program, such as a tax relief program; and

(5) other criteria established by the Secretary.

(b) GEOGRAPHIC DISTRIBUTION.—The Secretary shall ensure that, to the extent feasible, grants are awarded for programs in urban and rural areas and in a variety of geographic areas throughout the Nation.

(c) CONSIDERATION.—In considering the factor described in subsection (a)(4), the Secretary shall consider differences in local conditions.

SEC. 508. AMOUNTS AND LENGTH OF GRANTS.

(a) AWARDS.—The Secretary shall award not more than 10 grants annually taking into consideration the availability of appropriations, the number and quality of applications, and other factors related to the purposes of this title that the Secretary determines are appropriate.

(b) RENEWAL.—Each grant under this title shall be awarded for a period of not more than 3 years.

SEC. 509. USES OF FUNDS.

The Federal portion of any scholarship awarded under this title shall be used as follows:

(1) FIRST.—First, for—

(A) the payment of tuition and fees at the school selected by the parents of the child for whom the scholarship was provided; and

(B) the reasonable costs of the child's transportation to the school, if the school is not in the school district to which the child would be assigned in the absence of a program under this title.

(2) SECOND.—If the parents so choose, to obtain supplementary academic services for the child, at a cost of not more than $500, from any provider chosen by the parents, that the State or locality, in accordance with regulations of the Secretary, determines is capable of providing such services and has an appropriate refund policy.

(3) LASTLY.—Any funds that remain after the application of paragraphs (1) and (2) shall be used—

(A) for educational programs that help eligible children achieve high levels of academic excellence in the school attended by the eligible children for whom a scholarship was provided, if the eligible children attend a public school; or

(B) by the State or locality for additional scholarships in the year or the succeeding year of its program, in accordance with this title, if the child attends a private school.

SEC. 510. EFFECT OF PROGRAMS.

(a) TITLE I.—Notwithstanding any other provision of law, a local educational agency that, in the absence of an educational choice program that is funded under this title, would provide services to a participating eligible child under part A of title I of the Elementary and Secondary Education Act of 1965, shall provide such services to such child.

(b) INDIVIDUALS WITH DISABILITIES.—Nothing in this title shall be construed to affect the requirements of part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.).

(c) AID.—

(1) IN GENERAL.—Scholarships under this title are to aid families, not institutions. A parent's expenditure of scholarship funds at a school or for supplementary academic services shall not constitute Federal financial aid or assistance to that school or to the provider of supplementary academic services.

(2) SUPPLEMENTARY ACADEMIC SERVICES.—

(A) IN GENERAL.—Notwithstanding paragraph (1), a school or provider of supplementary academic services that receives scholarship funds under this title shall, as a condition of participation under this title, comply with the antidiscrimination provisions of section 601 of title VI of the Civil Rights Act of 1964 (42 U.S.C. 1681) and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794).

(B) REGULATIONS.—The Secretary shall promulgate new regulations to implement the provisions of subparagraph (A), taking into account the purposes of this title and the nature, variety, and missions of schools and providers that may participate in providing services to children under this title.

(d) OTHER FEDERAL FUNDS.—No Federal, State, or local agency may, in any year, take into account Federal funds provided to a State or locality or to the parents of any child under this title in determining whether to provide any other funds from Federal, State, or local resources, or in determining the amount of such assistance, to such State or locality or to a school attended by such child.

(e) NO DISCRETION.—Nothing in this title shall be construed to authorize the Secretary to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution or school participating in a program under this title.

SEC. 511. NATIONAL EVALUATION.

The Inspector General of the Department of Education shall conduct a national evaluation of the program authorized by this title. Such evaluation shall, at a minimum—

(1) assess the implementation of scholarship programs assisted under this title and their effect on participants, schools, and communities in the program area, including parental involvement in, and satisfaction with, the program and their children's education;

(2) compare the educational achievement of participating eligible children with the educational achievement of similar non-participating children before, during, and after the program; and

(3) compare—

(A) the educational achievement of eligible children who use scholarships to attend schools other than the schools the children would attend in the absence of the program; with

(B) the educational achievement of children who attend the schools the children would attend in the absence of the program.

SEC. 512. ENFORCEMENT.

(a) REGULATIONS.—The Secretary shall promulgate regulations to enforce the provisions of this title.

(b) PRIVATE CAUSE.—No provision or requirement of this title shall be enforced through a private cause of action.

SEC. 513. DEFINITIONS.

In this title—

(1) the term ''locality'' means—

(A) a unit of general purpose local government, such as a city, township, or village; or

(B) a local educational agency; and

(2) the term ''State'' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

TITLE VI—TAX PROVISIONS

SEC. 601. CREDIT FOR CONTRIBUTIONS TO SCHOOLS.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to nonrefundable personal credits) is amended by inserting after section 25A the following:

''SEC. 25B. CREDIT FOR CONTRIBUTIONS TO SCHOOLS.

''(a) ALLOWANCE OF CREDIT.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the qualified charitable contributions of the taxpayer for the taxable year.

''(b) MAXIMUM CREDIT.—The credit allowed by subsection (a) for any taxable year shall not exceed $500 ($250, in the case of a married individual filing a separate return).

''(c) QUALIFIED CHARITABLE CONTRIBUTION.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified charitable contribution' means, with respect to any taxable year, the amount allowable as a deduction under section 170 (determined without regard to subsection (e)(1)) for cash contributions to a school.

''(2) SCHOOL.—The term 'school' means any school which provides elementary education or secondary education (through grade 12), as determined under State law.

''(d) DENIAL OF DOUBLE BENEFIT.—No deduction shall be allowed under this chapter for any contribution for which credit is allowed under this section.

''(e) ELECTION TO HAVE CREDIT NOT APPLY.—A taxpayer may elect to have this section not apply for any taxable year.''

(b) CLERICAL AMENDMENT.—The table of sections for subpart A of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 25A the following:

''Sec. 25B. Credit for contributions to schools.''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1998.

SEC. 602. INCREASE IN ANNUAL CONTRIBUTION LIMIT FOR EDUCATION INDIVIDUAL RETIREMENT ACCOUNTS.

(a) IN GENERAL.—Section 530(b)(1)(A)(iii) of the Internal Revenue Code of 1986 (defining education individual retirement account) is amended by striking ''$500'' and inserting ''$1,000''.

(b) CONFORMING AMENDMENT.—Section 4973(e)(1)(A) of such Code is amended by striking ''$500'' and inserting ''$1,000''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1998.

TITLE VII—DEVELOPING BETTER EDUCATION TOOLS

SEC. 701. EDUCATIONAL TOOLS FOR UNDERSERVED STUDENTS.

(a) FINDINGS.—Congress makes the following findings:

(1) Limited data exists regarding Native American, Asian American and many other minority students.

(2) The limited data available regarding these students demonstrates potentially severe educational problems among Native American students and a decline in performance among Asian American students.

(b) STUDY AND DATA.—The Comptroller General shall conduct a study and collect data regarding the education of minority students, including Native American students, Asian American students, and all other students who are often combined in statistical data under the category of other, in order to provide more extensive and reliable data regarding the students and to improve the academic preparation of the students.

(c) MATTERS STUDIED.—The study referred to in subsection (a) shall examine and compile information regarding—

(1) the environment of the students;

(2) the academic achievement scores in reading, mathematics, and science of the students;

(3) the postsecondary education of the students;

(4) the environment and education of the members of the students' families; and

(5) the parental involvement in the education of the students.

(d) RECOMMENDATIONS.—The Comptroller General shall develop recommendations regarding the development and implementation of strategies to meet the unique educational needs of the students described in subsection (a).

(e) REPORT.—

(1) IN GENERAL.—The Comptroller General shall prepare a report regarding the matters studied, the information collected, and the

recommendations developed under this section.

(2) DISTRIBUTION.—The Comptroller General shall distribute the report described in paragraph (1) to each local educational agency and State educational agency in the United States, the Secretary, and Congress.

(f) FUNDING.—The Secretary shall make available to the Comptroller General, from any funds available to the Secretary for salaries and expenses at the Department of Education, such sums as the Comptroller General determines necessary to carry out this section.

SEC. 702. TEACHER TRAINING.

(a) FINDINGS.—Congress finds that too often inexperienced elementary school and secondary school teachers or teachers with low levels of education are found in schools predominately serving low-income students.

(b) STUDY.—The Comptroller General shall conduct a study to determine whether requiring teacher training in a specific subject matter or at least a minor degree in a subject matter (such as mathematics, science, or English results in improved student performance.

SEC. 703. PUTTING THE BEST TEACHERS IN THE CLASSROOM.

It is the sense of the Senate that—

(1) the individual States should evaluate their teachers on the basis of demonstrated ability, including tests of subject matter knowledge, teaching knowledge, and teaching skill;

(2) States in conjunction with the various local education agencies should develop their own methods of testing their teachers and other instructional staff with respect to the specific subjects taught by the teachers and staff, and should administer the test every 4 years to individual teachers;

(3) each local educational agency should give serious consideration to using a portion of the funds made available under section 101 to develop and implement a method for evaluating each individual teacher's ability to provide the appropriate instruction in the classroom; and

(4) each local educational agency is encouraged to give consideration to providing monetary rewards to teachers by developing a compensation system that supports teachers who become increasingly expert in a subject area, are proficient in meeting the needs of students and schools, and demonstrate high levels of performance measured against professional teaching standards, and that will encourage teachers to continue to learn needed skills and broaden the teachers' expertise, thereby enhancing education for all students.

TITLE VIII—EMPOWERING STUDENTS

SEC. 801. EMPOWERING STUDENTS.

The Secretary, not later than October 1, 2004, shall gradually reduce the sum of the costs for employees and administrative expenses at the Department of Education as of the date of enactment of this Act incrementally each year until the sum of the costs for employees and administrative costs are reduced by 35 percent.

ADDITIONAL COSPONSORS

S. 98

At the request of Mr. MCCAIN, the names of the Senator from Arkansas (Mr. HUTCHINSON), the Senator from Nebraska (Mr. KERREY), and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 98, a bill to authorize appropriations for the Surface Transportation Board for fiscal years 1999, 2000, 2001, and 2002, and for other purposes.

S. 288

At the request of Mr. JEFFORDS, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 288, a bill to amend the Internal Revenue Code of 1986 to exclude from income certain amounts received under the National Health Service Corps Scholarship Program and F. Edward Hebert Armed Forces Health Professions Scholarship and Financial Assistance Program.

S. 296

At the request of Mr. FRIST, the names of the Senator from Pennsylvania (Mr. SANTORUM) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. 296, a bill to provide for continuation of the Federal research investment in a fiscally sustainable way, and for other purposes.

S. 322

At the request of Mr. CAMPBELL, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 322, a bill to amend title 4, United States Code, to add the Martin Luther King Jr. holiday to the list of days on which the flag should especially be displayed.

S. 335

At the request of Ms. COLLINS, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 335, a bill to amend chapter 30 of title 39, United States Code, to provide for the nonmailability of certain deceptive matter relating to games of chance, administrative procedures, orders, and civil penalties relating to such matter, and for other purposes.

S. 364

At the request of Mr. BOND, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 364, a bill to improve certain loan programs of the Small Business Administration, and for other purposes.

S. 368

At the request of Mr. COCHRAN, the name of the Senator from Colorado (Mr. CAMPBELL) was added as a cosponsor of S. 368, a bill to authorize the minting and issuance of a commemorative coin in honor of the founding of Biloxi, Mississippi.

S. 376

At the request of Mr. BURNS, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 376, a bill to amend the Communications Satellite Act of 1962 to promote competition and privatization in satellite communications, and for other purposes.

S. 427

At the request of Mr. ABRAHAM, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 427, a bill to improve congressional deliberation on proposed Federal private sector mandates, and for other purposes.

S. 428

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 428, a bill to amend the Agricultural Market Transition Act to ensure that producers of all classes of soft white wheat (including club wheat) are permitted to repay marketing assistance loans, or receive loan deficiency payments, for the wheat at the same rate.

S. 429

At the request of Mr. DURBIN, the name of the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of S. 429, a bill to designate the legal public holiday of ''Washington's Birthday'' as ''Presidents' Day'' in honor of George Washington, Abraham Lincoln, and Franklin Roosevelt and in recognition of the importance of the institution of the Presidency and the contributions that Presidents have made to the development of our Nation and the principles of freedom and democracy.

S. 445

At the request of Mr. JEFFORDS, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 445, a bill to amend title XVIII of the Social Security Act to require the Secretary of Veterans Affairs and the Secretary of Health and Human Services to carry out a demonstration project to provide the Department of Veterans Affairs with medicare reimbursement for medicare healthcare services provided to certain medicare-eligible veterans.

S. 446

At the request of Mrs. BOXER, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 446, a bill to provide for the permanent protection of the resources of the United States in the year 2000 and beyond.

S. 459

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 459, a bill to amend the Internal Revenue Code of 1986 to increase the State ceiling on private activity bonds.

At the request of Mr. BREAUX, the names of the Senator from Maine (Ms. SNOWE), the Senator from Idaho (Mr. CRAPO), and the Senator from Idaho (Mr. CRAIG) were added as cosponsors of S. 459, supra.

S. 472

At the request of Mr. GRASSLEY, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 472, a bill to amend title XVIII of the Social Security Act to provide certain medicare beneficiaries with an exemption to the financial limitations imposed on physical, speech-language pathology, and occupational therapy services under part B of the medicare program, and for other purposes.

S. 531

At the request of Mr. ABRAHAM, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 531, a bill to authorize the President to award a gold medal on behalf of the Congress to Rosa Parks in recognition of her contributions to the Nation.

S. 595

At the request of Mr. DOMENICI, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 595, a bill to amend the Internal Revenue Code of 1986 to establish a graduated response to shrinking domestic oil and gas production and surging foreign oil imports, and for other purposes.

S. 597

At the request of Mr. SMITH, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 597, a bill to amend section 922 of chapter 44 of title 28, United States Code, to protect the right of citizens under the Second Amendment to the Constitution of the United States.

S. 608

At the request of Mr. MURKOWSKI, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 608, a bill to amend the Nuclear Waste Policy Act of 1982.

SENATE RESOLUTION 33

At the request of Mr. MCCAIN, the names of the Senator from North Dakota (Mr. DORGAN), the Senator from Mississippi (Mr. COCHRAN), the Senator from Idaho (Mr. CRAPO), the Senator from Nebraska (Mr. HAGEL), the Senator from Vermont (Mr. JEFFORDS), the Senator from Maine (Ms. COLLINS), the Senator from Texas (Mr. GRAMM), and the Senator from South Dakota (Mr. DASCHLE) were added as cosponsors of Senate Resolution 33, a resolution designating May 1999 as ''National Military Appreciation Month.''

SENATE RESOLUTION 54

At the request of Mr. FEINGOLD, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of Senate Resolution 54, a resolution condemning the escalating violence, the gross violation of human rights and attacks against civilians, and the attempt to overthrow a democratically elected government in Sierra Leone.

SENATE RESOLUTION 68

At the request of Mrs. BOXER, the names of the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Nevada (Mr. REID), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Minnesota (Mr. WELLSTONE), the Senator from Arkansas (Mrs. LINCOLN), and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of Senate Resolution 68, a resolution expressing the sense of the Senate regarding the treatment of women and girls by the Taliban in Afghanistan.

SENATE RESOLUTION 69—TO PROHIBIT THE CONSIDERATION OF RETROACTIVE TAX INCREASES IN THE SENATE

Mr. COVERDELL (for himself, Mr. HAGEL, Mrs. HUTCHISON, Mr. KYL, Mr. INHOFE, and Mr. GRASSLEY) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 69

Resolved,

SECTION 1. RULE OF THE SENATE PROHIBITING CONSIDERATION OF RETROACTIVE TAX INCREASES.

(a) IN GENERAL.—It shall not be in order in the Senate to consider any bill, joint resolution, amendment, motion, or conference report, that includes a retroactive Federal income tax rate increase.

(b) DEFINITION.—In this resolution—

(1) the term ''Federal income tax rate increase'' means any amendment to subsection (a), (b), (c), (d), or (e) of section 1, or to section 11(b) or 55(b), of the Internal Revenue Code of 1986, that imposes a new percentage as a rate of tax and thereby increases the amount of tax imposed by any such section; and

(2) a Federal income tax rate increase is retroactive if it applies to a period beginning prior to the enactment of the provision.

(c) SUPERMAJORITY WAIVER.—

(1) WAIVER.—The point of order in subsection (a) may be waived or suspended only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEALS.—An affirmative vote of three-fifths of the Members, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

(d) EFFECTIVE DATE.—This resolution takes effect on January 1, 1999.

SENATE RESOLUTION 70—TO AUTHORIZE REPRESENTATION OF SENATE AND MEMBERS OF THE SENATE

Mr. LOTT (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 70

Whereas, in the case of *James E. Pietrangelo, II* v. *United States Senate, et al.*, Case No. 1:99–CV–323, pending in the United States District Court for the Northern District of Ohio, the plaintiff has named the United States Senate and all Members of the Senate as defendants;

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(1), the Senate may direct its counsel to defend the Senate and Members of the Senate in civil actions relating to their official responsibilities: Now, therefore, be it

Resolved, That the Senate Legal Counsel is directed to represent the Senate and all Members of the Senate in the case of *James E. Pietrangelo, II* v. *United States Senate, et al.*

AMENDMENTS SUBMITTED

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR FISCAL YEAR 1999

HATCH (AND OTHERS) AMENDMENT NO. 79

(Ordered to lie on the table.)

Mr. HATCH (for himself, Mrs. FEINSTEIN, Mr. THURMOND, Mr. DEWINE, Mr. SESSIONS, and Mr. KENNEDY) submitted an amendment intended to be proposed by them to the bill (S. 544) making emergency supplemental appropriations and rescissions for recovery from natural disasters, and foreign assistance, for the fiscal year ending September 30, 1999, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . COMPLIANCE WITH ETHICAL STANDARDS FOR FEDERAL PROSECUTORS.

Section 801 of title VIII of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999 (Public Law 105–277) is amended by striking subsection (c) and inserting the following:

''(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 1 year after the date of enactment of this Act.''.

STEVENS AMENDMENT NO. 80

Mr. STEVENS proposed an amendment to the bill, S. 544, supra; as follows:

Insert on page 43, after line 15:

''PUBLIC AND INDIAN HOUSING

''HOUSING CERTIFICATE FUND

''(DEFERRAL)

''Of the funds made available under this heading in Public Law 105–276 for use in connection with expiring or terminating section 8 contracts, $350,000,000 shall not become available until October 1, 1999.''.

On page 42, strike beginning with line 10 through the end of line 21.

HUTCHISON AMENDMENT NO. 81

Mrs. HUTCHISON proposed an amendment to the bill, S. 544, supra; as follows:

On page 58, between lines 15 and 16, insert the following:

TITLE ____—RESTRICTIONS ON DEPLOYMENT OF UNITED STATES ARMED FORCES IN KOSOVO

SEC. ____01. SHORT TITLE.

This title may be cited as the ''_____ Act of 1999''.

SEC. ____02. DEFINITION.

In this title, the term ''Yugoslavia'' means the so-called Federal Republic of Yugoslavia (Serbia and Montenegro).

SEC. ____03. FUNDING LIMITATION.

(a) LIMITATION.—None of the funds appropriated or otherwise made available to the Department of Defense, including funds appropriated for fiscal year 1999 and prior fiscal years, may be obligated or expended for any deployment of ground forces of the Armed Forces of the United States to Kosovo unless and until—

(1) the parties to the conflict in Kosovo have signed an agreement for the establishment of peace in Kosovo;

(2) the President has transmitted to Congress the report provided for under section 8115 of Public Law 105–262 (112 Stat. 2327); and

(3) the President has transmitted to the Speaker of the House of Representatives and the President pro tempore of the Senate a report containing—

(A) a certification—

(i) that deployment of the Armed Forces of the United States to Kosovo is in the national security interests of the United States;

(ii) that—

(I) the President will submit to Congress an amended budget for the Department of Defense for fiscal year 2000 not later than 60 days after the commencement of the deployment of the Armed Forces of the United States to Kosovo that includes an amount sufficient for such deployment; and

(II) such amended budget will provide for an increase in the total amount for the major functional budget category 050 (relating to National Defense) for fiscal year 2000 by at least the total amount proposed for the deployment of the Armed Forces of the United States to Kosovo (as compared to the amount provided for fiscal year 2000 for major functional budget category 050 (relating to National Defense) in the budget that the President submitted to Congress February 1, 1999); and

(iii) that—

(I) not later than 120 days after the commencement of the deployment of the Armed Forces of the United States to Kosovo, forces of the Armed Forces of the United States will be withdrawn from on-going military operations in locations where maintaining the current level of the Armed Forces of the United States (as of the date of certification) is no longer considered vital to the national security interests of the United States; and

(II) each such withdrawal will be undertaken only after consultation with the Majority Leader of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives, and the Minority Leader of the House of Representatives;

(B) an explanation of the reasons why the deployment of the Armed Forces of the United States to Kosovo is in the national security interests of the United States;

(C) the total number of the United States military personnel that are to be deployed in Kosovo and the number of personnel to be committed to the direct support of the international peacekeeping operation in Kosovo, including ground troops, air support, logistics support, and intelligence support;

(D) the percentage that the total number of personnel of the United States Armed Forces specified in subparagraph (C) bears to the total number of the military personnel of all NATO nations participating in the international peacekeeping operation in Kosovo;

(E) a description of the responsibilities of the United States military force participating in the international peacekeeping operation to enforce any provision of the Kosovo peace agreement; and

(F) a clear identification of the benchmarks for the withdrawal of the Armed Forces of the United States from Kosovo, together with a description of those benchmarks and the estimated dates by which those benchmarks can and will be achieved.

(b) CONSULTATION.—

(1) IN GENERAL.—Prior to the conduct of any air operations by the Armed Forces of the United States against Yugoslavia, the President shall consult with the joint congressional leadership and the chairmen and ranking minority members of the appropriate congressional committees with respect to those operations.

(2) DEFINITIONS.—In this subsection:

(A) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(i) the Committee on Appropriations, the Committee on Armed Services, the Committee on International Relations, and the Permanent Select Committee on Intelligence of the House of Representatives; and

(ii) the Committee on Appropriations, the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate.

(B) JOINT CONGRESSIONAL LEADERSHIP.—The term ''joint congressional leadership'' means—

(i) the Speaker of the House of Representatives and the Majority Leader and the Minority Leader of the House of Representatives; and

(ii) the Majority Leader and the Minority Leader of the Senate.

SEC. ___04. REPORT ON PROGRESS TOWARD MEETING BENCHMARKS.

Thirty days after the date of enactment of this Act, and every 60 days thereafter, the President shall submit to Congress a detailed report on the benchmarks that are established to measure progress and determine the withdrawal of the Armed Forces of the United States from Kosovo. Each report shall include—

(1) a detailed description of the benchmarks for the withdrawal of the Armed Forces from Kosovo;

(2) the objective criteria for evaluating successful achievement of the benchmarks;

(3) an analysis of the progress made in achieving the benchmarks;

(4) a comparison of the current status on achieving the benchmarks with the progress described in the last report submitted under this section;

(5) the specific responsibilities assigned to the implementation force in assisting in the achievement of the benchmarks;

(6) the estimated timetable for achieving the benchmarks; and

(7) the status of plans and preparations for withdrawal of the implementing force once the objective criteria for achieving the benchmarks have been met.

SEC. ___05. STATUTORY CONSTRUCTION.

Nothing in this title restricts the authority of the President to protect the lives of United States citizens.

MCCAIN AMENDMENT NO. 82

Mr. STEVENS (for Mr. MCCAIN) proposed an amendment to the bill, S. 544, supra; as follows:

At the appropriate place, insert the following:

SEC. . EXTENSION OF AVIATION INSURANCE PROGRAM.

Section 44310 of title 49, United States Code, is amended by striking ''March 31, 1999.'' and inserting ''May 31, 1999.''.

GRASSLEY AMENDMENT NO. 83

Mr. STEVENS (for Mr. GRASSLEY) proposed an amendment to the bill, S. 544, supra; as follows:

On page 29, insert after line 10:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

OFFICE OF THE SECRETARY

GENERAL DEPARTMENTAL MANAGEMENT

For an additional amount for ''general departmental management'', $1,400,000, to reduce the backlog of pending nursing home appeals before the Department Appeals Board.

On page 42, line 8, strike $3,116,076,000 and insert $3,114,676,000.

On page 42, line 9, strike $164,933,000 and insert $163,533,000.

SHELBY (AND STEVENS) AMENDMENT NO. 84

Mr. STEVENS (for Mr. SHELBY for himself and Mr. STEVENS) proposed an amendment to the bill, S. 544, supra; as follows:

At the appropriate place in the bill, insert:

SEC. . TITLE 49 RECODIFICATION CORRECTION.—Effective December 31, 1998, section 4(k) of the Act of July 5, 1994 (Public Law 103–272, 108 Stat. 1370), as amended by section 7(a)(3)(D) of the Act of October 31, 1994 (Public Law 103–429, 108 Stat. 4329), is repealed.

BYRD AMENDMENT NO. 85

Mr. STEVENS (for Mr. BYRD) proposed an amendment to the bill, S. 544, supra; as follows:

On page 16, strike beginning with line 12 through page 23, line 8, and insert the following:

EMERGENCY STEEL LOAN GUARANTEE PROGRAM. (a) SHORT TITLE.—This section may be cited as the ''Emergency Steel Loan Guarantee Act of 1999''.

(b) CONGRESSIONAL FINDINGS.—Congress finds that—

(1) the United States steel industry has been severely harmed by a record surge of more than 40,000,000 tons of steel imports into the United States in 1998, caused by the world financial crisis;

(2) this surge in imports resulted in the loss of more than 10,000 steel worker jobs in 1998, and was the imminent cause of 3 bankruptcies by medium-sized steel companies, Acme Steel, Laclede Steel, and Geneva Steel;

(3) the crisis also forced almost all United States steel companies into—

(A) reduced volume, lower prices, and financial losses; and

(B) an inability to obtain credit for continued operations and reinvestment in facilities;

(4) the crisis also has affected the willingness of private banks and investment institutions to make loans to the U.S. steel industry for continued operation and reinvestment in facilities;

(5) these steel bankruptcies, job losses, and financial losses are also having serious negative effects on the tax base of cities, counties, and States, and on the essential health, education, and municipal services that these government entities provide to their citizens; and

(6) a strong steel industry is necessary to the adequate defense preparedness of the United States in order to have sufficient steel available to build the ships, tanks, planes, and armaments necessary for the national defense.

(c) DEFINITIONS.—For purposes of this section—

(1) the term ''Board'' means the Loan Guarantee Board established under subsection (e);

(2) the term ''Program'' means the Emergency Steel Guaranteed Loan Program established under subsection (d); and

(3) the term ''qualified steel company'' means any company that—

(A) is incorporated under the laws of any State;

(B) is engaged in the production and manufacture of a product defined by the American Iron and Steel Institute as a basic steel mill product, including ingots, slab and billets, plates, flat-rolled steel, sections and structural products, bars, rail type products, pipe and tube, and wire rod; and

(C) has experienced layoffs, production losses, or financial losses since the beginning of the steel import crisis, after January 1, 1998.

(d) ESTABLISHMENT OF EMERGENCY STEEL GUARANTEED LOAN PROGRAM.—There is established the Emergency Steel Guaranteed Loan Program, to be administered by the Board, the purpose of which is to provide loan guarantees to qualified steel companies in accordance with this section.

(e) LOAN GUARANTEE BOARD MEMBERSHIP.—There is established a Loan Guarantee Board, which shall be composed of—

(1) the Secretary of Commerce, who shall serve as Chairman of the Board;

(2) the Secretary of Labor; and

(3) the Secretary of the Treasury.

(f) LOAN GUARANTEE PROGRAM.—

(1) AUTHORITY.—The Program may guarantee loans provided to qualified steel companies by private banking and investment institutions in accordance with the procedures, rules, and regulations established by the Board.

(2) TOTAL GUARANTEE LIMIT.—The aggregate amount of loans guaranteed and outstanding at any 1 time under this section may not exceed $1,000,000,000.

(3) INDIVIDUAL GUARANTEE LIMIT.—The aggregate amount of loans guaranteed under this section with respect to a single qualified steel company may not exceed $250,000,000.

(4) MINIMUM GUARANTEE AMOUNT.—No single loan in an amount that is less than $25,000,000 may be guaranteed under this section.

(5) TIMELINES.—The Board shall approve or deny each application for a guarantee under this section as soon as possible after receipt of such application.

(6) ADDITIONAL COSTS.—For the additional cost of the loans guaranteed under this subsection, including the costs of modifying the loans as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a), there is appropriated $140,000,000 to remain available until expended.

(g) REQUIREMENTS FOR LOAN GUARANTEES.—A loan guarantee may be issued under this section upon application to the Board by a qualified steel company pursuant to an agreement to provide a loan to that qualified steel company by a private bank or investment company, if the Board determines that—

(1) credit is not otherwise available to that company under reasonable terms or conditions sufficient to meet its financing needs, as reflected in the financial and business plans of that company;

(2) the prospective earning power of that company, together with the character and value of the security pledged, furnish reasonable assurance of repayment of the loan to be guaranteed in accordance with its terms;

(3) the loan to be guaranteed bears interest at a rate determined by the Board to be reasonable, taking into account the current average yield on outstanding obligations of the United States with remaining periods of maturity comparable to the maturity of such loan; and

(4) the company has agreed to an audit by the General Accounting Office, prior to the issuance of the loan guarantee and annually while any such guaranteed loan is outstanding.

(h) TERMS AND CONDITIONS OF LOAN GUARANTEES.—

(1) LOAN DURATION.—All loans guaranteed under this section shall be payable in full not later than December 31, 2005, and the terms and conditions of each such loan shall provide that the loan may not be amended, or any provision thereof waived, without the consent of the Board.

(2) LOAN SECURITY.—Any commitment to issue a loan guarantee under this section shall contain such affirmative and negative covenants and other protective provisions that the Board determines are appropriate. The Board shall require security for the loans to be guaranteed under this section at the time at which the commitment is made.

(3) FEES.—A qualified steel company receiving a guarantee under this section shall pay a fee in an amount equal to 0.5 percent of the outstanding principal balance of the guaranteed loan to the Department of the Treasury.

(i) REPORTS TO CONGRESS.—The Secretary of Commerce shall submit to Congress annually, a full report of the activities of the Board under this section during fiscal years 1999 and 2000, and annually thereafter, during such period as any loan guaranteed under this section is outstanding.

(j) SALARIES AND ADMINISTRATIVE EXPENSES.—For necessary expenses to administer the Program, $5,000,000 is appropriated to the Department of Commerce, to remain available until expended, which may be transferred to the Office of the Assistant Secretary for Trade Development of the International Trade Administration.

(k) TERMINATION OF GUARANTEE AUTHORITY.—The authority of the Board to make commitments to guarantee any loan under this section shall terminate on December 31, 2001.

(*l*) REGULATORY ACTION.—The Board shall issue such final procedures, rules, and regulations as may be necessary to carry out this section not later than 60 days after the date of enactment of this Act.

(m) EMERGENCY DESIGNATION.—The entire amount made available to carry out this section—

(1) is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)); and

(2) shall be available only to the extent that an official budget request that includes designation of the entire amount of the request as an emergency requirement (as defined in the Balanced Budget and Emergency Deficit Control Act of 1985) is transmitted by the President to Congress.

FRIST (AND THOMPSON) AMENDMENT NO. 86

Mr. STEVENS (for Mr. FRIST for himself and Mr. THOMPSON) proposed an amendment to the bill, S. 544, supra; as follows:

On page 30, line 1, strike ''$11,300,000'' and insert ''$14,500,000''.

On page 43, line 12, strike ''$11,300,000'' and insert ''$14,500,000''.

STEVENS AMENDMENT NO. 87

Mr. STEVENS proposed an amendment to the bill, S. 544, supra; as follows:

At the Appropriate place in the bill, insert:

SEC. . Notwithstanding any other provision of law, the taking of a Cook Inlet beluga whale under the exemption provided in section 101(b) of the Marine Mammal Protection Act (16 U.S.C. 1371(a)) between the date of the enactment of this Act and October 1, 2000 shall be considered a violation of such Act unless such taking occurs pursuant to a cooperative agreement between the National Marine Fisheries Service and Cook Inlet Marine Mammal Commission.

STEVENS AMENDMENT NO. 88

Mr. STEVENS proposed an amendment to the bill, S. 544, supra; as follows:

At the Appropriate place in the bill, insert:

SEC. . Funds provided in the Department of Commerce, Justice and State, the Judiciary, and Related Agencies Appropriations Act, 1999 (P.L. 105–277, Division A, Section 101(b)) for the construction of correctional facility in Barrow Alaska shall be made available to the North Slope Borough.

HUTCHINSON AMENDMENT NO. 89

Mr. HUTCHINSON proposed an amendment to the bill, S. 544, supra; as follows:

At the appropriate place, insert the following new section:

SEC. ___. PRIOR CONGRESSIONAL APPROVAL FOR SUPPORTING ADMISSION OF CHINA INTO THE WTO.

(a) IN GENERAL.—Notwithstanding any other provision of law, the United States may not support the admission of the People's Republic of China as a member of the World Trade Organization unless a provision of law is passed by both Houses of Congress and enacted into law after the enactment of this Act that specifically allows the United States to support such admission.

(b) PROCEDURES FOR CONGRESSIONAL APPROVAL OF UNITED STATES SUPPORT FOR ADMISSION OF CHINA INTO THE WTO.—

(1) NOTIFICATION OF CONGRESS.—The President shall notify the Congress in writing if the President determines that the United States should support the admission of the People's Republic of China into the World Trade Organization.

(2) SUPPORT OF CHINA'S ADMISSION INTO THE WTO.—The United States may support the admission of the People's Republic of China into the World Trade Organization if a joint resolution is enacted into law under subsection (c) and the Congress adopts and transmits the joint resolution to the President before the end of the 90-day period (excluding any day described in section 154(b) of the Trade Act of 1974), beginning on the date on which the Congress receives the notification referred to in paragraph (1).

(c) JOINT RESOLUTION.—

(1) JOINT RESOLUTION.—For purposes of this section, the term ''joint resolution'' means only a joint resolution of the 2 Houses of Congress, the matter after the resolving clause of which is as follows: ''That the Congress approves the support of the United States for the admission of the People's Republic of China into the World Trade Organization.''.

(2) PROCEDURES.—

(A) IN GENERAL.—A joint resolution may be introduced at any time on or after the date on which the Congress receives the notification referred to in subsection (b)(1), and before the end of the 90-day period referred to in subsection (b)(2). A joint resolution may be introduced in either House of the Congress by any member of such House.

(B) APPLICATION OF SECTION 152.—Subject to the provisions of this subsection, the provisions of subsections (b), (d), (e), and (f) of section 152 of the Trade Act of 1974 (19 U.S.C. 2192(b), (d), (e), and (f)) apply to a joint resolution under this section to the same extent as such provisions apply to resolutions under section 152.

(C) DISCHARGE OF COMMITTEE.—If the committee of either House to which a joint resolution has been referred has not reported it by the close of the 45th day after its introduction (excluding any day described in section 154(b) of the Trade Act of 1974), such committee shall be automatically discharged from further consideration of the joint resolution and it shall be placed on the appropriate calendar.

(D) CONSIDERATION BY APPROPRIATE COMMITTEE.—It is not in order for—

(i) the Senate to consider any joint resolution unless it has been reported by the Committee on Finance or the committee has been discharged under subparagraph (C); or

(ii) the House of Representatives to consider any joint resolution unless it has been reported by the Committee on Ways and Means or the committee has been discharged under subparagraph (C).

(E) CONSIDERATION IN THE HOUSE.—A motion in the House of Representatives to proceed to the consideration of a joint resolution may only be made on the second legislative day after the calendar day on which the Member making the motion announces to the House his or her intention to do so.

(3) CONSIDERATION OF SECOND RESOLUTION NOT IN ORDER.—It shall not be in order in either the House of Representatives or the Senate to consider a joint resolution (other than a joint resolution received from the other House), if that House has previously adopted a joint resolution under this section.

GRASSLEY AMENDMENT NO. 90

(Ordered to lie on the table.)

Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill, S. 544, supra; as follows:

On page 29, insert after line 10:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

OFFICE OF THE SECRETARY

GENERAL DEPARTMENTAL MANAGEMENT

For an additional amount for ''general departmental management'', $1,400,000, to reduce the backlog of pending nursing home appeals before the Departmental Appeals Board.

On page 42, line 8, strike $3,116,076,000 and insert $3,114,676,000.

On page 42, line 9, strike $164,933,000 and insert $163,533,000.

EXPLANATION AND JUSTIFICATION

This amendment provides an additional $1,400,000 for the Department of Health and Human Services Appeals Board. The amendment would require that this sum be used by the Appeals Board to reduce a backlog of appeals by nursing facilities of civil monetary penalties levied by the Health Care Financing Administration for infractions of the Nursing Home Reform Act of 1987.

The Department of Health and Human Services Departmental Appeals Board hears and decides cases on appeal from program units of the Department. Lack of sufficient resources to handle a rapidly increasing case load has lead to a large backlog of pending cases. The major contributor to this backlog is a substantial increase in appeals of civil monetary penalties levied by HCFA on nursing facilities. Appeals of CMPs have increased at an accelerating rate each year since 1995. The rate of increase has accelerated further since January, 1999, reflecting the enhanced oversight and enforcement of nursing facilities undertaken by HCFA following a Presidential initiative and hearings by the Special Committee on Aging. The backlog of appeals subverts the purpose and effect of civil monetary penalties, delaying corrective action and improvements in the quality of care by nursing facilities. Delay in adjudication of appeals is also a burden to nursing facilities.

ADMINISTRATION BUDGET PROPOSAL FOR FY 2000

The Clinton Administration proposed an increase of $2.8 million for FY 2000 for the Departmental Appeals Board. This amendment would speed up provision of those funds the Appeals Board could effectively use before the end of this fiscal year and thus and permit the Appeals Board to begin immediately to take steps to reduce the backlog of appeals by nursing facilities.

DETAILS FOR DEPARTMENTAL APPEALS BOARD NURSING HOME CASELOAD

Year	Cases received	Closed no decision	Closed with decision	Pending
1996	335	101	22	212
1997	441	160	25	468
1998	483	303	22	626
1999[1]	196	117	4	701

[1] As of January 22, 1999.

Note that, although the number of new cases received each year has increased, the number of cases decided has not, indicating lack of resources sufficient to keep up with the increasing annual number of new cases. Currently, the Appeals Board is receiving about 25 new cases per week. In earlier periods 8 to 10 new cases per week were being received.

ROBERTS (AND BROWNBACK) AMENDMENT NO. 91

(Ordered to lie on the table.)

Mr. ROBERTS (for himself and Mr. BROWNBACK) submitted an amendment intended to be proposed by them to the bill, S. 544, supra; as follows:

At the appropriate place, insert:

SEC. . LIABILITY OF CERTAIN NATURAL GAS PRODUCERS.

The Natural Gas Policy Act of 1978 (15 U.S.C. 3301 et seq.) is amended by adding at the end the following:

''SEC. 603. LIABILITY OF CERTAIN NATURAL GAS PRODUCERS.

''If the Commission orders any refund of any rate or charge made, demanded, or received for reimbursement of State ad valorem taxes in connection with the sale of natural gas before 1989, the refund shall be ordered to be made without interest or penalty of any kind.''.

TORRICELLI AMENDMENT NO. 92

Mr. TORRICELLI proposed an amendment to the bill, S. 544, supra; as follows:

On page 45, between lines 18 and 19, insert the following:

SEC. ___. LIMITATION OF FUNDING.

(a) IN GENERAL.—Effective December 31, 1999, funding authorized pursuant to the third and fourth provisos under the heading ''SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES'' under the heading ''LEGAL ACTIVITIES'' under the heading ''GENERAL ADMINISTRATION'' in title II of Public Law 100–202 (101 Stat. 1329-9; 28 U.S.C. 591 note) shall not be available to an independent counsel, appointed before June 30, 1996, pursuant to chapter 40 of title 28, United States Code.

(b) PENDING INVESTIGATIONS.—Any investigation or prosecution of a matter being conducted by an independent counsel, appointed before June 30, 1996, pursuant to chapter 40 of title 28, United States Code, and the jurisdiction over that matter, shall be transferred to the Attorney General by December 31, 1999.

HELMS (AND MCCONNELL) AMENDMENT NO. 93

Mr. STEVENS (for Mr. HELMS for himself and Mr. MCCONNELL) proposed an amendment to the bill, S. 544, supra; as follows:

On page 8, line 22, insert before the proviso the following: ''*Provided further*, That up to $1,500,000 of the funds appropriated by this heading may be transferred to 'Operating Expenses of the Agency for International Development, Office of Inspector General', to remain available until expended, to be used for costs of audits, inspections, and other activities associated with the expenditure of funds appropriated by this heading: *Provided further*, That $500,000 of the funds appropriated by this heading shall made be available to the Comptroller General for purposes of monitoring the provision of assistance using funds appropriated by this heading: *Provided further*, That any funds appropriated by this heading that are made available for nonproject assistance shall be obligated and expended subject to the regular notification procedures of the Committees on Appropriations and to the notification procedures relating to the reprogramming of funds under section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394–1):''.

REID AMENDMENT NO. 94

Mr. STEVENS (for Mr. REID) proposed an amendment to the bill, S. 544, supra; as follows:

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

CONSTRUCTION, GENERAL

For an additional amount for ''Construction, General,'' $500,000 shall be available for technical assistance related to shoreline erosion at Lake Tahoe, NV caused by high lake levels pursuant to Section 219 of the Water Resources Development Act of 1992.

KYL AMENDMENT NO. 95

Mr. STEVENS (for Mr. KYL) proposed an amendment to the bill, S. 544, supra; as follows:

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

WATER AND RELATED RESOURCES

For an additional amount for ''Water and Related Resources,'' for emergency repairs to the Headgate Rock Hydraulic Project, $5,000,000 is appropriated pursuant to the Snyder Act (25 U.S.C.), to be expended by the Bureau of Reclamation, to remain available until expended.

DOMENICI AMENDMENT NO. 96

Mr. STEVENS (for Mr. DOMENICI) proposed an amendment to the bill, S. 544, supra; as follows:

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

CONSTRUCTION, GENERAL

Of the amounts made available under this heading in P.L. 105–245 for the Lackawanna River, Scranton, Pennsylvania, $5,000,000 are rescinded.

JEFFORDS AMENDMENT NO. 97

Mr. STEVENS (for Mr. JEFFORDS) proposed an amendment to the bill, S. 544, supra; as follows:

On page 9, line 10 after the word ''amended'' insert the following:

'': *Provided further*, That the Agency for International Development should undertake efforts to promote reforestation, with careful attention to the choice, placement, and management of species of trees consistent with watershed management objectives designed to minimize future storm damage, and to promote energy conservation through the use of renewable energy and energy-efficient services and technologies: *Provided further*, That reforestation and energy initiatives under this heading should be integrated with other sustainable development efforts''.

LEVIN AMENDMENT NO. 98

Mr. STEVENS (for Mr. LEVIN) proposed an amendment to the bill, S. 544, supra; as follows:

On page 58, between lines 15 and 16, insert the following:

TITLE V—MISCELLANEOUS

SEC. 5001. (a) DISPOSAL AUTHORIZED.—Subject to subsection (c), the President may dispose of the material in the National Defense

Stockpile specified in the table in subsection (b).

(b) TABLE.—The total quantity of the material authorized for disposal by the President under subsection (a) is as follows:

Authorized Stockpile Disposal

Material for disposal	Quantity
Zirconium ore	17,383 short dry tons

(c) MINIMIZATION OF DISRUPTION AND LOSS.—The President may not dispose of material under subsection (a) to the extent that the disposal will result in—

(1) undue disruption of the usual markets of producers, processors, and consumers of the material proposed for disposal; or

(2) avoidable loss to the United States.

(d) RELATIONSHIP TO OTHER DISPOSAL AUTHORITY.—The disposal authority provided in subsection (a) is new disposal authority and is in addition to, and shall not affect, any other disposal authority provided by law regarding the material specified in such subsection.

(e) NATIONAL DEFENSE STOCKPILE DEFINED.—In this section, the term ''National Defense Stockpile Transaction Fund'' means the fund in the Treasury of the United States established under section 9(a) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h(a)).

GRAHAM (AND DEWINE) AMENDMENT NO. 99

(Ordered to lie on the table.)

Mr. GRAHAM (for himself and Mr. DEWINE) submitted an amendment intended to be proposed by them to the bill, S. 544, supra; as follows:

On page 44, line 15, strike ''Military,'' and insert ''Military and those appropriated under title V of that division (relating to counter-drug activities and interdiction),''.

DOMENICI AMENDMENT NO. 100

Mr. STEVENS (for Mr. DOMENICI) proposed an amendment to the bill, S. 544, supra; as follows:

On page 30, after line 10 insert:

CHAPTER 7

EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

FEDERAL DRUG CONTROL PROGRAMS

HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM (INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy's High Intensity Drug Trafficking Areas Program, an additional $750,000 is appropriated for drug control activities which shall be used specifically to expand the Southwest Border High Intensity Drug Trafficking Area for the State of New Mexico to include Rio Arriba County, Santa Fe County, and San Juan County, New Mexico, which are hereby designated as part of the Southwest Border High Intensity Drug Trafficking Area for the State of New Mexico, and an additional $500,000 is appropriated for national efforts related to methamphetamine reduction efforts.''

On page 44, after line 7 insert:

CHAPTER 9

EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

FEDERAL DRUG CONTROL PROGRAMS

SPECIAL FORFEITURE FUND (RESCISSION)

Of the funds made available under this heading in Division A of the Omnibus Consolidated and Emergency Supplemental Appropriations, 1999 (Public Law 105–277) $1,250,000 are rescinded.

ROBERTS AMENDMENT NO. 101

Mr. STEVENS. (for Mr. ROBERTS) proposed an amendment to the bill, S. 544, supra; as follows:

At the appropriate place, insert:

SEC. —. LIABILITY OF CERTAIN NATURAL GAS PRODUCERS.

The Natural Gas Policy Act of 1978 (15 U.S.C. 3301 et seq.) is amended by adding at the end the following:

''SEC. 603. LIABILITY OF CERTAIN NATURAL GAS PRODUCERS.

''If the Commission orders any refund of any rate or charge made, demanded, or received for reimbursement of State ad valorem taxes in connection with the sale of natural gas before 1989, the refund shall be ordered to be made without interest or penalty of any kind.''.

STEVENS AMENDMENT NO. 102

Mr. STEVENS proposed an amendment to the bill, S. 544, supra; as follows:

At the end of Title II insert the following:

''SEC. . Section 328 of the Department of the Interior and Related Agencies Appropriations Act, 1999 (P.L. 105–277, Division A, Section 1(e), Title III) is amended by striking ''none of the funds in this Act'' and inserting ''none of the funds provided in this Act to the Indian Health Service or Bureau of Indian Affairs''.''

GRAMS AMENDMENT NO. 103

Mr. STEVENS (for Mr. GRAMS) proposed an amendment to the bill, S. 544, supra; as follows:

On page 30, between lines 10 and 11, insert the following:

PHA RENEWAL

Of amounts appropriated for fiscal year 1999 for salaries and expenses under this heading in title II of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999, $3,400,000 shall be transferred to the appropriate account of the Department of Housing and Urban Development for annual contributions to public housing agencies for the operation of low-income housing projects under section 673 of the Housing and Community Development Act of 1992 (42 U.S.C. 1437g): *Provided*, That in distributing such amount, the Secretary of Housing and Urban Development shall give priority to public housing agencies that submitted eligible applications for renewal of fiscal year 1995 elderly service coordinator grants pursuant to the Notice of Funding Availability for Service Coordinator Funds for Fiscal Year 1998, as published in the Federal Register on June 1, 1998.

LINCOLN AMENDMENT NO. 104

Mr. STEVENS (for Mrs. LINCOLN) proposed an amendment to the bill, S. 544, supra; as follows:

On page 5, line 9, strike ''watersheds'' insert in lieu thereof the following: ''watersheds, including debris removal that would not be authorized under the Emergency Watershed Program,''.

GORTON AMENDMENT NO. 105

Mr. STEVENS (for Mr. GORTON) proposed an amendment to the bill, S. 544, supra; as follows:

Add at the appropriate place the following new section:

SEC. . (a) LOAN DEFICIENCY PAYMENTS FOR CLUB WHEAT PRODUCERS.—In making loan deficiency payments available under section 135 of the Agricultural Market Transition Act (7 U.S.C. 7235) to producers of club wheat, the Secretary of Agriculture may not assess a premium adjustment on the amount that would otherwise be computed for club wheat under the section to reflect the premium that is paid for club wheat to ensure its availability to create a blended specialty product known as western white wheat.

(b) RETROACTIVE APPLICATION.—As soon as practicable after the date of the enactment of this Act, the Secretary of Agriculture shall make a payment to each producer of club wheat that received a discounted loan deficiency payment under section 135 of the Agricultural Market Transition Act (7 U.S.C. 7235) before that date as a result of the assessment of a premium adjustment against club wheat. The amount of the payment for a producer shall be equal to the difference between—

(1) the loan deficiency payment that would have been made to the producer in the absence of the premium adjustment; and

(2) the loan deficiency payment actually received by the producer.

(c) FUNDING SOURCE.—The Secretary shall use funds available to provide marketing assistance loans and loan deficiency payments under subtitle C of the Agricultural Market Transition Act (7 U.S.C. 7231 et seq.) to make the payments required by subsection (b).

STEVENS AMENDMENT NO. 106

Mr. STEVENS proposed an amendment to the bill, S. 544, supra; as follows:

At the appropriate place in title II, insert:

SEC. . GLACIER BAY. (a) DUNGENESS CRAB FISHERMEN.—Section 123(b) of the Department of the Interior and Related Agencies Appropriations Act, 1999 (section 101(e) of division A of Public Law 105–277) is amended—

(1) in paragraph (1)—

(A) by striking ''February 1, 1999'' and inserting ''June 1, 1999''; and

(B) by striking ''1996'' and inserting ''1998''; and

(2) in paragraph (3) by striking ''the period January 1, 1999, through December 31, 2004, based on the individual's net earnings from the Dungeness crab fishery during the period January 1, 1991, through December 31, 1996'' and inserting ''for the period beginning January 1, 1999 that is equivalent in length to the period established by such individual under paragraph (1), based on the individual's net earnings from the Dungeness crab fishery during such established period''.

(b) OTHERS EFFECTED BY FISHERY CLOSURES AND RESTRICTIONS.—Section 123 of the Department of the Interior and Related Agencies Appropriations Act, 1999 (section 101(e) of division A of Public Law 105–277), as amended, is amended further by redesignating subsection (c) as subsection (d) and inserting immediately after subsection (b) the following new subsection:

''(c) OTHERS AFFECTED BY FISHERY CLOSURES AND RESTRICTIONS.—The Secretary of the Interior is authorized to provide such funds as are necessary for a program developed with the concurrence of the State of Alaska to fairly compensate United States fish processors, fishing vessel crew members, communities, and others negatively affected by restrictions on fishing in Glacier Bay National Park. For the purpose of receiving compensation under the program required by this subsection, a potential recipient shall provide a sworn and notarized affidavit to establish the extent of such negative effect.''.

(c) IMPLEMENTATION.—Section 123 of the Department of the Interior and Related Agencies Appropriations Act, 1999 (section 101(e) of division A of Public Law 105–277), as amended, is amended further by inserting at the end the following new subsection:

''(e) IMPLEMENTATION AND EFFECTIVE DATE.—The Secretary of the Interior shall publish an interim final rule for the federal implementation of subsection (a) and shall provide an opportunity for public comment on such interim final rule. The effective date of the prohibitions in paragraphs (2) through (5) of section (a) shall be 60 days after the publication in the Federal Register of a final rule for the federal implementation of subsection (a). In the event that any individual eligible for compensation under subsection (b) has not received full compensation by June 15, 1999, the Secretary shall provide partial compensation on such date to such individual and shall expeditiously provide full compensation thereafter.''.

(d) Of the funds provided under the heading ''National Park Service, Construction'' in Public Law 105–277, $3,000,000 shall not be available for obligation until October 1, 1999.

GORTON AMENDMENT NO. 107

Mr. STEVENS (for Mr. GORTON) proposed an amendment to the bill, S. 544, supra; as follows:

On page 12, line 15, after the word ''nature'' insert the following: '', and to replace and repair power generation equipment''.

LANDRIEU AMENDMENT NO. 108

Mr. STEVENS (for Ms. LANDRIEU) proposed an amendment to the bill, S. 544, supra; as follows:

On page 9, line 10, after the word ''amended'' insert the following: ''*:Provided further*, That of the funds made available under this heading, up to $10,000,000 may be used to build permanent single family housing for those who are homeless as a result of the effects of hurricanes in Central America and the Caribbean''.

DASCHLE AMENDMENTS NO. 109–110

Mr. STEVENS (for Mr. DASCHLE) proposed two amendments to the bill, S. 544, supra; as follows:

AMENDMENT NO. 109

At the appropriate place, insert the following:

SEC. _____. WHITE RIVER SCHOOL DISTRICT #4.

From any unobligated funds that are available to the Secretary of Education to carry out section 306(a)(1) of the Department of Education Appropriations Act, 1996, the Secretary shall provide not more than $239,000, under such terms and conditions as the Secretary determines appropriate, to the White River School District #4, #47–1, White River, South Dakota, to be used to repair damage caused by water infiltration at the White River High School, which shall remain available until expended.

AMENDMENT NO. 110

At the appropriate place, insert the following new section:

SEC. ____. (a) The treatment provided to firefighters under section 628(f) of the Treasury and General Government Appropriations Act, 1999 (as included in section 101(h) of Division A of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277)) shall be provided to any firefighter who—

(1) on the effective date of section 5545b of title 5, United States Code—

(A) was subject to such section; and

(B) had a regular tour of duty that averaged more than 60 hours per week; and

(2) before December 31, 1999, is involuntarily moved without a break in service from the regular tour of duty under paragraph (1) to a regular tour of duty that—

(A) averages 60 hours or less per week; and

(B) does not include a basic 40-hour workweek.

(b) Subsection (a) shall apply to firefighters described under that subsection as of the effective date of section 5545b of title 5, United States Code.

(c) The Office of Personnel Management may prescribe regulations necessary to implement this section.

ENZI (AND OTHERS) AMENDMENT NO. 111

Mr. STEVENS (for Mr. ENZI for himself, Mr. SESSIONS, Mr. GRAMS, Mr. BRYAN, Mr. LUGAR, Mr. REID, Mr. VOINOVICH, and Mr. BROWNBACK) proposed an amendment to the bill, S. 544 supra; as follows:

At the appropriate place, insert the following:

SEC. . PROHIBITION.

(a) Notwithstanding any other provision of law, prior to eight months after Congress receives the report of the National Gambling Impact Study Commission, the Secretary of the Interior shall not—

(1) promulgate as final regulations, or in any way implement, the proposed regulations published on January 22, 1998, at 63 Fed. Reg. 3289; or

(2) issue a notice of proposed rulemaking for, or promulgate, or in any way implement, any similar regulations to provide for procedures for gaming activities under the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.), in any case in which a State asserts a defense of sovereign immunity to a lawsuit brought by an Indian tribe in a Federal court under section 11(d)(7) of that Act (25 U.S.C. 2710(d)(7)) to compel the State to participate in compact negotiations for class III gaming (as that term is defined in section 4(8) of that Act (25 U.S.C. 2703(8))).

(3) approve class III gaming on Indian lands by any means other than a Tribal-State compact entered into between a state and a tribe.

(b) DEFINITIONS.—

(1) The terms ''class III gaming'', ''Secretary'', ''Indian lands'', and ''Tribal-State compact'' shall have the same meaning for the purposes of this section as those terms have under the Indian Gaming Regulatory act (25 U.S.C. 2701 et seq.).

(2) the ''report of the National Gambling Impact Study Commission'' is the report described in section 4(b) of P.L. 104–169 (18 U.S.C. sec. 1955 note).

DORGAN (AND CRAIG) AMENDMENT NO. 112

Mr. STEVENS (for Mr. DORGAN, for himself and Mr. CRAIG) proposed an amendment to the bill, S. 544, supra; as follows:

At the appropriate place in title II, insert the following new section:

SEC. . SENSE OF THE SENATE: EXPRESSING THE SENSE OF THE SENATE THAT A PENDING SALE OF WHEAT AND OTHER AGRICULTURAL COMMODITIES TO IRAN BE APPROVED.

The Senate finds:

That an export license is pending for the sale of United States wheat and other agricultural commodities to the nation of Iran;

That this sale of agricultural commodities would increase United States agricultural exports by about $500 million, at a time when agricultural exports have fallen dramatically;

That sanctions on food are counterproductive to the interests of United States farmers and to the people who would be fed by these agricultural exports:

Now therefore, it is the sense of the Senate that the pending license for this sale of United States wheat and other agricultural commodities to Iran be approved by the administration.

GREGG AMENDMENT NO. 113

Mr. STEVENS (for Mr. GREGG) proposed an amendment to the bill, S. 544, supra; as follows:

At the appropriate place in title II, insert the following:

SEC. . LIMITATION ON FISHING PERMITS OR AUTHORIZATIONS

Section 617(a) of the Department of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999 (as added by section 101(b) of division A of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277)) is amended by inserting—

(a) ''or under any other provisions of the law hereinafter enacted,'' after ''made available in the Act''; and,

(b) at the end of paragraph (1) and before the semicolon, ''unless the participation of such a vessel in such fishery is expressly allowed under a fishery management plan or plan amendment developed and approved first by the appropriate Regional Fishery Management Council(s) and subsequently approved by the Secretary for that fishery under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.)''.

CRAPO AMENDMENT NO. 114

Mr. STEVENS (for Mr. CRAPO) proposed an amendment to the bill, S. 544, supra; as follows:

On page 58, between lines 15 and 16, insert the following:

SEC. 4. . WATER AND WASTEWATER INFRASTRUCTURE PROJECTS.

Of the amount appropriated under the heading ''ENVIRONMENTAL PROGRAMS AND MANAGEMENT'' in title III of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999 (Public Law 105–276), $1,300,000 shall be transferred to the State and tribal assistance grant account for a grant for water and wastewater infrastructure projects in the State of Idaho.

KOHL (AND OTHERS) AMENDMENT NO. 115

Mr. STEVENS (for Mr. KOHL, for himself, Mr. HARKIN, and Mr. DURBIN) proposed an amendment to the bill, S. 544, supra; as follows:

On page 37, line 9 strike $285,000,000'' and insert in lieu thereof $313,000,000''.

At the appropriate place, insert the following:

''SEC. . Notwithstanding Section 11 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714i), an additional $28,000,000 shall be provided through the Commodity Credit Corporation in fiscal year 1999 for technical assistance activities performed by any agency of the Department of Agriculture in carrying out any conservation or environmental program funded by the Commodity Credit

Corporation: *Provided,* That the entire amount shall be available only to the extent an official budget request for $28,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further,* That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.''.

BOND (AND OTHERS) AMENDMENT NO. 116

Mr. STEVENS (for Mr. BOND for himself, Mr. DURBIN, Mr. ASHCROFT, Mr. GRASSLEY, Mr. FRIST, and Mr. HARKIN) proposed an amendment to the bill, S. 544, supra; as follows:

On page 2, between lines 20 and 21, insert the following:

FUNDS FOR STRENGTHENING MARKETS, INCOME, AND SUPPLY

(SECTION 32)

For an additional amount for the fund maintained for funds made available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), $150,000,000: *Provided,* That the entire amount shall be available only to the extent an official budget request for $150,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: *Provided further,* That the entire amount is designated by Congress as an emergency requirement under section 251(b)(2)(A) of such Act.

On page 7, between lines 8 and 9, insert the following:

GENERAL PROVISION, THIS CHAPTER

SEC. ____. The Secretary of Agriculture may waive the limitation established under the second sentence of the second paragraph of section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), on the amount of funds that may be devoted during fiscal year 1999 to any 1 agricultural commodity or product thereof.

On page 37, line 9, strike ''$285,000,000'' and insert ''$435,000,000''.

BYRD (AND STEVENS) AMENDMENT NO. 117

Mr. STEVENS (for Mr. BYRD for himelf and Mr. STEVENS) proposed an amendment to the bill, S. 544, supra; as follows:

On page 37, line 9 strike ''$313,000,000'' and insert in lieu thereof ''$343,000,000''.

On page 5, after line 20 insert the following:

RURAL COMMUNITY ADVANCEMENT PROGRAM

For an additional amount for the costs of direct loans and grants of the rural utilities programs described in section 381E(d)(2) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009f), as provided in 7 U.S.C. 1926(a) and 7 U.S.C. 1926C for distribution through the national reserve, $30,000,000, of which $25,000,000 shall be for grants under such program: *Provided,* That the entire amount shall be available only to the extent an official budget request for $30,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further,* That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

STEVENS AMENDMENT NO. 118

Mr. STEVENS proposed an amendment to the bill, S. 544, supra; as follows:

At the appropriate place in the bill insert the following new section:

SEC. . Notwithstanding any other provision of law, monies available under section 763 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999 shall be provided by the Secretary of the Agriculture directly to any state determined by the Secretary of Agriculture to have been materially affected by the commercial fishery failure or failures declared by the Secretary of Commerce in September, 1998 under section 312(a) of the Magnuson-Stevens Fishery Conservation and Management Act. Such state shall disburse the funds to individuals with family incomes below the federal poverty level who have been adversely affected by the commercial fishery failure or failures: *Provided,* That the entire amount shall be available only to the extent an official budget request for such amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: *Provided further,* That the entire amount is designated by Congress as an emergency requirement under section 251(b)(2)(A) of such Act.

FEINSTEIN (AND BOXER) AMENDMENT NO. 119

Mr. STEVENS (for Mrs. FEINSTEIN for herself and Mrs. BOXER) proposed an amendment to the bill, S. 544, supra; as follows:

On page 2, line 11, strike $20,000,000 and insert $25,000,000.

On page 2, line 13, strike $20,000,000 and insert $25,000,000.

On page 37, line 9, increase the amount by $5,000,000.

DeWINE (AND OTHERS) AMENDMENT NO. 120

Mr. STEVENS (for Mr. DEWINE for himself, Mr. BURNS, and Mr. COVERDELL) proposed an amendment to the bill, S. 544, supra; as follows:

On page 24, between lines 2 and 3, insert the following:

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For an additional amount for ''International Narcotics Control and Law Enforcement'', $23,000,000, for additional counterdrug research and development activities: *Provided,* That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further,* That such amount shall be available only to the extent an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in such Act is transmitted by the President to the Congress.

On page 37 increase the amount of the rescission on line 9 by $23,000,000.

On page 44, between lines 11 and 12, insert the following:

(b) Section 832(a) of the Western Hemisphere Drug Elimination Act (Public Law 105–277) is amended—

(1) in the first sentence—

(A) by striking ''Secretary of Agriculture'' and inserting ''Secretary of State''; and

(B) by striking ''the Agricultural Research Service of the Department of Agriculture'' and inserting ''the Department of State'';

(2) in paragraph (5), by inserting ''(without regard to any requirement in law relating to public notice or competition)'' after ''to contract''; and

(3) by adding at the end the following:

''Any record related to a contract entered into, or to an activity funded, under this subsection shall be exempted from disclosure as described in section 552(b)(3) of title 5, United States Code.''.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Full Energy and Natural Resources Committee to consider Nuclear Waste Storage and Disposal Policy, including S. 608, the Nuclear Waste Policy Act of 1999.

The hearing will take place on Wednesday, March 24, 1999, at 9:30 A.M. in room SD–366 of the Dirksen Senate Office Building.

For further information, please call Karen Hunsicker at (202) 224–3543 or Betty Nevitt, Staff Assistant at (202) 224–0765.

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Senate Committee on Indian Affairs will meet during the session of the Senate on Wednesday, March 24, 1999 at 9:30 a.m. to conduct a Hearing on S. 399, the Indian Gaming Regulatory Improvement Act of 1999. The Hearing will be held in room 485 of the Russell Senate Office Building.

Those wishing additional information should contact the Committee on Indian Affairs at 202–224–2251.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. McCONNELL. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Wednesday, March 24, 1999 at 9:30 a.m. in Room SR–301 Russell Senate Office Building, to receive testimony on campaign contribution limits.

For further information concerning this meeting, please contact Tamara Somerville at the Rules Committee on 4–6352.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that hearings have been scheduled before the Committee on Energy and Natural Resources.

The hearings will take place on Tuesday, April 20; Tuesday, April 27, and Tuesday, May 4, 1999. Each hearing will commence at 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of the hearings is to receive testimony on S. 25, the Conservation and Reinvestment Act of 1999; S. 446, the Resources 2000 Act; S. 532, the Public Land and Recreation Investment Act of 1999; and the Administration's Lands Legacy proposal.

Because of the limited time available for each hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony of the Committee on Energy and Natural Resources, United States Senate, 364 Dirksen Senate Office Building, Washington, D.C. 20510-6150.

For further information, please contact Kelly Johnson at (202) 224-4971.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Thursday, March 18, 1999, at 9:30 a.m., in open session, to receive testimony on the Defense authorization request for fiscal year 2000 and the Future Years Defense Program.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. STEVENS. Mr. President, the Finance Committee requests unanimous consent to conduct a hearing on Thursday, March 18, 1999, beginning at 10:00 a.m., in room 215, Dirksen.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the sessions of the Senate on Thursday, March 18, 1999 and Friday, March 19, 1999. The purpose of these meetings will be to consider S. 326, the Patients' Bill of Rights, and several nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. STEVENS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, March 18, 1999 at 2:30 p.m. to hold a closed hearing on Intelligence Matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EAST ASIAN AND PACIFIC AFFAIRS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Subcommittee on East Asian and Pacific Affairs be authorized to meet during the session of the Senate on Thursday, March 18, 1999 at 10:00 p.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON READINESS AND MANAGEMENT

Mr. STEVENS. Mr. President, I ask unanimous consent that the Subcommittee on Readiness and Management support of the Committee on Armed Services be authorized to meet at 2:00 on Thursday, March 18, 1999, in open session, to review the readiness of the United States Air Force and Army Operating Forces.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

CROP INSURANCE IMPROVEMENT ACT OF 1999

• Mr. BURNS. Mr. President, I rise today as one of the proud cosponsors of S. 629, the Crop Insurance Improvement Act of 1999, sponsored by Senator CRAIG. The issue of crop insurance reform is and will continue to be a primary issue for agriculture this session.

The language offered today brings important changes to crop insurance, especially for specialty crops. This bill drastically improves procedures for determining yields and improves the non-insured crop assistance programs. This bill, S. 629, also improves the safety net to producers through cost of production crop insurance coverage.

This is another important tool to reform the current crop insurance program into a risk management program, which will return more of the economic dollar back to the producer. It is vital to find a solution to provide a way for farmers and ranchers to stay in agriculture. They must ultimately regain the responsibility for risk management the Federal Government withdrew.

To help agricultural producers do that, the Federal Government must fix the current crop insurance program and make it one the producer can use as an effective risk management tool. Eventually, I envision a crop insurance program that puts the control in the hands of agricultural producers. It is the Federal Government's role to facilitate a program to unite the producer and the private insurance company.

It is of utmost importance that we get the producers of this country back on track. Crop insurance reform is one sure way to do that. I urge my colleagues here today to consider the positive effect crop insurance will and must have on the farm economy.

Mr. President, I look forward to working with Senator CRAIG on crop insurance reform. I will have some amendments forthcoming, that I believe will make this bill even more effective. I also plan to introduce a bill this session that I believe will make even larger strides in the area of crop insurance reform.•

DOMESTIC HUNGER

• Mr. LEAHY. Mr. President, I take this opportunity to briefly talk about the problem of hunger in our nation. I would also like to place into the CONGRESSIONAL RECORD two recent front-page articles from the New York Times, written by Andrew Revkin. These articles provide valuable insight into the growing demand for emergency food assistance that food banks around the country have been facing over the last couple of years.

Mr. President, as we approach the beginning of the next century, we have much to be proud of as a nation. The stock market has reached an historic 10,000 mark. We are in the midst of one of the greatest economic expansions in our nation's history. More Americans own their own homes than at any time, and we have the lowest unemployment and welfare caseloads in a generation. Not to mention the fact that for the first time in three decades, there is a surplus in the federal budget.

Yet, there are millions of Americans who go hungry every day. This is morally unacceptable. We must resolve to put an end to the pernicious occurrence of hunger in our nation. Hunger is not a Democrat or Republican issue. Hunger is a problem that all Americans should agree must be ended in our nation.

While it is true that food stamp and welfare program caseloads are dropping, hunger is not. As families try to make the transition from welfare to work, too many are falling out and being left behind. And too often, it is our youth who is feeling the brunt of this, as one out of every five people lining up at soup kitchens is a child.

Second Harvest, the nation's largest hunger relief charity, distributed more than one billion pounds of food to an estimated 26 million low-income Americans last year through their network of regional food banks. These food banks provide food and grocery products to nearly fifty thousand local charitable feeding programs—food shelves, pantries, soup kitchens and emergency shelters.

Just as demand is rising at local hunger relief agencies, too many pantries and soup kitchens are being forced to turn needy people away because the request for their services exceeds available food. Today I enter into the record stories detailing some of the problems that these local hunger relief agencies, as chronicled in the New York Times.

Last December, Peter Clavelle, Mayor of Burlington, Vermont, released the U.S. Conference of Mayors Annual Survey of Hunger and Homelessness. The Mayors reported that demand for hunger relief services grew 14 percent last year. Additionally, 21 percent of requests for emergency food are estimated to have gone unmet. This is the highest rate of unmet need by

emergency food providers since the recession of the early 1990s. And this is not just a problem of the inner cities. According to the Census Bureau, hunger and poverty are growing faster in the suburbs than anywhere else in America. In my own state of Vermont, one in ten people is ''food insecure,'' according to government statistics. That is, of course, just a clinical way to say they are hungry or at risk of hunger.

Under the leadership of Deborah Flateman, the Vermont Food Bank in South Barre distributes food to approximately 240 private social service agencies throughout the state to help hungry and needy Vermonters. Just last week, the thousands of Vermonters who receive food from the Food Bank came perilously close to finding out what life would be like without its support, when the roof of the Food Bank's main warehouse collapsed. Though the warehouse was destroyed, the need for food was not, and the Vermont Food Bank is continuing its operation while being temporarily housed in a former nursing home. I applaud the efforts of Deborah and all of the workers and volunteers of the Food Bank who are persevering over this huge obstacle and are keeping food on the table for many hungry Vermonters.

The local food shelves and emergency kitchens which receive food from the Vermont Food Bank clearly are on the front-line against hunger. And what they are seeing is very disturbing—one in four seeking hunger relief is a child under the age of 17. Elderly people make up more than a third of all emergency food recipients. We cannot continue to allow so many of our youngest and oldest citizens face the prospect of hunger on a daily basis.

Perhaps the most troubling statistic about hunger in Vermont is that in 45 percent of the households that receive charitable food assistance, one or more adults are working. Nationwide, working poor households represent more than one-third of all emergency food recipients. These are people in Vermont and across the U.S. who are working, paying taxes and contributing to the economic growth of our nation, but are reaping few of the rewards.

Of the many problems that we face as a nation, hunger is one that is entirely solvable. It is my hope that my colleagues will read these articles, and that this body can then begin to take serious action during the 106th Congress, especially as we embark upon the fiscal year 2000 budget process, to end domestic hunger.

I ask that the two articles from the New York Times, dated February 26, and February 27, 1999 be printed in the RECORD.

The articles follow:

[From the New York Times, Feb. 27, 1999]

AS DEMAND FOR FOOD DONATIONS GROWS, SUPPLIES STEADILY DWINDLE

(By Andrew C. Revkin)

Ron Taritas was sitting in his office on the lake front in Chicago, phone in hand, dialing for donations. He was not having a very good day.

As one of four full-time brokers at Second Harvest, the country's largest nonprofit clearinghouse for donations to soup kitchens and food pantries, Taritas has the job of reeling in the grocery industry's castoffs—the mislabeled cans, outdated cartons and unpopular brands that will never make it to supermarket shelves.

But eight hours into this day, his best catch was 4,000 cases of Puffed Wheat, Raisin Bran, Honey Smacks and other cereals. Beyond that, all he had to show for his work was 32 cases of chocolate-crunch energy bars from a warehouse in Honolulu, 500 cases of bottled spring water from Tucson, Ariz., and 5,000 cases of Cremora from Columbus, Ohio.

''Some days,'' Taritas said, ''it's like catching smoke.''

These are anxious times at Second Harvest, the hub of America's sprawling system of church-basement soup kitchens and food pantries.

Over nearly two decades, that network has expanded to serve more than $1 billion worth of food each year to 20 million Americans. But now, as changes in welfare policy push many people away from the public dole, private charity is lagging even further behind in its efforts to feed the lengthening lines.

Part of the problem, by the charities' account, is rising demand on a system that was never really able to keep up in the first place. Last year, Second Harvest calculated that it would have to double the flow of food to supply everyone seeking help.

But the supply side has begun to hit hard times, too. Most troubling to the charities is the cooling of their traditional symbiotic relationship with America's food-making giants, in which millions of tons of surplus food products has flowed to people in need.

From the first, the key to that relationship was the industry's propensity for waste—and the charities' eagerness to make it go away, gracefully. But in the streamlining spirit of business in the late 1990's, the food makers are simply making fewer errors. And so there is less surplus food to pass along.

These days, a mantra of grocery manufacturers is ''zero defects.'' Chicken not good enough for cutlets is pressed into nuggets; scraps not good enough for nuggets are pulverized into pet food. Sales figures from checkout scanners are fed daily to manufacturers, allowing factories to fine-tune their output to match demand.

And in the last few years, heaps of dented or out-of-date cans and cartons have become the basis for an estimated $2 billion-a-year market in ''unsalable'' food. Instead of being donated, damaged goods are exported to developing countries or resold at sharp discounts in suburban flea markets, unlicensed stores in rural areas or warehouse-style outlets.

Certainly, the grocery makers still turn out a lot of surplus food. But over the last three years, after rising steadily for more than 15 years, the donations that are the core of Second Harvest's business have fallen 10 percent. And while a glut of pork and the Asian economic crisis allowed the Federal Government to kick in an unexpected burst of unsold meat and produce last year, demand is increasingly outstripping supply.

Although the drop is not enormous, it has already begun to reverberate across the far-flung charity network. From Second Harvest to the regional food banks and then down to the local outlets, the charities have been forced to devise all manner of new strategies to keep the food coming. They are cutting new deals with the grocery makers. They are reaching out to farmers and fishermen. Mainly, they are spending more of their time and scant money chasing additional, but smaller, donations from local sources instead of big corporations.

Some food pantries and soup kitchens remain relatively flush. But across the country, thousands of others are cutting hours, limiting the size and frequency of handouts, rationing coveted items like hot dogs and peanut butter and seeking unorthodox supplements like road-killed deer, according to state and local surveys and Second Harvest reports. Some are even having to turn people away.

Last year, half the food charities in New York City cut the size of handouts at least part of the year, according to a survey by the New York City Coalition Against Hunger, a private group. Largely for lack of food, the coalition has begun counseling churches and synagogues against setting up new pantries and soup kitchens.

At the end of the emergency-food chain—the men, women and children standing in line at the church-basement door—that faltering flow of donations is calling into question the notion that private charity should, and can, soften the sting of losing public entitlements. These days, a lot of people in the food-banking business are worrying that a system created as a supplement to public aid is turning out to be an increasingly ineffective substitute for it.

THE CHARITY NETWORK: SOURCE IN A CRISIS IS NOW A MAINSTAY

Twenty-five years ago, the only food bank in New Jersey was Kathleen DiChiara, a homemaker from Summit who carted canned goods in her station wagon from food drives at churches to people in need. Around the country, food pantries and soup kitchens were almost unknown beyond Skid Row.

But as the deep recession of the early 1980's took hold, followed by the budget cuts of the Reagan era, growing numbers of people found themselves without adequate food. Dozens, and then hundreds, of soup kitchens and food pantries sprouted where none had been seen since the Depression.

Even so, Ms. DiChiara recalled, there was always a feeling that the crisis would pass: Congress would restore money for social programs; the economy would revive.

But while the economy rebounded and Congress provided relief for the poor, the demand for food handouts grew, along with the charity network. And by the late 1980's, people in the food-banking business had begun to realize that they were becoming a fixture on the American landscape—more a secondary safety net than an emergency source of food.

Today, Ms. DiChiara runs one of the biggest food-banking operations in the country, the Community Food Bank of New Jersey, with a fleet of trucks that each month distributes a million pounds of food out of a 280,000-square-foot warehouse. New York City, which had only three dozen pantries and soup kitchens in 1980, had 600 in 1992 and now has about 1,100. Across the nation, the food network is more than 40,000 soup kitchens and food pantries strong, with more than 3,000 paid employees and 900,000 volunteers.

Almost from the beginning, the food network formed a tight alliance with grocery manufacturers. The charities offered a perfect outlet, allowing manufacturers and stores to dispose of damaged or unsold goods, cut dumping costs, gain tax breaks and get some good publicity along the way.

Soon, the relationship was institutionalized in formal agreements, and food company executives joined the boards of Second Harvest and its regional food banks.

But all along, there was a queasy feeling that this cozy, co-dependent relationship could not last. Sooner or later, the food

bankers knew, they would begin to pay for their reliance on the industry's prodigal past.

Soon after Thomas Debrowski became head of operations for the Pillsbury Company in 1991, the community relations people walked into his office in Minneapolis and presented him with records of the regular annual donation of several million pounds of flawed or unsold food to Second Harvest.

''They wanted to know if we wanted to increase it,'' Debrowski recalls. ''I said, 'Increase? My objective is to give them nothing next year.' ''

To an executive charged with burnishing the bottom line, in a business climate where everyone was on the prowl for greater efficiencies, the idea that millions of pounds of food was either failing inspection or going stale in warehouses was not acceptable. And before long, like most of the big food companies, Pillsbury instituted economies up and down the production line.

On the line for Green Giant Niblets brand corn, where workers once picked out discolored kernels by hand, electronic eyes now detect the rejects, and a puff of air blasts the offending kernel from the conveyer belt.

Shipping containers that tended to be crushed have been redesigned.

At a Minute Maid Hi-C fruit punch plant in Wharton, N.J., the process has been streamlined so that the raw ingredients arrive just 6 to 10 hours before a batch of juice is packaged, maintaining freshness and reducing the chance of a bad run. Where previously juice was not tested for quality until it had been canned, continual checks are now made for factors like sweetness, flavor, color and vitamin content right on the assembly line.

Improvements in marketing have paralleled those in manufacturing.

In the wasteful old days, new products were tested according to the Darwinian laws of the marketplace: A company would blanket the nation with the various new snack foods, for example, knowing that some were sure to fail. Only the fittest survived. The rest ended up in somebody's food bank.

Now, instead of ''pushing'' products out into the market, as industry argot would have it, the focus is on having them ''pulled'' into stores.

That means doing research to gauge consumer interests, testing products in carefully dissected markets before distributing them widely and tailoring production to sales. The result is far fewer stacks of failed experiments and formerly fashionable foods, like the oat bran cookies and muffins that became a staple at the nation's food banks after the fad faded in the early 90's.

Over all, what this means is that after rising steadily until 1995, when they reached 285 million pounds, annual donations from the big national food companies dropped to 259 million pounds in 1998.

To a certain extent, the food charities had become their own worst enemy by making waste so identifiable, said Janet E. Poppendieck, a Hunter College sociologist and author of a new book, ''Sweet Charity: Emergency Food and the End of Entitlement'' (Viking Press, 1998).

''No firm is going to continue to put labels on jars upside down so that there will be peanut butter at the food bank,'' she said.

'BANANA BOX DEALS': NEW COMPETITION FOR FLAWED GOODS

At the supermarket, the can or carton of soup or cereal that still fails to sell, or is dented after falling off a truck or store shelf, remains the biggest single source of food for the charity pipeline.

Now, in a shift that has the companies and the charities alarmed, more and more of these products are finding their way back out to paying customers.

Over the last decade, a host of ''reclamation centers'' have evolved as a way for supermarket chains to tally damage and charge manufacturers for losses. At the centers, leaky packages are thrown out, and any usable products are repacked in the rectangular cartons in which bananas are shipped. Some are donated to Second Harvest, particularly if the manufacturer requested that option. But, more and more, the cans and cartons are sold, at pennies on the dollar, to wholesalers who sell them yet again.

One recent posting on a Web site for salvaged goods, by a Massachusetts company called I–ADA Merchandise Marketing, made this offer: ''Eight trailer loads of food from one of the leading department store chains in the U.S.A. All food is in date and has been gone through to discard any unmarketable merchandise. This is super clean merchandise. Packed in banana boxes. All boxes are full. You will not find a better banana box deal!!!!!''

In this trade, Second Harvest sees competition for a scarce resource. Companies like Lipton, Campbell Soup and Quaker Oats find themselves in a tug of war with their retailers over control of this damaged merchandise. With brand names they have nurtured for decades, the manufacturers fear liability and loss of consumer loyalty if a flea market shopper becomes ill after eating one of their products on this largely unregulated market. For their part, the retailers say the goods are their property to dispose of as they wish.

So far, this emerging market has not significantly slowed the flow of donated damaged goods to charities, but staff members at several large food charities project that it will. Indeed, clearly threatened by this booming trade, Second Harvest this year said it would enter the salvage business itself, offering to provide a secure final resting spot of damaged goods, distributing usable items only through its charity network and destroying anything that cannot be used.

REINVENTING THE DEAL: FACTORY RUNS FOR THE HUNGRY

Second Harvest and smaller food charities are trying a host of other strategies as they scurry to keep goods on charity shelves.

''Everyone knew the charities were going to be expected to do more now,'' Ms. DiChiara said. ''What I'm finding is that we're expected to do more with less.''

Until two years ago, Golden Grain, a pasta maker, donated thousands of pounds of noodles each month to the Greater Chicago Food Depository, the second largest food bank in the Second Harvest network. But donations fell after the company figured out how to grind up substandard pasta and feed it back through its machines, said the food bank's executive director, Michael P. Mulqueen.

Ultimately, the food bank and the pasta maker came up with a way to compensate for lost donations by running the factory at times of low market demand to create noodles just for the food bank, Mulqueen said. Pillsbury's Thomas Debrowski instituted a similar practice several years ago, and Minute Maid has begun making juice for Second Harvest. Some other companies, like Kraft, have shifted to cash donations.

Charities are also approaching farmers to scavenge leftover crops, conducting the Biblical ''second harvest'' for which the national group is named. The Clinton Administration last year announced plans for an ambitious campaign to glean some of the mountains of imperfect produce that now go to waste each year.

And last year, Second Harvest began distributing tons of Pacific Northwest fish that is caught in nets but cannot be sold because of Federal regulations controlling some fish stocks. The program, created with Northwest Food Strategies, a nonprofit group in Seattle, now sends frozen salmon, halibut and other fish around the country.

As always, canned-food drives by scouting groups and religious congregations are being employed, but they provide a fraction of the total flow, and the assortment of goods often does not contain the foods that are most needed—stew or cereal and the like.

At the Neighbor to Neighbor food pantry in Greenwich, Conn., there is a ''gourmet section,'' which recently contained goose liver pate, lemon curd and bamboo shoots.

Over all, experience has produced a discouraging sense at Second Harvest and other food banks that whenever they identify a new source of food, it seems to dry up.

''You peck away,'' said James Barone, who is in charge of procuring supplies for Food for Survival, the main New York city food bank. ''And it's a constant battle.''

For several years, trucks and crews from Food for Survival have toured the Hunt's Point produce market in the Bronx each morning after the supermarkets or other retailers have bought their supply for the day, seeking donations of overripe tomatoes or wilted lettuce or whatever else is left.

But the city's greengrocers appear to have noticed, and they often now wait until the end of the morning sales period, then offer cash, at a lower-than-usual price, for goods that might once have found their way into the charity system.

LIMITS ON CHARITY: BARE CUPBOARDS AND SAYING NO

At the food pantry in the basement of St. Raymond's Roman Catholic Church in the Parkchester section of the Bronx, the impact of the irregular flow of goods is apparent as soon as you walk in the door.

There is the large sign on a bulletin board: ''Alert. This food pantry is experiencing shortages. We reserve the right to limit quantities, limit the number of visits, extend the time between visits at any time and without prior notice.''

And there are the plastic bags of canned goods, rice and cereal handed out to a steady stream of old people, young women and a few young men. These days, the volunteers making up the grocery bags have less to choose from, because of a backlog of orders at Food for Survival.

Even basics like bread and juice are lacking lately, said Priscilla DiNapoli, the program's paid coordinator. When the Kellogg's Corn Flakes run out, as they inevitably do, the workers hand out Department of Agriculture crisp rice cereal printed with a message encouraging users to extend their other meals with cereal.

The flow of food was not coming close to keeping pace with rising demand, as many as 1,500 clients a month, Ms. DiNapoli said. So last spring, instead of letting people return every two weeks, the agency began limiting them to one visit a month, she said. ''We just don't have the food.''

[From the New York Times, Feb. 25, 1999]

PLUNGE IN USE OF FOOD STAMPS CAUSES CONCERN

(By Andrew C. Revkin)

The nation's food stamp rolls have dropped by one-third in four years, leading to a growing concern that the decline is caused partly by needy people's hesitance to apply for benefits.

A vibrant economy is clearly a major reason that the number of people using food stamps fell to fewer than 19 million last November, from nearly 28 million people four years earlier. But some in Congress, at the Agriculture Department, which administer

the food stamp program, and at private poverty groups say they feel that a significant number of people are not seeking help even though they still lack food and are eligible.

Some officials say they believe that stringent rules intended to put welfare recipients to work and reduce the welfare rolls may have also discourage people from seeking food stamps.

Some states and cities seeking to cut welfare rolls aggressively, for example, require applicants to search a month or more for a job before they can get benefits of any kind. Often, official say, people in need of emergency food aid simply walk out the door.

''The goal was to get people off welfare programs, but people may have failed to understand that the food stamp program is not a welfare program,'' said Shirley R. Watkins, the Under Secretary of Agriculture for food, nutrition and consumer service. ''It's nutritional assistance.''

In other cases, Ms. Watkins and other officials say, it may simply be the rising stigma surrounding public aid of all sorts that is keeping people from applying for food aid, the officials say.

The notion that too many people have abandoned food stamps has caused a flurry of activity at the Agriculture Department.

The department recently commissioned a study to understand a simultaneous rise in the demand on private food charities like church-basement food pantries and soup kitchens. The goal is to determine if some of these charity seekers are asking for handouts at private charities because they have lost access to public food aid, agriculture officials said.

Obtaining food stamps requires a simple showing of financial need, unlike other Federal benefits with more stringent regulations and requirements.

Medicaid has similar broad eligibility, and it too has recorded a similar unexplained drop in its rolls. Some officials have said that while this drop, too, can be attributed partly to the economy, some may also be the result of recipients believing, inaccurately, that once they are removed from welfare rolls, they are also ineligible for Medicaid.

Ms. Watkins said there were indications from states like Wisconsin that some people leaving welfare for low-wage work are not continuing to seek food stamps that could help them make it through the month.

Her misgivings are shared by some members of Congress from both sides of the aisle.

It is becoming apparent that the welfare reforms of 1996 did not anticipate how tightly access to food stamps was linked to access to welfare, said Representative Nancy L. Johnson, Republican of Connecticut and chairwoman of the House Ways and Means Subcommittee on Human Resources.

''We do think there's a problem here,'' Mrs. Johnson said. ''We need to see why state systems don't seem to capture the food-stamp eligible population very well.

''When you make a big change in one system it's going to have ramifications for other systems,'' Mrs. Johnson said. ''Some are positive. If people aren't getting food stamps because they're making more money, that's a good thing.''

She said her committee was planning to hold hearings on the matter this year.

So far analysts have been able to gauge only roughly how many eligible people have left the food stamp program even though they need the aid. Last year, for example, the Congressional Budget Office calculated that 2.9 million such people left the food stamp rolls from 1994 to 1997. The budget office report, a projection of economic conditions through 2008, proposed that the rising stigma and barriers surrounding welfare offices could be driving eligible people away.

Whatever the reasons, no one disputes how drastically the program has shrunk, both in the number of people enrolled and in the cost of providing the aid. Since 1994, the cost of the food stamp program has fallen to $18.9 billion from $24.5 billion, according to the Agriculture Department.

But some conservative poverty analysts say the drop in food stamp rolls does not indicate a problem. Robert Rector, who studies welfare for the Heritage Foundation, a private group in Washington, said the drop was simply a recovery from a period through the early 1990's when access to food stamps and other assistance became too easy.

''In the late 80's and early 90's you had this notion of one-stop shopping, getting people on as many benefits as you could,'' Mr. Rector said.''A lot of the decline now is hyped.''

He said that Congress would do well to make food stamps less readily available, by instituting work requirements and other rules similar to those already imposed on other forms of assistance.

But Agriculture Department officials are pushing the states to be sure their welfare offices are in line with Federal rules, which require prompt processing of food stamp applications.

On Jan. 29, the administrator of the food stamp program, Samuel Chambers Jr., sent a letter to the commissioners of welfare and food stamp program in every state urging them to review their policies to make sure they do not violate Federal law.

Federal officials had been particularly concerned with the situation in New York City, where newly revamped welfare offices, now called job centers, were delaying food stamp applications and often directing applicants to private food pantries instead.

After a Federal judge last month ruled that the city food stamp process violated Federal law, the city promised to change its practices.

In recent days, the city made another, unrelated policy change that city officials say will trim several thousand people from food stamp rolls. Under the 1996 package of Federal welfare changes, single able-bodied adults can be cut off from food stamps after three months if they do not work at least 20 hours a week or participate in a workfare program.

Counties can seek waivers to the work requirement if they have high unemployment rates, and for two years the counties in New York City had all sought the waivers, preserving the food aid.

This year, though, the city has chosen not to seek the waivers, so that city residents who are single and able to work must find work or lose their food stamps, said Deborah Sproles, a spokeswoman for the city Human Resources Administration.

Yesterday, private groups focused on poverty issues criticized the city's decision, saying it could put as many as 25,000 people at risk of hunger. But, Ms. Sproles said, ''this is part of the city's overall effort to start helping people gain self reliance.''●

TRIBUTE TO MRS. SHELBY JEAN (''JEANIE'') KIRK

● Mr. WARNER. Mr. President, I wish to take this opportunity to recognize and say farewell to an outstanding civil servant, Mrs. Jeanie Kirk, upon her retirement from the Department of the Navy after more than 38 years of dedicated service. Throughout her career, Mrs. Kirk has served with distinction, and it is my privilege to recognize her many accomplishments and to commend her for the superb service she has provided the United States Navy and our nation.

Mrs. Kirk's retirement on 3 May 1999 will bring to a close almost four decades of dedicated service to the United States Navy. From 1960 to 1966, Mrs. Kirk was assigned to the Navy's Personal Affairs Division. From 1966–1968, she was assigned to the Navy's Casualty Branch. For the next 31 years of her service, Mrs. Kirk was a member of the Navy Awards Branch, starting as the Assistant Branch Head in 1968 and becoming the Branch Head in 1978. Throughout her tenure, she has become a well-known and beloved figure among the fleet, from seamen to admirals, among veteran organizations, such as the Congressional Medal of Honor Society, and individuals, such as survivors of the Pearl Harbor attack. She has assisted countless individuals in tracking, reinstating or garnering appropriate awards and recognition for their service to their country, during wartime and during peace. The letters of gratitude and appreciation she has received over the years for her tireless and dogged research on behalf of thousands of sailors and their families and friends would fill many cabinet drawers. Congressmen and women have benefitted from her briefings on the specific details of awards for their constituents and heeded her advice. Her opinion on Navy awards is honored as golden—decisive and accurate—in the halls of Congress as well as the Pentagon.

She is a recognized authority on the topic of Navy awards from the first Congressional Medal of Honor to the most recent new awards, such as the NATO medal, which honors the service of more than 45,000 personnel as peacekeepers in Bosnia. As the Executive Agent for the Department of Defense, she was responsible for inaugurating the Pearl Harbor Commemorative Medal to recognize the 50th Anniversary of the attack on Pearl Harbor.

Mrs. Kirk has been awarded the Superior Civilian Service and Distinguished Civilian Service Awards. She is a native of Rectortown, Virginia, and currently resides in Middleburg, Virginia.

Mrs. Kirk will retire from the Department of the Navy on May 3, 1999, after thirty-eight years of dedicated service. On behalf of my colleagues, I wish Mrs. Kirk fair winds and following seas. Congratulations on an outstanding career.●

NATIONAL MISSILE DEFENSE

● Mr. KERRY. Mr. President, this bill calls upon the United States to take a momentous step—the deployment of a National Missile Defense system—on the basis of one, and only one criterion: technological feasibility. This bill gives no consideration to the ramifications of deploying such a system on U.S. security, political and diplomatic interests.

It is true that missile technology is proliferating more rapidly than we

could have predicted. And this is of grave concern to us all. Certainly, the proliferation of ballistic missile technology constitutes a serious threat to U.S. national security. The question before us is, Will deciding today to deploy a National Missile Defense system—as yet untested, unproven and un-paid for—advance our national security interests? The answer, in my view, is that it will not.

First, I believe this bill will undermine long-term U.S. national security interests, by placing too much emphasis on just one of the many threats we face today.

While the United States is enjoying a period of relative safety and security in world affairs, we must prepare to face a multitude of diverse challenges in the international security environment in coming years. These include: transnational threats, such as terrorism and drug trafficking; the proliferation of weapons of mass destruction; and the chaos of failed states, as we have seen in Somalia and the former Yugoslavia—just to name a few. The threat from ballistic missiles is one of many.

Ballistic missiles are a threat, because they are capable of delivering weapons of mass destruction to American soil. The United States has faced this threat for decades, posed by the nuclear arsenals of the Soviet Union and China. Russia and China maintain their ability to strike American soil. But even though both nations are today struggling through a period of great uncertainty, the threat to the United States of a ballistic missile attack from either nation is low.

The threat of a missile attack from a rogue state, such as North Korea or Iran, is obviously growing. Last fall, North Korea tested its new Taepo-Dong One missile, with a range of up to 3000 km. We also know the North Koreans are developing a Taepo-Dong Two missile, which could have a range two to three times greater. Pakistan has tested a 1500 km range missile. Iran is expected to have one of similar range in the near future.

But ballistic missiles are only one means of delivering weapons of mass destruction. Nuclear weapons can be delivered in trucks, ships, and suitcases; chemical and biological weapons can be delivered through the mail, dispersed in a crowded subway, or inserted into our water supply. These methods of delivery are far simpler, less costly, and far less detectable than ballistic missiles, and they pose a much more immediate threat to U.S. security. A National Missile Defense won't protect us from these threats.

The proposed NMD system would only allow us to defend ourselves against an unsophisticated long-range missile threat with a single warhead. We would not be able to defend against a missile that carried decoys along with the warhead. Multiple objects would readily defeat the proposed system. We would have no defense against a warhead containing chemical or biological agents divided into many small ''bomblets'' for better dispersion. This would simply overwhelm the NMD system. The NMD system would be ineffective against cruise missiles or missiles launched from air or sea platforms.

An NMD system also has very limited use as a deterrent to the threats we currently face. In the case of a ballistic missile attack, the perpetrator is readily identified, and U.S. retaliation could be swift and devastating. That alone is a serious deterrent, a much greater deterrent than a deployed NMD system. Deploying an NMD system would simply encourage potential adversaries to develop appropriate countermeasures or to pursue other, more effective means of attack. It is exactly this logic—that an NMD system would be more destabilizing than deterrent—that underpins our commitment to the ABM Treaty.

Which brings me to my second point. I oppose this bill because it will undermine decades of U.S. leadership in international efforts to reduce the nuclear danger.

A unilateral decision by the United States to proceed with a National Missile Defense would sound the death knell for the ABM Treaty, a development that is apparently quite welcome to many of my colleagues across the aisle. This is puzzling to me, because a U.S. signal that we intend to circumvent, violate or withdraw from the ABM Treaty would almost certainly kill prospects for Russian ratification of START II. This would delay any further reductions in the large remaining Russian nuclear force, a goal we have worked for decades to achieve.

I would remind my colleagues that, in 1991, the United States—under the leadership of President George Bush—reached agreement with Russia that it would legally succeed to all international treaties of the former Soviet Union. These include the UN Charter, the Nuclear Non-Proliferation Treaty, SALT/START, and others, as well as the ABM Treaty. If we refuse to recognize the validity of the ABM Treaty, we not only undermine the credibility of our past commitments to international arms control agreements—such as the Nuclear Non Proliferation Treaty—we also weaken U.S. leadership in future international efforts to stem the proliferation of weapons of mass destruction.

If we proceed with this legislation and deal a blow to international arms control efforts, we will have succeeded in fostering precisely the threats we intend to reduce. And furthermore, we can encourage this threat without ever deploying an NMD system, simply by establishing our intention to deploy an NMD system.

Finally, I have deep concerns about the technical feasibility, operational effectiveness and costs of the proposed NMD system.

I have consistently supported development of effective missile defense technology, and continue to do so. In particular, I have supported the development and deployment of effective theater missile defense systems, to protect our forces and our regional allies. But we have encountered tremendous technological challenges in trying to build defenses against these theater missile systems. We have spent billions of dollars and experienced many failures in our efforts to ''hit a bullet with a bullet.'' The THAAD system has experienced five successive failures. Yet, THAAD is much simpler to develop than NMD.

On cost, the Administration's FY 2000 budget request calls for an additional $6.6 billion in new funding for National Missile Defense. This would bring total FY 1999 - 2005 funding for NMD to $10.5 billion. But the Defense Department does not anticipate that we will be able to test key components of the proposed system until 2003. If we encounter problems with this system that are the least bit similar to those we have seen in testing THAAD, we can expect delays well beyond the projected deployment date of 2005—and costs far above the $10.5 billion we are currently contemplating. And, while I have every confidence that American technological know-how will eventually produce a feasible system, I wonder: At what cost, and with how much real benefit to our national security, will this technological marvel be achieved?

In addition to the financial costs of deploying a feasible NMD system, we must also acknowledge the opportunity costs that pursuing this project will entail. America's leadership in world affairs relies on ready military forces. And the fact is, if we dedicate tens of billions of dollars to developing a National Missile Defense system, we will not be able to devote the resources and energy we should to ensuring the long-term readiness of America's fighting forces. At a time when the Secretary of Defense and the Chairman of the Joint Chiefs of Staff have publicly and repeatedly expressed their concerns over our ability to attract and keep bright young men and women in the U.S. armed forces, I am not convinced that we should move NMD to the top of our list of defense priorities.

With so much at stake, it would be irresponsible for us today to commit to the deployment of a National Missile Defense system, without further consideration of the implications and potential consequences of that commitment. We must not devote these resources to defending against the wrong threat with the wrong system. We must not create a world where weapons of mass destruction proliferate because arms control agreements are no longer credible. And we must not become so focused on this one defense issue that we leave our nation defenseless against other, more imminent threats.

Mr. President, this legislation poses tremendous risks to our long-term national security interests.●

RECOGNIZING MR. LUTHER'S 3RD GRADE CLASS AT BEACHWOOD ELEMENTARY

• Mr. GORTON. Mr. President, I would like to recognize a truly outstanding feat by a 3rd grade class in Fort Lewis, Washington. Mr. Chris Luther's 3rd grade class at Beachwood Elementary School has not missed a spelling word on their weekly spelling tests for 25 weeks. Nearly a month ago, as my colleagues may remember, I announced an ''Innovation in Education Award'' program to recognize the important role individuals and communities play in the education of America's students. This class and their teacher, Mr. Luther, are perfect examples of this principle in action.

This is a classroom of average kids, all with different backgrounds and abilities. Yet, Mr. Luther has found a way to encourage and tutor these students so they are all accomplishing equally praiseworthy work. The key has not been some magical formula rather, the success of these students comes from a concerted effort by Mr. Luther to boost their self-esteem, to enhance their memory skills, and to impress upon every child in the classroom that learning is important. Those strategies combined with the individual effort of each of his students has clearly paid off.

Mr. Luther's creativity to engage his students in learning extends far beyond spelling. Each year, he produces a ''Math Relay'' that involves some 2000 students from 88 local schools. This remarkable gathering combines physical activity and competition with math questions and answers. Not only does the size of the event speak highly of its success but, the fact that Mr. Luther handles the mind-boggling logistics of an event this size himself is further cause for recognizing this fine educator.

I applaud Mr. Luther's initiative, creativity and ability to encourage his students to succeed. It is the work of educators like Mr. Luther and the efforts of students like those in Mr. Luther's 3rd grade class who are making education work across America. That is why it is my pleasure to recognize Mr. Luther and his third grade class for their accomplishments and it is why I hope my colleagues will join me in supporting local educators.•

THE TALIBAN'S ABUSE OF WOMEN AND GIRLS IN AFGHANISTAN

• Mrs. BOXER. Mr. President, yesterday, Senator BROWNBACK and I introduced a resolution, S. Res. 68, condemning the treatment of Afghan women and girls by the Taliban. I hope my colleagues will join us in condemning the systematic human rights violations that are being committed against women and girls in that war-torn nation.

The Taliban militia seized control of most of Afghanistan in 1996 and now control about 90 percent of the country, including the capital, Kabul. This group imposes an extreme interpretation of Islam practiced no where else in the world on all individuals. It is especially repressive on women.

Before the Taliban assumed control of much of Afghanistan, women were highly involved in public life. They held positions in the government and worked as doctors, lawyers, nurses, and teachers. The picture could not be more different today. Today, under Taliban rule women in Afghanistan are denied even the most basic human rights: they cannot work outside the home, attend school, or even wear shoes that make noise when they walk. They must wear a head-to-toe covering called a burqa, which allows only a tiny opening to see and breathe through. Parents cannot teach their daughters to read, or take their little girls to be treated by male doctors. Mr. President, women have been stoned to death, beaten, and otherwise abused for ''breaking'' these harsh laws.

The Physicians for Human Rights recently conducted a study of 160 women in Afghanistan and their findings are horrific. One of those women, a 20 year-old woman interviewed in Kabul had the following story:

> Eight months ago, my two-and-a-half year old daughter died from diarrhea. She was refused treatment by the first hospital that we took her to. The second hospital mistreated her [they refused to provide intravenous fluids and antibiotics because of their Hazara ethnicity, according to the respondent]. Her body was handed to me and her father in the middle of the night. With her body in my arms, we left the hospital. It was curfew time and we had a long way to get home. We had to spend the night inside a destroyed house among the rubble. In the morning we took my dead baby home but we had no money for her funeral.

The study found that 77 percent of women had poor access to health care in Kabul, while another 20 percent reported no access at all. Of those surveyed, 71 percent reported a decline in their physical condition over the last two years. In addition, there was also a significant decline in the mental health of the women surveyed. Of the participants, 81 percent reported a decline in their mental condition; 97 percent met the diagnostic criteria for depression; 86 percent showed symptoms of anxiety; 42 percent met the diagnostic criteria for post-traumatic stress disorder; and 21 percent reported having suicidal thoughts ''extremely often'' or ''quite often.'' In addition, 53 percent of women described occasions in which they were seriously ill and unable to seek medical care. 28 percent of the Afghan women reported inadequate control over their own reproduction.

S. Res. 68 calls on the President of the United States to prevent a Taliban-led government of Afghanistan from taking a seat in the United Nations General Assembly, so long as these gross violations of human rights persist.

Our resolution also urges the Administration not to recognize any government in Afghanistan which does not take actions to achieve the following goals: effective participation of women in all civil, economic, and social life; the right of women to work; the right of women and girls to an education without discrimination and the reopening of schools to women and girls at all levels of education; the freedom of movement of women and girls; equal access of women and girls to health care; equal access of women and girls to humanitarian aid.

Mr. President, I am shocked that women and girls in Afghanistan are suffering under these conditions as we approach the 21st Century. The United States has an obligation to take the lead in condemning these abuses.

I want to thank Senator BROWNBACK for joining me in introducing this legislation. He has been a strong voice for human rights and I know that he shares my passion for seeing an end to these abuses in Afghanistan.•

RESOLUTION TO COMMEND SENATOR J. ROBERT KERREY

• Mr. CHAFEE. Mr. President, I am pleased to join Senators DASCHLE and EDWARDS and the other cosponsors of this resolution commending our friend and colleague BOB KERREY on the 30th anniversary of the events giving rise to his receiving the Medal of Honor.

During my tenure as Secretary of the Navy, I had the honor and privilege of working with a great many brave men and women—citizens of all stripes who were willing to make the ultimate sacrifice to serve their country. One especially courageous naval officer was Lieutenant (j.g.) JOSEPH ROBERT KERREY.

Thirty years ago last Sunday in Vietnam, BOB KERREY lead a SEAL team mission aimed at capturing certain Viet Cong leaders. While leading this dangerous mission, he was badly wounded as a grenade exploded at his feet. Despite suffering massive injuries from this explosion and being in a state of near-unconsciousness, Lieutenant KERREY did not give up. He continued to lead his men, ordering them to secure and defend an extraction site.

For his heroism in combat, Lieutenant KERREY was awarded the Congressional Medal of Honor. And just what is this award? It is the highest award for valor in action that can be bestowed upon a member of the armed forces.

The Medal of Honor was created in the days of the Civil War through legislation sponsored by Senator James Grimes, chairman of the Senate Naval Committee, with the support of Navy Secretary Gideon Wells and President Abraham Lincoln. At that time, although serving in the military was required of all men, it had become clear that some servicemembers went ''above and beyond the call of duty.''

So, the first two hundred medals were presented to those who distinguished themselves in the Civil War by their gallantry in action and other

qualities. Less than thirty-five hundred medals have been authorized to date, and just 158 are living today.

One of those 158 living recipients is a colleague of ours here in the Senate—a colleague I will surely miss upon my retirement. I think all Senators, and indeed all Americans, ought to take this moment to recognize BOB KERREY's heroic action on that day in 1969, when he displayed immense bravery in the face of overwhelming adversity.

Today—thirty years later—BOB KERREY continues to exhibit the kind of dedication and honor that earned him the Medal of Honor. Just one example of Senator KERREY's distinction as a Senator is the countless hours he had devoted to curbing the politically popular entitlement programs that have contributed so greatly to our staggering national debt. Taking on this issue isn't the easiest thing for an elected official to do—it is a task fraught with political danger. But BOB KERREY knows that it's the right thing to do for our nation, and that is why he continues to persevere.

My colleagues here today will provide numerous other examples of BOB KERRY's accomplishments as a U.S. Senator. Given his heroism during my tenure as Navy Secretary, these accomplishments come as no surprise. I am proud to be a cosponsor of this resolution, and thank Senators DASCHLE and EDWARDS for their leadership in bringing it to the Senate floor.●

NATIONAL MISSILE DEFENSE ACT

● Mr. BAYH. Mr. President, I rise today to discuss yesterday's overwhelming Senate vote in favor of the National Missile Defense Act of 1999. I was pleased to join with many of my colleagues in support of this legislation that will help to ensure that the United States does everything it can to defend itself from the threat of limited ballistic missile launches, both accidental and intentional. This legislation, which makes it the policy of the United States to deploy an effective national missile defense when technologically possible, takes an important first step toward providing a significant defense for all citizens of the United States against limited ballistic missile attacks.

As most of my colleagues know, today, the United States faces a serious, credible, and growing threat from limited ballistic missiles that could potentially carry nuclear, biological or chemical payloads. This new threat is not from Russia, our partner in many important arms control agreements. Instead, this threat comes from the increasing proliferation of ballistic missile technology. In particular, certain rogue states pose the greatest threat as they continue to push for—and make great progress in acquiring—delivery systems that directly threaten the United States. I do not believe that the threat from these rogue states, most of which have demonstrated a complete disregard for the well-being of their own citizens as they relentlessly pursue the acquisition of this ballistic missile technology, can be understated.

Mr. President, this new and emerging ballistic missile threat from rogue states was dramatically highlighted by the August 1998 Taepo Dong I missile launch in North Korea. This North Korean missile launch demonstrated important aspects of intercontinental missile development. Most importantly, the missile included multiple stage separation and the use of a third stage. This use of a third stage, in particular, was surprising to our intelligence community. Using a third stage gives this missile a potential range in excess of 5,500 kilometers, thus effectively making the Taepo Dong I an intercontinental ballistic missile.

Unfortunately, America's intelligence community did not expect the North Korean's to have the capability to make such a three stage missile. In fact, the most recent U.S. intelligence reports made prior to this Taepo Dong I launch claimed that no rogue state would have this capability for at least ten years.

Even before the North Koreans launched their Taepo Dong I missile last August, there were other disturbing reports that predicted the eminent ballistic missile threat to the United States. In July, the Commission to Assess the Ballistic Missile Threat to the United States, known as the Rumsfeld Commission, released its report. The Rumsfeld Commission was a bipartisan commission headed by former Defense Secretary Rumsfeld and other well respected members in the defense community. The Rumsfeld Commission warned of the growing ballistic missile threat that rogue states posed to the United States. The Rumsfeld Commission unanimously found that, ''concerted efforts by a number of overtly or potentially hostile nations to acquire ballistic missiles with biological or nuclear payloads pose a growing threat to the United States, its deployed forces and its friends and allies.''

The Commission reported further that, ''The threat to the U.S. posed by these emerging capabilities is broader, more mature and evolving more rapidly than has been reported in estimates and reports by the Intelligence Community.''

The launch of the Taepo Dong I missile and the findings of the Rumsfeld Commission are very troubling. It is clear that ballistic missile technology is progressing rapidly and proliferating just as rapidly and, consequently, the threat to the United States is real. It is no longer a perceived threat or a potential threat. It is not a threat that may come ten years down the road. This threat is tangible and it is here now. I believe that we have a moral responsibility to all Americans to do everything possible to defend the United States from this threat. Supporting this legislation, in my opinion, is an important step in providing a solid defense for the United States against limited ballistic missile attacks.

Moreover, S.257 is a responsible way to address the threat that the United States faces. In contrast to previous legislative efforts, most of which micro managed this policy by setting a fixed date for deployment and by dictating the exact type of missile defense system to be deployed, this legislation more properly lays out broad U.S. policy. The bill simply—but clearly—calls for deployment of an effective system once the technology is possible. No date for deployment is set. No requirement for a specific type of ballistic missile defense is outlined. By not dictating such requirements, this legislation responsibly allows for flexibility for our military experts to develop and deploy the best possible missile defense system. This language helps ensure that the United State will not rush into deployment with a substandard system—at a cost of billions of taxpayer dollars—just to be able to say we've deployed a limited missile defense.

Instead, this legislation will help ensure that the United States has deployed a system that has been thoroughly tested and proven operationally effective. I fully support this flexible approach.

Mr. President, let me briefly address the issue of cost. A lot has been said about how the original draft of this legislation could have bypassed future deliberations about how much the Pentagon should spend on missile defense. In effect, many critics of this legislation believed this bill would simply be providing a blank check for all future missile defense development and deployment efforts. I don't believe that is the case. This legislation does not preclude such important funding deliberations. However, I was very glad to support the amendment that Senator COCHRAN offered yesterday to make it absolutely explicit that Congress will fully debate the cost implications of a missile defense system in all annual defense authorizations and appropriations proceedings in the future. I plan to fully weigh the costs and benefits of missile defense in comparison to all other defense programs and to assess all potential threats to the United States at the time of those deliberations.

Finally, I am also pleased that the bill now calls for the United States to continue working with the Russians to reduce nuclear weapons. I strongly supported the amendment offered by Senator LANDRIEU which added this policy statement to S. 257. The United States and Russia have made great progress in reducing nuclear weapons over the past decade and both countries need to continue to do so. I think this statement of policy calling for continued efforts to reduce nuclear weapons is extremely important. We need to make it clear to ourselves, to all American citizens, to

our allies, and to the world that not only does the United States plan to defend itself from the threat of limited ballistic missile attacks, but that the best protection we can offer our nation is a world in which the fewest possible weapons of mass destruction exist.

Again, I thank Senator COCHRAN and all the cosponsors for introducing this important piece of legislation and for allowing the modifications to be made that garnered broad bipartisan support. I believe it is entirely appropriate for Congress to make it the policy of the United States to deploy an effective missile defense when technologically possible. The National Missile Defense Act will help allow this Government to keep its most important covenant with the American people—to protect their life and liberty.

DRUG FREE BORDERS ACT OF 1999

• Mr. MCCAIN. Mr. President, I rise in support of the Drug Free Borders Act of 1999, of which I am an original cosponsor. This legislation, identical to S. 1787 from the 105th Congress, authorizes funding for advanced sensing equipment for detecting illegal drugs before they can cross our border and emerge on the streets of America's cities. I would like to commend my good friend, Senator PHIL GRAMM, for once again taking the lead in introducing the Drug Free Borders Act during the 106th Congress.

Those of us who represent States bordering Mexico are particularly sensitive to the dangers implicit in failing to properly monitor traffic crossing that border. Yet, we also recognize that Mexico is one of our largest trading partners, and a country with which it is in our best interest to maintain as open a border as possible. It is a careful balancing act, but one that merits our greatest efforts.

While the effects of the North American Free Trade Agreement are being closely monitored by supporters and critics of that pact alike, it has become clear that NAFTA represents an important component of our international economic policy, contributing to the creation of 300,000 new American jobs since its passage. The agreement only went into effect in 1994, and it will likely be several more years before its full impact can be determined. The results from the first five years, however, unambiguously demonstrate that the agreement has a net positive impact on the U.S. economy.

But this bill is not about trade, it is about drugs, and about the measures that must be taken to ensure that we are doing everything we can to stem the flow of illegal drugs into our cities without impeding the flow of legitimate commerce. The key to finding that balance is the procurement of the equipment needed to expeditiously scan incoming cargo, not just on the U.S.-Mexican border, but at our other ports of entry as well—and I should point out the emphasis in this bill on your maritime ports of entry. The Drug Free Borders Act of 1999 represents an important and substantive step in that direction. Authorizing over $1 billion to beef-up Customs Department operations along our borders with Mexico and Canada, as well as at the maritime ports of entry, this legislation is a sound, responsible approach to enhancing this country's capabilities to interdict the flow of drugs before they reach our children.

Mr. President, I urge the support of all of my colleagues for the Drug Free Borders Act of 1999. This bill passed both Chambers of Congress last year, but fell victim to the vagaries of time, as the 105th Congress adjourned while the bill was still in conference. Its passage by both the Senate and the House of Representatives, however, clearly illustrates its broad bipartisan support, and I look forward to its passage into law during the current session of Congress.•

DESIGNATING MARCH 25, 1999, AS ''GREEK INDEPENDENCE DAY''

Mr. STEVENS. Mr. President, I ask unanimous consent that S. Res. 50 be discharged from the Judiciary Committee, and further, that the Senate now proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 50) designating March 25, 1999, as ''Greek Independence Day: A National Day of Celebration of Greek and American Democracy.''

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. STEVENS. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution appear in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 50) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 50

Whereas the ancient Greeks developed the concept of democracy, in which the supreme power to govern was invested in the people;

Whereas the Founding Fathers of the United States of America drew heavily upon the political experience and philosophy of ancient Greece in forming our representative democracy;

Whereas the founders of the modern Greek state modeled their government after that of the United States in an effort to best imitate their ancient democracy;

Whereas Greece is one of the only 3 nations in the world, beyond the former British Empire, that has been allied with the United States in every major international conflict this century;

Whereas the heroism displayed in the historic World War II Battle of Crete epitomized Greece's sacrifice for freedom and democracy as it presented the Axis land war with its first major setback and set off a chain of events which significantly affected the outcome of World War II;

Whereas these and other ideals have forged a close bond between our 2 nations and their peoples;

Whereas March 25, 1999, marks the 178th anniversary of the beginning of the revolution which freed the Greek people from the Ottoman Empire; and

Whereas it is proper and desirable to celebrate with the Greek people and to reaffirm the democratic principles from which our 2 great nations were born: Now, therefore, be it

Resolved, That the Senate—

(1) designates March 25, 1999, as ''Greek Independence Day: A National Day of Celebration of Greek and American Democracy''; and

(2) requests the President to issue a proclamation calling upon the people of the United States to observe the day with appropriate ceremonies and activities.

DESIGNATING MARCH 21 THROUGH MARCH 27, 1999, AS ''NATIONAL INHALANTS AND POISONS AWARENESS WEEK''

Mr. STEVENS. Mr. President, I ask unanimous consent that S. Res. 47 be discharged from the Judiciary Committee, and further, that the Senate now proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 47) designating the week of March 21 through 27, 1999, as ''National Inhalants and Poisons Awareness Week.''

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. STEVENS. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be upon the table, and that any statements relating to S. Res. 47 appear in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 47) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 47

Whereas the National Inhalant Prevention Coalition has declared the week of March 21 through March 27, 1999, ''National Inhalants and Poisons Awareness Week''.

Whereas inhalant abuse is nearing epidemic proportions, with almost 20 percent of all youths admitting to experimenting with inhalants by the time they graduate from high school, and only 4 percent of parents suspecting their children of inhalant use;

Whereas according to the National Institute on Drug Abuse, inhalant use ranks third behind the use of alcohol and tobacco for all youths through the eighth grade;

Whereas the over 1,000 products that are being inhaled to get high are legal, inexpensive, and found in nearly every home and every corner market;

Whereas using inhalants only once can lead to kidney failure, brain damage, and even death;

Whereas inhalants are considered a gateway drug, leading to the use of harder, more deadly drugs; and

Whereas because inhalant use is difficult to detect, the products used are accessible and affordable, and abuse is so common, increased education of young people and their parents regarding the dangers of inhalants is an important step in our battle against drug abuse: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of March 21 through March 27, 1999, as ''National Inhalants and Poisons Awareness Week'';

(2) encourages parents to learn about the dangers of inhalant abuse and to discuss those dangers with their children; and

(3) requests that the President issue a proclamation calling upon the people of the United States and interested groups to observe such week with appropriate ceremonies and activities.

APPOINTMENT OF CONFEREES—H.R. 800

Mr. STEVENS. Mr. President, I move that the Chair be authorized to appoint conferees on the part of the Senate with respect to H.R. 800, the Ed-Flex legislation.

The motion was agreed to, and the Presiding Officer appointed Mr. JEFFORDS, Mr. GREGG, Mr. FRIST, Mr. DEWINE, Mr. ENZI, Mr. HUTCHINSON of Arkansas, Ms. COLLINS, Mr. BROWNBACK, Mr. HAGEL, Mr. SESSIONS, Mr. KENNEDY, Mr. DODD, Mr. HARKIN, Ms. MIKULSKI, Mr. BINGAMAN, Mr. WELLSTONE, Mrs. MURRAY, and Mr. REED of Rhode Island conferees on the part of the Senate.

MEASURE READ THE FIRST TIME—H.R. 975

Mr. STEVENS. Mr. President, I understand that H.R. 975 was received from the House and is at the desk.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The legislative clerk read as follows:

A bill (H.R. 975) to provide for a reduction in the volume of steel imports, and to establish a steel import notification and monitoring program.

Mr. STEVENS. Mr. President, I now ask that the bill be read for the second time, and I object to my own request.

The PRESIDING OFFICER. Objection is heard.

ORDERS FOR FRIDAY, MARCH 19, 1999

Mr. STEVENS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:45 a.m. on Friday, March 19. I further ask consent that on Friday, immediately following the prayer, the Journal of the proceedings be approved to date and the morning hour be deemed to have expired, the time for the two leaders be reserved, and the Senate then resume consideration of this bill, the supplemental appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. STEVENS. Mr. President, for the information of all Senators, tomorrow morning the Senate will resume the supplemental appropriations bill.

At 9:45, I intend to call up an amendment on the list related to ethical standards. All Members should be on notice that a rollcall vote will occur on or in relation to that amendment shortly after the Senate convenes at 9:45. The vote should begin as early as 9:50 or 9:55 Friday morning. Any Member who intends to offer additional amendments should be prepared to remain on Friday in order to offer those amendments.

In addition, it is expected that on Monday the Senate will debate the Kosovo issue beginning at approximately noon and will resume the supplemental appropriations bill sometime late that afternoon. However, no rollcall votes will occur during Monday's session.

ADJOURNMENT UNTIL 9:45 A.M. TOMORROW

Mr. STEVENS. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:33 p.m., adjourned until Friday, March 19, 1999, at 9:45 a.m.

NOMINATIONS

Executive nominations received by the Senate March 18, 1999:

DEPARTMENT OF DEFENSE

BRIAN E. SHERIDAN, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE, VICE HENRY ALLEN HOLMES.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10, U.S.C., SECTIONS 624, 628, AND 531:

To be major

*HUSAM S. NOLAN, 0000
STEVEN C. SIEFKES, 0000
JAMES H. WALKER, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C, SECTION 601:

To be lieutenant general

MAJ. GEN. DONALD G. COOK, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. LANCE W. LORD, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 531, 624, AND 628:

To be major

THOMAS M. JOHNSON, 0000
FRANCIS J. LARVIE, 0000
*ANTHONY P. RISI, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 531, 624, AND 628:

To be colonel

RANDALL F. COCHRAN, 0000
RUSSELL B. HALL, 0000

To be major

*REGINA K. DRAPER, 0000

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

ALFRED C. FABER, JR., 0000
MARGARET J. SKELTON, 0000
EDWARD L. WRIGHT, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

DALE F. BECKER, 0000
JAMES R. O'ROURKE, 0000
JOHN J. SCANLAN, 0000
JOHN F. STOLEY, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

DENTAL CORPS

COL. KENNETH L. FARMER, JR., 0000

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

HAROLD E. POOLE, SR., 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

DON A. FRASIER, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

LEO J. GRASSILLI, 0000

EXTENSIONS OF REMARKS

CONSTITUTIONAL AMENDMENT TO REMOVE THE SOCIAL SECURITY TRUST FUND AND MEDICARE OFF-BUDGET

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1999

Mr. TRAFICANT. Mr. Speaker, over the years, the Federal Government has raided the Social Security trust fund and Medicare and diverted the money earmarked for retirement and medical benefits to a host of other programs. This would be bad enough if Social Security faced no financial crisis. But the program is projected to start running cash-flow shortages around 2013, which makes the misuse of the trust fund unconscionable. I have recently introduced legislation calling for a constitutional amendment to remove the Social Security trust fund and Medicare off-budget. I encourage each of my colleagues to support this measure.

Supporters of the Social Security accounting system claim the trust fund is in fine shape, storing the surpluses in a massive fund that will ensure that benefit checks keep flowing until 2032. The truth is when Social Security's costs exceed tax receipts, the Government will have to raise taxes and/or borrow more money to help pay benefits.

Since 1983, Social Security has collected more in taxes than it spends on benefits and other costs. This year, the payroll tax surplus will total about $52 billion. By 2007, the cumulative surplus is estimated to be $435 billion.

In the past, these funds have been spent on everything from defense to welfare. In return, the trust fund has been issued nonmarketable Treasury bonds, which are merely promises to repay the money with interest at a later date in time. In short, IOU's from the Government to itself. To date, the IOU's in the trust fund total over $800 billion.

The best and only way to shield the Social Security and Medicare trust funds from spending raids is to exclude their funds from Federal budget calculations. Currently, several bills have been introduced that would do just that. However, none of those bills call for amending the U.S. Constitution to ensure that raiding the fund is impossible.

The fundamental goal of the Social Security and Medicare programs is ultimately to guarantee savings and medical coverage for retirees. The Federal Government has made a contract with the American people. Let's show that we are serious about addressing the retirement system's long term solvency problem. Again, I urge each member to support this constitutional amendment.

TRIBUTE TO JUSTIN JOSLIN AND ROGER BISHOP

HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1999

Mrs. WILSON. Mr. Speaker, I wish to bring to your attention the humanitarian acts of Justin Joslin and Roger Bishop, two students of Sandia High School in Albuquerque, NM.

In November 1998 these two young men were driving around after school when they saw a slow-moving vehicle veer dangerously across oncoming traffic toward houses. The driver of this vehicle appeared passed out, her head tipped back against the seat. Without exchanging a word, both young men sprang into action to stop the car, saving the woman and possibly others, from injury. Justin stopped his car, and he and Roger jumped out and ran along opposite sides of the other vehicle. Roger grabbed the passenger's door, which was locked and Justin grabbed the drivers' door and was able to jump in. Justin pressed on the brake and put the vehicle in park. The 66-year-old driver had apparently fallen unconscious. She was treated at a local hospital and released.

Too many times we hear of bad news in our communities or situations that could have concluded better if someone would have acted with concern and compassion as these young men did. Justin Joslin and Roger Bishop showed that they care about others and are willing to act in a humanitarian way when they see a need.

TRIBUTE TO SERGEANT FIRST CLASS JAMES DOLAN

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1999

Mr. GEKAS. Mr. Speaker, I rise today to pay tribute to Sgt. First Class James Dolan, of Jonestown, PA, who recently earned the title of Soldier of the Year for the Pennsylvania National Guard. SFC Dolan, who serves full-time at Fort Indiantown Gap in Annville, is the assistant inspector general for the PA Army National Guard.

This award is well-earned by an individual who carries himself with great professionalism and distinction in the finest traditions of our country's military history. The noncommissioned officers corps serves as the backbone of the army, and the benchmark that SFC Dolan has set is emblematic of the lofty standards traditionally set by our nation's noncommissioned officers. In order to achieve this honor, SFC Dolan was interviewed by evaluation boards who ranked his technical proficiency, leadership skills, and military knowledge and bearing.

This award was given to an excellent soldier who has maintained a brilliant military record. In addition to the almost 13 years he has spent in the National Guard, he served for 4 years in the Marine Corps, enlisting after graduating from high school. Despite his success, SFC Dolan remains modest, citing the exemplary work of other Pennsylvania Guardsmen. He is in quite a good position to determine the proficiency of his colleagues, as it is his duty to inspect unit readiness throughout the state. In this capacity, he helps review a third of the National Guard every year.

SFC Dolan, in the true spirit of the minuteman, initially joined the same National Guard unit in which his father served. He currently lives with his wife, Vincenta, who is also a member of the PA Guard, and their 10-month old daughter, Kaitlin.

The honor of the title of Soldier of the Year is a great one. That the award is in such good hands bodes well for the future of the Pennsylvania National Guard. The people of Pennsylvania can feel secure in the knowledge that men and women like SFC Dolan are working for them. It is an honor to pay tribute to him today.

HONORING COLORADO GIRLS STATE BASKETBALL 3A CHAMPIONS—EATON HIGH SCHOOL

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1999

Mr. SCHAFFER. Mr. Speaker, I rise today to extend my heartiest congratulations to the Eaton High School girls basketball team on their impressive State 3A Championship. The victory, a hard fought 50–47 win over Pagosa Springs High School, was a thrilling contest between two talented and deserving teams. In championship competition, though, one team must emerge victorious, and Eaton proved themselves the best in their class—truly second to none.

The State 3A Championship is the highest achievement in high school basketball. This coveted trophy symbolizes more than just the team and its coach, Bob Ervin, as it also represents the staunch support of the players' families, fellow students, school personnel and the community. From now on, these people can point to the 1998–1999 girls basketball team with pride, and know they were part of a remarkable athletic endeavor. Indeed, visitors to this town and school will see a sign proclaiming the Girls State 3A Championship, and know something special had taken place there.

The Eaton basketball squad is a testament to the old adage that the team wins games, not individuals. The combined talents of these players coalesced into a dynamic and dominant basketball force. Each team member also deserves to be proud of her own role. These individuals are the kind of people who lead by example and serve as role-models. With the increasing popularity of sports among young

people, local athletes are heroes to the young in their home towns. I admire the discipline and dedication these high schoolers have shown in successfully pursuing their dream.

The memories of this storied year will last a lifetime. I encourage all involved, but especially the Eaton players, to build on this experience by dreaming bigger dreams and achieving greater successes. I offer my best wishes to this team as they move forward from their State 3A Championship to future endeavors.

CONGRATULATING ST. GREGORY THE ILLUMINATOR CHURCH OF FOWLER

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1999

Mr. RADANOVICH. Mr. Speaker, I rise today to congratulate St. Gregory the Illuminator Church of Fowler, CA, upon its reopening. St. Gregory the Illuminator is the fourth oldest Armenian Church in the United States.

St. Gregory first opened its doors in 1906 as the Armenian Apostolic Church. The services were held in the Episcopal Church of Fowler, and officiated by Father Sahag Vartabed Nazaretian, pastor of the Holy Trinity Church in Fresno. During this time, the congregation of the St. Gregory Church consisted of 75 to 100 families.

In 1907, the First Divine Liturgy of the Armenian Apostolic Church was celebrated. Immediately following the liturgy, the congregation elected a board of trustees, their objective being the selection of a suitable site for a church building. On April 15, 1909, the present church site in Fowler was selected and purchased.

Construction of the church building on February 3, 1910. On April 17, the church was consecrated in a ceremony in the presence of a large congregation. The St. Gregory Church became the fourth established Armenian Apostolic Church in America, under the jurisdiction of the Diocese of the Armenian Church of North America.

Over the years, the original church building has expanded, and a church hall and Sunday school classes have been added. In 1993 the church decided to expand further. The site has since been enhanced by a park, basketball and volleyball courts, a playground and a courtyard, all of which are frequently used and enjoyed by parishioners. Most recently, construction has taken place to expand the sanctuary and church offices; a library and conference room have also been added. During this time of construction, services have been held in Markarian Hall, and a drastic increase in the congregation has been observed, making the re-opening of the sanctuary highly anticipated.

It is the memorable event that St. Gregory celebrates as it serves its third generation of Armenians, as well as many converts. It is the prayer of the parish that St. Gregory will be able to meet the challenge of inspiring those who worship in and make St. Gregory their spiritual home.

Mr. Speaker, I urge my colleagues to join me in congratulating St. Gregory the Illuminator Church of Fowler on its longtime service to the Christian community, and its efforts to serve better through expansion. May it long continue its growth and success.

UNITED CONFEDERATION OF TAINO PEOPLE DAY

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1999

Mr. GUTIERREZ. Mr. Speaker, I rise today to speak about the taino people and the importance of observing the United Confederation of Taino People Day.

The Taino people are the descendants of the first Native Peoples of the Americas to greet Cristobal Colon (Christopher Columbus) in the year 1492, and have a distinctive spiritual and material relationship with the lands, territories, waters and coastal seas which they have traditionally been connected to, occupied and used from time immemorial.

The Taino people have the collective and individual right to identify themselves as indigenous, to be recognized as such, and to practice, revitalize, develop and transmit to coming generations the past, present and future manifestations of their distinct identity, ethnic, cultural and spiritual traditions, history, language, and customs.

The Taino people, beyond international and political borders, have taken positive steps for the recognition, promotion and protection of their collective and individual rights and freedoms, by organizing themselves for their spiritual, social, political, economic, and cultural enhancement.

The Taino people, being represented by indigenous organizations, such as Caney Quinto Mundo, Concejo General de Tainos Borincanos, Fundacion Social Luz Cosmica Taina, Presencia Taina, Taino Ancestral Legacy Keepers, Ciboney Tribe, and Cecibajagua, have in solidarity chosen representatives themselves and established the United Confederation of Taino People.

The United Confederation of Taino People is celebrating its first historic anniversary, which coincides with, and recognizes the United Nations International decade of the World's Indigenous Peoples, and the equinox that signals the beginning of the planting cycle that the Taino People have observed for thousands of years.

Mr. Speaker, March 27, 1999 is the United Confederation of Taino People Day. I encourage my colleagues and all of the people of the United States to observe that day with the respect and dignity it deserves and to learn more about the great contributions of this people to our country and civilization.

TRIBUTE TO ONORINA LEACH

HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1999

Mrs. WILSON. Mr. Speaker, I wish to bring to your attention an honor received by Onorina Leach, Science Teacher at Highland High School, Albuquerque, New Mexico. Mrs. Leach was profiled in the November 1998 national magazine Cable in the Classroom for her innovative methods to use technologies in the classroom.

Mrs. Leach is a regular user of video in her science class. She has found that by supplementing the traditional text method of teaching she is able to reach different kinds of learners. Some students favor auditory and visual information processing. Mrs. Leach has found that to reach more students more effectively she must present the material in as many different ways as she can.

In addition to her responsibilities as a science teacher, Onorina Leach is the coach of Highland High School's United States Academic Decathlon team. Also, Mrs. Leach is using video to help prepare the Highland High School Decathlon team for competition. The students participating in the United States Academic Decathlon learn study skills, time-management skills and social skills. A compliment given to Mrs. Leach by a student she had years ago summarizes Ms. Leach's dedication to her students. ''You know, Mrs. Leach, Academic Decathlon did not necessarily prepare me for graduate school, but it did prepare me for life.''

Please join me in honoring and thanking Onorina Leach for the difference she is making in the lives of her students and to our great community of Albuquerque, New Mexico.

MY COMMITMENT TO FREE AND FAIR TRADE FOR AGRICULTURE

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1999

Mr. SCHAFFER. Mr. Speaker, Colorado agriculture increasingly depends upon the export market to expand sales and increase revenues. The expanding world trade in agriculture has a significant impact on both the U.S. trade balance and on specific commodities and individual farmers.

No sector of the U.S. economy is subject to more international trade barriers than agriculture. The import quotas, high tariffs, government buying monopolies and import bans imposed by other nations, coupled with the overwhelming number of trade sanctions and embargoes imposed on other countries by our own government, cost the American agriculture industry billions of dollars each year in lost export opportunities.

These barriers continue to grow in spite of the General Agreement on Tariffs and Trade (GATT) and the North American Free Trade Agreement (NAFTA). Without question, they are devastating the ability for American agriculture to effectively compete, particularly at a time when exports now account for 30% of U.S. farm cash receipts and nearly 40% of all agricultural production. It is abundantly clear, that in addition to free trade, America must guarantee fair trade.

The 1996 Freedom to Farm Act returned control of farming operations to producers in exchange for sharp restrictions on the level of government support. The goal was to provide U.S. farmers with the flexibility to run their operations according to the marketplace. But in exchange, the U.S. government has a clear responsibility to ensure that our farmers and ranchers have the ability to compete fairly

against other exporters, not against foreign governments. I will continue my efforts in Congress to compel the executive branch to vigorously fight foreign trade barriers and utilize available tools such as the Export Enhancement Program and the Market Access Program to promote U.S. products abroad.

Furthermore, the State Department and the current administration must be forced to understand the economic consequences of utilizing food as a diplomatic weapon. Our farmers and ranchers cannot continue to bear the overwhelming burden of ineffective unilateral sanctions. The federal government should be required to identify funding sources to reimburse farmers for the reduction in prices caused by our government's actions, and this must occur before such actions are permitted to take place.

Agriculture is the bedrock of the American economy, and our agricultural productivity is the envy of the world. Assuring Colorado's farmers keep this edge in the global economy is one of my highest priorities in Congress.

COAST GUARD AUTHORIZATION ACT OF 1999

SPEECH OF

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1999

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 820) to authorize appropriations for fiscal years 2000 and 2001 for the Coast Guard, and for other purposes:

Mr. BONIOR. Mr. Chairman, the U.S. Coast Guard provides many valuable services to our country. Among them are ice rescues. As many of us along the Great Lakes know, the Coast Guard has saved countless lives and provided invaluable services to our communities.

In the district which I represent, Macomb and St. Clair Counties, recreational uses of Lake St. Clair, the St. Clair River, and Lake Huron are not just limited to summer activities. Ice fishing is a growing and popular recreational activity, but from time to time wayward fishermen find themselves in need of help.

Our communities do a great job in rescuing individuals from critical circumstances, but their rescue capacity could be greatly aided by a Husky Airboat stationed at the St. Clair Shores Coast Guard Station. As we consider the Coast Guard authorization bill, I hope the Coast Guard and committee authorizers will consider the import role the Coast Guard plays in ice rescues and will work toward providing adequate resources to satellite stations, like the one in St. Clair Shores, to fulfill their mission. I look forward to working with the Coast Guard and the committees of jurisdiction in this important matter.

THE WORK INCENTIVES IMPROVEMENT ACT

HON. RICK LAZIO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1999

Mr. LAZIO. Mr. Speaker, I rise today to introduce a bill that has one goal and one goal only—enabling individuals with disabilities to pursue their desire to work. In today's workplace, less than one-half of one percent of disabled Americans successfully move from disability benefits to employment and self-sufficiency. A recent Harris Survey, however, found that 72 percent of Americans with disabilities want to work but nearly 75 percent of persons with disabilities are unemployed. What is the problem, here?

Let me tell you about a man from my district. He is a 39-year-old Navy Veteran from Bay Shore, NY. Several years ago, he worked on Wall Street with the hopes of becoming a stockbroker. Unfortunately, an accident in 1983 left him a quadriplegic. Because of his injury, this man relies on a tracheostomy to help him breath and speak.

He requires nurses or caregives to clean his tracheostomy and requires 24-hour home care to assist him bathing, dressing, housekeeping, and numerous other daily activities. This individual's physical challenge, however, does not inhibit his ability to become a stockbroker. Ten years after his tragic accident, he successfully passed the ''Series 7'' test, a grueling 6-hour exam, to become a licensed stockbroker. Except for Federal barriers, he would be a stock broker today. He cannot, however, because he would lose his Medicaid and Medicare, which he needs to survive.

His situation is not unique. His predicament is replicated all across this country—by the millions. Suffolk County, NY, alone has 261,000 disabled individuals—most of whom want to work. Yet, disabled Americans must choose between working and surviving. Federal benefit programs such as Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI) provide benefits, including eligibility for health coverage through Medicare and Medicaid. Services that many disabled workers require, such as personal assistance, are often not covered by employer health care. So, when a disabled American secures a job and earns income, he or she may lose their government benefits and, subsequently, their health coverage.

This is why I have introduced the Work Incentives Improvement Act in the House of Representatives. The Federal Government should remove existing barriers and allow these individuals to work. Like all other Americans, disabled Americans deserve economic opportunity. They deserve the satisfaction that only a paycheck can bring. They deserve to be in control of their lives and have the peace of mind of independence and personal security. The Work Incentives Improvement Act takes significant steps toward reforming Federal disability programs, improving access to needed services, and releasing the shackles of dependency.

Look at today's disability program: more than 7.5 million disabled Americans receive benefits from SSI and SSDI. Providing assistance to these individuals costs the Government $73 billion a year—making these disability programs the fourth largest entitlement expenditure in the Federal Government. Now, if only one 1 percent, or 75,000, of the 7.5 million disabled adults were to become employed, Federal savings in disability benefit would total $3.5 billion over the lifetime of the individual. Removing barriers to work is a major benefit to disabled Americans in their pursuit of self-sufficiency, and it also contributes to preserving the Social Security trust fund.

The Work incentives Improvement Act would create new State options for SSDI and SSI beneficiaries who return to work to purchase the health care coverage they would otherwise be entitled to if they did not work. It would support a user-friendly, public-private approach job training and placement assistance for individuals with disabilities who want to work, and it provides for new ways to inform SSDI and SSI beneficiaries of available work incentives.

The man from Bay Shore, NY, said, ''I want to work. I do not want to be a burden to taxpayers.'' The Work Incentives Improvement Act will help him become a successful stockbroker. When he does so, he hopes to open to open his own firm and hire people with disabilities.

Now is the time to make major progress toward removing barriers and enabling people with disabilities to work. Millions of Americans are waiting eagerly to unleash their creativity and pursue the American dream. They are waiting for us to act, Mr. Speaker. Let's act now.

PROVIDING FOR CONSIDERATION OF H.R. 975, REDUCING VOLUME OF STEEL IMPORTS AND ESTABLISHING STEEL IMPORT NOTIFICATION AND MONITORING PROGRAM

SPEECH OF

HON. HAROLD E. FORD, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1999

Mr. FORD. Mr. Speaker, I rise today in support of the Bipartisan Steel Recovery Act of 1999. I believe this initiative provides a comprehensive approach to enforcing trade laws by stating clearly and forcefully that the United States does not and will not tolerate violations of trade laws by foreign corporations.

As we enter a new millennium, we must face and embrace globalism by ensuring that all our citizens have the skills required to compete in the international economy. Export-driven job growth ensures that our communities' living standards continue to rise.

The primary forces shaping our economy—globalization, digitalization, deregulation, and diversity—require that we consider a broader array of international trade and investment opportunities. The city of Memphis is considered America's Distribution Center, and trade liberalization will help us become the World's Distribution Center.

But, while I support free trade, I also support fair trade. When other countries employ unfair trading practices, we must respond in kind. The rules of the international trading system, as laid out in the World Trade Organization, are predicated upon fair trade. If a country violates these rules, the system itself suffers.

That is why we must respond forcefully when foreign firms are dumping their products in the United States at prices under the fair market value. That is why we must respond forcefully when huge import surges threaten American jobs. This bipartisan measure demonstrates to the rest of the world that there is a right way and a wrong way to pursue globalization.

The plight of Birmingham Steel, which operates a mini-mill in the Ninth District of Tennessee, is an example of how the current crisis is affecting working families in our country. In Memphis, Birmingham Steel employees manufacture steel that is eventually fashioned into wire rods. Since 1993, wire rod imports from non-NAFTA nations have increased 60 percent, and in the past 18 months these imports have increased by 16 percent. Surely, we need to rectify this situation.

We also need to be wary of the macroeconomic effects of the surge in imports. A recent Business Week article noted that the merchandise trade deficit widened by 25 percent in 1998, to a record $248 billion. Most of this can be attributed to surging imports, such as the steel surges from Brazil, Russia, and Japan. Economists agree that while the U.S. economy continues to prosper and grow, a ballooning current account deficit could prompt a correction in stock prices, a weaker dollar, and possibly even a recession. In other words, our unprecedented record of high growth—while keeping inflation and unemployment low—is jeopardized by import surges.

About two decades ago, the U.S. steel industry was widely criticized for lagging competitiveness, excessively high prices, and low labor productivity. Both management and labor realized that they had to reinvent the way steel was produced in the United States. They did so through reinvestment, streamlining, and hard work. The steel industry has since turned itself into one of the most admired, productive sectors of U.S. business.

Now, as world trading rules are being flaunted, it is time for us to come to the aid of this proud industry, an industry that is crucial to our national defense and our American heritage. Our steel workers deserve better. The world trading system deserves better. For these reasons, I am proud to be a cosponsor of the Bipartisan Steel Recovery Act of 1999.

INTRODUCTION OF A SENSE OF CONGRESS RESOLUTION REGARDING THE DAMS ON THE COLUMBIA AND SNAKE RIVERS

HON. DOC HASTINGS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1999

Mr. HASTINGS. Mr. Speaker, the people of the Pacific Northwest are currently engaged in a debate on the best way to ensure the survival and recovery of endangered and threatened salmon and steelhead. These fish are very important to the people of our region, and we are dedicated to ensuring their survival.

However, Mr. Speaker, ongoing studies by the U.S. Army Corps of Engineers and the National Marine Fisheries Service into the feasibility of removing federal dams to enhance fish runs have focused the fish recovery debate too narrowly. We do not need to choose between our economy and our salmon, which is precisely what those advocating the removal of dams are asking us to do. Instead, I believe we can have both a strong economy and healthy fish runs.

This Congress must make it clear that destroying the dams on the Columbia and Snake Rivers is not a ''silver bullet'' solution to restoring salmon runs. Losing the flood control, irrigation, clean power generation, and transportation benefits of these dams would be a grave mistake, and one not easily corrected. Instead, the federal government and the people of the Pacific Northwest must work together to address the entire range of factors impacting fish populations: habitat, harvest levels, hatcheries, dams, predators, and natural climate and ocean conditions.

Mr. Speaker, I am confident that the people of the Northwest will save our salmon. But we must do so in a realistic and comprehensive way, and not by grasping for easy answers. I encourage all my colleagues to who believe that we can balance human needs with the needs of endangered and threatened species to support this resolution.

IN HONOR OF STEVE POPOVICH

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1999

Mr. KUCINICH. Mr. Speaker, I rise today to recognize Steven Popovich, founder of the Cleveland International Record label.

Over the past 36 years Mr. Popovich has achieved considerable success in the music business by taking chances on artists and music at the fringes of the mainstream. For example, Popovich signed Meat Loaf to the Cleveland International label after Meat Loaf had been rejected by several record companies. After signing Meat Loaf, Popovich launched what is considered one of the most successful marketing campaigns ever. Popovich mixed the powerful CBS marketing department with grassroots efforts to make Meat Loaf a national icon.

Popovich's success with Meat Loaf provides just one example of how and why Popovich has been successful. Once he believes in someone he puts everything he has into making that person successful. This dedication has worked for Popovich regardless of the artist or type of music he is promoting.

In 1986 Popovich applied this formula to Polygram Nashville and turned the label into a success. Acts like Johnny Cash, Kris Kristofferson, the Everly Brothers, and Kathy Mattea signed with Popovich and Polygram Nashville.

Popovich also signed polka legend Frankie Yankovic, the Polka King, to the label. Yankovic won a Grammy for his 1986 album ''70 Years of Hits'', which Popovich co-produced. Yankovic and his polka music were quick hits in Nashville. Popovich has since started Our Heritage, a polka and ethnic music subsidiary of Cleveland International.

In the fall of 1998 Popovich, along with his son, Steve, Jr., Ed Shimborske, and Michael Seday, formed another subsidiary of Cleveland International, Grappler Unlimited. With Grappler Unlimited, once again, Popovich is focusing on music that is perhaps outside the mainstream—punk.

His ear for music that is outside the mainstream, and his willingness to dedicate himself to it and the musicians who perform it, has enabled him to be successful for over 36 years. With his son at his side, Steve will undoubtedly continue to help all types of great music find an audience.

Ladies and gentlemen please join me in honoring Steve Popovich.

THE POLKA PUNK ROCKER

By Laura Demarco

Steve Popovich made Meat Loaf a main course and helped tell the world ''Cleveland Rocks.'' Now, he's looking to strike gold again with the ethnic music of his roots—polka—and the DIY spirit of his son's passion—punk rock.

The walls of Steve Popovich's office don't have to talk to tell his story. Mixed in among the rows of gold and platinum records hang ''I love kieska'' and ''polka naked'' bumper stickers. A ''Cleveland Rocks'' sticker decorates the window. His son's high school class photo hangs near a backstage snapshot of Bruce Springsteen and Billy Joel. A huge, psychedelic poster of Meat Loaf is framed near a smiling reproduction of Frankie Yankovic.

It's a scene as colorful and complex as the man himself. Each memento stands for a part of Popovich's life: Music mogul. Proud ethnic. Even prouder father. Genius Meat Loaf marketer. Polka promoter. The man who helped Ian Hunter tell the world ''Cleveland Rocks.''

He's also the busy head of two new subsidiaries of his Cleveland International Record label, the ethnic/polka Our Heritage * * * Pass It On line and the punk/metal offshoot, Grappler Unlimited.

Why polka and punk? Like the other music Popovich has championed through his 36-year music industry career, they're styles that often get overlooked. Both have a devoted core of fans who buy the records, wear the fashions and seek out the shows. Neither gets radio play nor respect in mainstream media. Then again, neither did a certain hefty singer, until Popovich made Meat Loaf a household name.

Popovich may look like anything but a music mogul in his jeans, Cleveland International T-shirt and Pat Dailey's baseball cap, but he has struck gold more than once by betting on the underdog. Today, he's trying it again.

COAL MINER'S SON

Popovich doesn't like to talk about the past. He's rather discuss what he's working on now—expanding Our Heritage * * * Pass It On and promoting Grappler's first band, Porn Flakes.

But to understand how Popovich got to this cluttered, homey midtown office, you have to look at where he came from.

Born in 1942 to a Serbian father and Croatian-Slovenian mother in the coal-mining town of Nemacolin, Penn., Popovich's early life was a long way from the Manhattan office buildings he would find himself in years later. His father was a miner who opened a grocery store in the last two years of his life. It was from him and another father figure, Popovich's lifelong friend, Father Branko Skaljac, that his love for music began.

''My dad played in a tamburitza band with his two brothers and a couple other guys. They always played music around the house and sang. Fr. Branko came and taught us tambura [a stringed Balkan instrument] every Thursday.''

Looking back, Popovich sees the importance of music for people in a place like Nemacolin.

''I really believe polka was our people's Prozac,'' he says. ''When they were working

in the mines, factory jobs, they'd get depressed, so they'd throw on their music or pick up their accordion or tambura.''

A few years after learning the tambura, another stringed instrument caught Popovich's attention: the upright bass. He formed a polka-rock band called Ronnie and the Savoys that played out at local hotels and the Masontown, Penn., Italian Club.

When Popovich's father died in 1960, he moved to Cleveland with his mother and sister, where they had family. He attended John Carroll on a football scholarship, but quit after a year, spending the next few year doing odd jobs.

Then in 1963, two articles in a paper he was reading caught his attention. The first was a notice that Columbia Records was opening a Cleveland warehouse. The second was a story saying one of his favorite polka artists, Cleveland's Frankie Yankovic, who recorded for Columbia, had been injured in a car accident.

''So I called Frank out of the blue and said 'hey you don't know me, but I play your music back in Pennsylvania. Can you get me an interview?''' says Popovich. ''And he did that from his hospital bed. I never forgot that.''

Popovich got the job ad thus began his music industry career; schlepping boxes around 80 hours a week for $30. On his nights off he would play with the Savoys, who had followed him up to Cleveland.

But with his strong work ethic, Popovich quickly climbed out of the warehouse. He soon found himself working promotions in the local Columbia office, and in 1969 was offered a promotions job in the label's New York office.

A year later, at age 26, Popovich became the youngest vice president of promotions ever at CBS Records (Columbia's parent company). While there, he worked with the label's roster, including rising stars Bruce Springsteen, Boz Scaggs and Chicago. He was the first and youngest recipient of the Clive Davis Award for promotion (named for the legendary president of CBS Records), and for two years in a row was named top promotion executive in the country by *Billboard*. Quite an accomplishment for a ''hunky'' (Popovich's slang term for ethnics) from a part of America most record execs not-so-fondly dub ''fly-over country.''

Promoting artists led to signing artists when Popovich became head of A&R (artists and repertoire) in 1974 at CBS subsidiary Epic. If his promotions career seemed remarkable, his time in A&R was even more impressive. Popovich presided over the signing of Michael Jackson, Cheap Trick, Boston, Ted Nugent and Southside Johnny & the Asbury Jukes. He also helped Steubenville's Wild Cherry, of ''Play that Funky Music (White Boy)'' fame, and Michael Stanley find a home on Epic. (Decades later, Popovich helped another local band when he took a tape of Dink to Capitol Records head Gary Gersh, who signed the band).

Sales at Epic rose from $12 million to over $100 million in three years under Popovich. He credits this to his ability to look for artists where other A&R pros never bothered. ''Small-town America, I always try to represent that,'' he says. ''What's going on with the blue-collar people . . . those have always been the fans.''

Cleveland (International) rocks ''Cleveland, in fact, back then did rock,'' says Popovich, leaning forward in this chair, the red sticker with the motto he brought to the world looming on the window behind him. ''Through it sounds really trite and old fashioned to now even say the words 'Cleveland rocks.' ''

For Popovich, this wasn't just a slogan. In 1976, he and two other CBS Records executive left New York to form an independent label called Cleveland International that was backed by Columbia.

''Cleveland was a very important market in those days,'' says Popovich. ''It really was WMMS . . . they made a real big impact nationally. That was the reason I moved back here from New York. It was such a viable record breakout market that I thought basing a company here would be a good idea.''

He was correct. Not seven months after the label started, Popovich signed another underdog no one else would be near, but one who soon put Cleveland International on the map.

''Meat Loaf was too fat, too ugly. His hair was too long, the voice was too operatic,'' says Popovich.

That's what the labels that passed on Meat Loaf thought. But the fans thought otherwise. The product of songwriter Jim Steinman, producer Tod Rundgren and a one-of-a-kind singer with a voice big enough to match his girth, Marvin Aday (a.k.a. Meat Loaf), Bat out of Hell is an album few rock fans can claim not to have heard—it has sold an astonishing estimated 28 million copies. But at the time New York attorney David Sonenberg was shopping it around, no one in the music business new what to think about it. So they just stayed away. Except for Popovich.

After signing Meat Loaf, Popovich embarked on what is regarded as one of the most successful marketing campaigns ever in the music industry. It included radical tactics, such as Popovich showing up at radio stations and retailers across the nation to drop off Meat Loaf tapes—an unheard of activity for a record company president. He also convinced CBS to make a $25,000 Meat Loaf promotional film for play in movie theaters—a noval idea will before the video age. He also battled CBS to put the full force of its marketing department behind the album. ''Adroit marketing propels Meat Loaf up the charts,'' proclaims the Wall Street Journal in a 1978 front-page article that raved about Popovich's tactics.

But though he may have been the biggest, Meat Loaf wasn't the only act on Cleveland International. The label was also home to Ellen Foley, Ronnie Spector and others; it was the management company for Ian Hunter. It was Popovich who convinced the E Street Band to back Hunter on his 1979 You're Never Alone With a Schizophrenic record, which includes the now infamous ''Cleveland Rocks.''

LAWSUITS, TV SHOWS AND MEAT LOAF

''We were conveniently left out of it. Hey, people try to change history, but a fact's a fact,'' says Popovich.

He's referring to a recent VH–1 ''Behind the Music'' show on Meat Loaf that failed to mention of his role in the making of Mr. Loaf.

''It's been well documented everywhere, the historical role the marketing of that record played, the fact that it had been [rejected by] three or four other labels before we got it.''

Popovich says that when he found out the show was in the works, he called the president of VH–1, John Sykes, whom he had worked with when Sykes was a promotions man for Columbia in Buffalo.

''I called him before it ran and said 'John, just tell the truth,' and [the show] didn't. He's the president of VH–1, he knows better.''

When questioned about Popovich's absence, the producers of ''Behind the Music'' replied that ''regrettably, in the course of telling a person's life story, someone always feels left out.'' Sykes did not return a call asking for a comment.

Why the black out? Considering that the show was obviously sanctioned by Meat Loaf, who appeared in multiple interviews, it could have something to do with a 1995 lawsuit that Popovich's Cleveland Entertainment Inc. filed against Sony Music Entertainment Inc. and CBS Records in Cuyahoga County Common Pleas Court. The suit alleged that Popovich was defrauded out of royalties for Bat Out of Hell through various devices, including fraudulently calculated royalties for the sales of CDs. Meat Loaf, who re-signed to Sony following the filing of Popovich's initial complaint, was expected to testify against Popovich at the trial.

But the suit never made it to court. Popovich, who sought $100 million, and Sony settled for a confidential amount last February. Ancillary litigation filed in New York federal court by Meat Loaf against Sony and Cleveland Entertainment was dismissed at the same time.

Today, Popovich will only say that his suit was settled ''amicably.'' For the first time in two decades, Meat Loaf is off his plate—though Popovich says that as a result of his Sony lawsuit he does receive royalties from sales of Bat Out of Hell.

OLD WORLD

Popovich grabs a black-and-white photo off a pile of papers on his desk. ''Here, look what I found,'' he says, talking to his son, Steve, Jr., who just walked into his office, a muscular, spiky haired, tattooed contrast to his father.

The photo shows a young boy, about 6-years-old, standing proudly, hands on his hips talking to a group of men around him. The men are Johnny Cash, Hank Williams Jr. and Cowboy Jack Clements. The boy is Steve, Jr.

''You're talking to them like you're Clive Davis,'' his father continues, laughing.

The photo was taken during Popovich's years as vice president of Polygram Nashville, a position he took in 1986.

''I had been through a pretty intense divorce . . . there had been a whole series of misadventures, including coming out of having one of the biggest acts in the world and ending up with very little,'' says Popovich about his decision to shut down Cleveland International. ''The reality of that set in, and out of the blue an old friend of mine who took over Polygram in New York called and said 'hey, you want to have some fun,' and I was like, 'I'm ready for that.' ''

In typical Popovich fashion, he took Nashville's least successful label and built it into a powerhouse, signing Johnny Cash, Kris Kristofferson and the Everly Brothers and turning Kathy Mattea into a star.

In not so typical Nashville fashion, Popovich signed his old friend, Frankie Yankovic—whose 1986 Grammy Award-winning album, 70 Years of Hits he co-produced—to the label. Yankovic became a quick favorite in Nashville, selling out concerts and recording one album, Live In Nashville.

But Popovich wasn't a country boy for long. In 1993, he returned to Cleveland.

''My son wanted to go to Lake Catholic High School to play football and wanted to see more of his mother. My family's up here, and I thought it was an opportune time to start another label.''

It wasn't long before he revived Cleveland International, this time in partnership with Cleveland businessman and metalwork factory owner Bill Sopko, a friend since the '70s.

''The concept was to try to find some new people that the big companies were not interested in, to try to do something regionally,'' says Sopko. ''And he would keep his ears open and possibly pick another winner. We're still trying to accomplish that.''

Since Cleveland International's humble rebirth—it has a staff of two, including

Popovich, who often even answers the company phone—the label has released 31 albums.

The diversity of sounds is striking: Danish pop-rock from Michael Learns to Rock to Hanne Boel; a Browns protest compilation called Dawg Gone; a Cockney folk duo called Chas and Dave; the cast album from the touring Woody Guthrie American Song production; Ian Hunter's 1995 Dirty Laundry; new releases from Polish polka king Eddie Blazonczyk; and the Grammy-nominated 1995 release by Frankie Yankovic and Friends, Songs of the Polka King. But it's his return to his ethnic roots that Popovich is most excited about.

''Maybe that's what I'm supposed to do at 56 years old. This is what I grew up with, so maybe as you get older what you grew up with becomes more important. Or maybe it's a reaction to the Sony-fication of the world,'' he says.

This roots revival has led Popovich to create Our Heritage . . . Pass It On, a mid-priced label he describes as ''meant to reflect the ethnicity of Cleveland and the Midwest.'' So far, the label features releases by Cleveland crooner Rocco Scotti and the Here Come the Polka Heroes compilation, and Popovich plans to expand the variety of nationalities represented on the subsidiary. He's looking into working with Irish and Latin music groups, and he recently assisted Cleveland's Kosovo Men's Choir, a Serbian church group, in releasing a record on their own label that he may pick up for Our Heritage.

But while his first reason for Our Heritage may be his love for the music, it's not Popovich's only impetus. ''I'd like to see this break through, and I'd be the king of polka records. If Sony wanted to deal with polka music, they'd have to come to me,'' he says.

He sees a real future in celebrating the past.

''There is a hunger for the Euro-ethnic. Whether it's in books, music or videos. I'm not saying on a titanic level at all, but there's something very interesting going on,'' he says.

To prove his point, he pops a video into the VCR next to his desk. Groups of brightly clad dancers emerge on the screen, doing a Croatian folk dance.

''You have this group [The Duquesne University Tamburitzans] in Pittsburgh, 35 born and raised in America Euro-ethnic kids who go and do two hours shows to standing ovations and play all over the country. And then you go see them after the show, and they're wearing their Nine Inch Nails T-shirts.''

He pops in another video, and the screen is filled with polkaing twentysomethings.

''He pops in another video, and the screen is filled with polkaing twentysomethings.

''This goes on at Seven Springs on July 4th every year,'' he explains, refering to an annual polka-fest held at the Pennsylvania ski resort. ''I'm the oldest one there.

''They should get PBS in Pittsburgh down there. This is America, man. If I say polka, people are like, 'the p word'. . . but you see the ages of these dancers. The whole floor's going nuts.

''We need someone with a TV camera. Someone interviewing these people about the history of this thing and why they love this. They don't hear it on the radio, they don't see it on TV, they don't see it on movie theaters, but it stays alive. Why? It's an underground thing and has been for the greater part of this century. That's what I love about it.''

NEW WORLD

''Show her your tattoo, Pop,'' says Steve Popovich to his son, using the nickname they call one another.

Steve, Jr., in chain-clad baggy jeans and a button-down Adidas shirt, pulls up his sleeve to reveal the words Zivili Brace, Zivili Sestra, a Serbo-Croatian saying meaning roughly ''to life brother, to life sister.'' It's also the name of a polka by Johnny Krizancic.

Like father, like son.

A cliché perhaps, but a saying that rings true for the Popoviches. Nineteen-year-old Steve, Jr. has just made his move into the music world, in partnership with his father and the owners of Toledo-based punk-metal label Sin Klub Entertainment, Ed Shimborske and Michael Seday. The four have just formed Grappler Unlimited, a subsidiary of Cleveland International.

Unlike Our Heritage, this label has nothing to do with Popovich's love for the Old World. It has everything to do with his love for the little boy who once stood talking to Johnny Cash and Hank Williams Jr.

Steve, Jr. was a major reason Sin Klub first caught his father's attention. Seday was dating Popovich's daughter, Pamela. He and Steve, Jr. became friends, and he took the younger Popovich to Toledo to see some of Sin Klub's bands, including a heavy rap-punk called Porn Flakes.

''Something just clicked, I was just drawn to it,'' says Steve, Jr. ''It was like a disease. It was catchy, it really was.''

Steve, Jr. was so impressed with Porn Flakes that he came back to Cleveland and, at age 16, promoted his first show, a concert at the Agora featuring Porn Flakes, Fifth Wheel, Cannibus Major and Cows in the Graveyard. He also told his father about what he saw. Steve, Sr. began to take notice of this young label that was taking the same kind of regional marketing approach that he had always practiced.

''Popovich started putting his hand into [Sin Klub] and helping us out, giving us advice. He was kind of like a father figure to the label,'' says Shimborske. ''He helped throw his weight around a little, getting us some better shows.''

''He admired the fact that we stuck it out for so long,'' he says. ''Plus, I think he needed, or wanted, to kind of fill the void with his conglomeration of labels, as far as having a younger, more cutting-edge sound. A fresher, alternative sound.''

Popovich admits appealing to a younger audience was a factor behind Grappler.

''We established a certain kind of image for Cleveland International, and I got a little concerned when people would think it was only a polka label,'' he says.

Grappler was finally formed in the fall of '98 with Porn Flakes as the first signing. Though in some ways the new subsidiary has a loose, family feel—Shimborske's parents help out with art and photo work, and Popovich once took Frankie Yankovic to Shimborske's grandparents' house for homemade pierogis—all four partners are very serious. Seday and Shimborske, who still run Sin Klub, are doing A&R and marketing. Steve, Jr. is doing promotions out of his father's office. And Steve, Sr. is doing what he can to help without trying to run the show.

''I don't want my rules to apply to that label. It's whatever they feel people their age want. These are three pretty talented guys who know the music business,'' he says. ''They're real passionate, and that's the key word.''

''Cleveland International funded it. I try to stay in the background and bring these guys along with what contacts I have.''

So far this has meant making calls to radio stations on the label's behalf and taking the label's product to conventions. This week, Popovich, his son and Seday have taken Porn Flakes product to the Midem conference in France, the world's largest music-industry convention, in hopes of getting world licensing for the group.

Despite his connections, Popovich realizes it's not going to be easy to break Porn Flakes or any other new band. The times have changed since he started in the music industry, and different rules now apply. High-priced consultants who dictate playlists across the country rule contemporary radio, making a grassroots regional push like the one used with Meat Loaf almost impossible. And Cleveland is far from the music hub it was in the days when WMMS mattered.

''The problem is you have five major companies that control American radio. You have great local radio people still, people like Walk Tiburski and John Lannigan. The people are here. The ownership unfortunately is not here, and the consultants for the most part are not based here. They live in Washington, D.C. or Texas and are adding records in Cleveland, Ohio.''

Still, Popovich predicts a future when radio might not matter that much.

''Mushroomhead is not on the radio, and they're packing bars. People love it, and they still manage to attract a crowd. It's beyond that now going into the next century. You don't need A&R people now. If you believe in what you do, get somebody to put up the money to press up a thousand records and put them in stores in consignment. If those records go away, get a thousand more. And then go on with your Website. You can start that way. Then at some point you need to be seen at South by Southwest or one of those New York gigs.''

Popovich also has some forward thinking ideas about Cleveland International. He's talking about starting an Internet radio station and believes that to sell records you need to get them into unorthodox places, like hotel lobbies and drug stores, not just mega-record stores.

''I need a person who is a head of sales who has no rules, who can think into the next century,'' he says.

Still, there are some troublesome factors.

''It's a questionable time to be doing what I'm doing, given the fact that people can now make their own CDs and that there's MP3,'' says Popovich. ''The industry's going through a lot of changes.''

So why start Grappler?

''They're kind of keeping me in balance,'' he says. ''There's a whole new world of 19-year-olds out there who don't necessarily love 'N Sync or Backstreet Boys or what MTV is trying to shove down their throats. I've always loved that end of the business. Most of the artists I dealt with no one believed in, in the beginning.''

That's how he got all of those records on the wall.

GOVERNMENT SHUTDOWN PREVENTION ACT OF 1999

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1999

Mr. GEKAS. Mr. Speaker, yesterday, the NFL owners approved the use of an ''instant replay'' system to review controversial calls in football games. Well, it looks like the NFL is one step ahead of Congress. The Government Shutdown Prevention Act would be an ''instant replay'' for the budget, so there is never a threat of a shutdown as the clock ticks down on the fiscal year. There have been innumerable ''controversial calls'' as budget negotiations have stalled and even completely broken

down. The Government Shutdown Prevention Act allows appropriators to finish their work as funding levels automatically continue at the rate of the previous year: an ''instant replay'' that allows the Government to operate until a budget agreement is reached. An ''instant replay'' that allows senior citizens to get their social security checks on time, allows veterans to receive their benefits, and keeps federal workers on the job during budget negotiations. I'd say Congress ought to take a page out of the NFL play book and pass H.R. 142, the Government Shutdown Prevention Act.

MY COMMITMENT TO REPEALING THE JONES ACT

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1999

Mr. SCHAFFER. Mr. Speaker, American agricultural producers today do not have access to domestic deep-sea transportation options available to their foreign competitors. There are no bulk carriers operating on either coast of the United States, in the Great Lakes, nor out to Guam, Alaska, Puerto Rico, or Hawaii. This places Colorado producers at a competitive disadvantage because foreign producers are able to ship their products to American markets at competitive international rates whereas U.S. producers are not.

Colorado agricultural producers also need access to deep-sea transportation options because other modes of transportation are often expensive, unpredictable, or unavailable. The rail car shortage we experienced in 1997 could have been averted if just 2% of domestic agricultural production could have traveled by ocean-going vessel. With continued record harvests anticipated across our state, the bottlenecks and congestion on rail lines could easily happen again. This raises rail rates to artificially high levels at a time when commodity prices are already depressed. This in turn raises the costs of production, lowers income, and makes it more difficult for Colorado's producers to compete against subsidized foreign products.

The reason there are no domestic bulkers available to agriculture shippers is because of an outdated maritime law, known as the Jones Act, which as passed in 1920 in an effort to strengthen the U.S. commercial shipping fleet. This law mandates any goods transported between two U.S. ports must travel on a vessel built, owned, manned, and flagged in the United States—no exceptions. The domestic fleet has languished under the Jones Act because it is prohibitively expensive to build new ocean-going vessels in U.S. shipyards.

Only two bulkers have been built in U.S. shipyards in the last 35 years, which has left our country with the oldest fleet in the industrialized world. To contract for a new ship would cost an American operator over three times the international non-subsidized rate, almost assuring no new bulkers are built in the United States.

At a time when we should be fighting ever harder to open foreign markets, reduce unnecessary costs and regulatory burdens, and promote sales of American products, we should not be imposing artificial costs and burdens on Colorado's hardworking agriculture producers. I will continue my work in Congress to repeal the Jones Act and assure a more efficient and cost-effective system for transporting agricultural goods to market.

TRIBUTE TO THOMAS FERNANDEZ

HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1999

Mrs. WILSON. Mr. Speaker, I wish to bring to your attention an award won by Thomas Fernandez, a 12-year-old resident of our great community, Albuquerque, NM. Thomas Fernandez is the 1999 BMX Grand National Champion for his age group.

Thomas began competing when he was 4½ years old. He has more than 200 trophies displayed at his family's home in Barrio de Duranes. This is the second time Thomas has taken this prestigious national title. The first time was in 1992 at the age of 6.

Please join me in recognizing this achievement of Thomas Fernandez and wish him continued success.

OPPOSING COMMUNISM

HON. TOM DeLAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1999

Mr. DELAY. Mr. Speaker, I commend the following remarks given by Paul Harvey in a radio broadcast on March 16, 1999 to my colleagues.

[Excerpt from Paul Harvey News, March 16, 1999]

When Communism was threatening to take over the world there were Americans with divided allegiance. Communists had infiltrated some high places into the United States. A lean young traitor was able to walk out of the Supreme Court building with two character references in his briefcase.

In Hollywood individuals suspected of communist sympathies were blacklisted. Some were denied employment for years. Less well known is the Hollywood blacklist of ANTI communists and this one still exists.

March 21, next Sunday; in Los Angeles, California at the Dorothy Chandler Pavilion there will be a ceremony of support for the actors and actresses who have been blacklisted because they dared oppose communism. Adolph Menjou, Elia Kazan, and recognition for his red-white and blue colleagues: Writer Jack Moffitt, Richard Macaulay, Morris Ryskind, Fred Niblo, Junior. Albert Mannheimer who dared fight communists within the Screen Actors Guild.

Most of these who opposed communism never worked in Hollywood again. They represent the ''other blacklist.'' And it is not limited to Hollywood.

All media include some whose patriotism is diluted and to whom anybody consistently on the right is anathema. They hated Reagan and still do.

Such is the ''new discrimination'' a new organization has taken root to protect the civil rights of the American right. The American Civil Rights Union chaired by Robert Carlson and with a board comprised of Bob Bork, Linda Chavez, Ed Meese, Joe Perkins, Ken Tomlinson.

In my professional experience there is less—left-right—polarization in our nation than ever in this century. But what it is is insidious, entrenched, tenacious. Until the day when there will be need for an ACLU or an ACRU . . . it is constructive that we now have both.

AFL–CIO MAKES GOOD SENSE ON TRADE

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1999

Mr. FRANK of Massachusetts. Mr. Speaker, one of the most important issues on which many of us are now working is to forge policies which allow us to get the benefits of the global mobility of capital while dealing with the negative impacts that accompany that movement of money throughout the world in the absences of sensible, humane public policies.

No organization in America has done as much to articulate the important, principles that we need to follow in this regard than the AFL–CIO, and the statement on Trade and Deindustrialization issued by the AFL–CIO's executive Council last month is an excellent presentation of this problem. A significant number of us here in the House believe that unless we are able to embody these principles in legislation, the chances of adopting further trade legislation will be substantially diminished, an support for international financial institutions will be similarly negatively affected. Because the AFL–CIO does such a good job of spelling out the approach that is economically, morally and politically called for in dealing with the international economy, I ask that the Council's statement be printed here.

TRADE AND DEINDUSTRIALIZATION

The financial crisis that began in Asia more than a year-and-a-half ago continues and spreads. The countries hit first struggle to recover, and new countries succumb to the contagion. Millions of workers have lost their livelihoods in the crisis countries and hunger and poverty have grown alarmingly. The United States is not immune, and many American workers are already paying a high price for global turmoil.

It is clear that the crisis is neither temporary, nor easily fixed. The cause of the crisis is systemic, and solutions must go straight to the heart of a global trade and investment regime that is fundamentally flawed. Deregulated global markets, whether for capital and currencies, or for labor and goods, are not sustainable. They produce speculative, hot money explosions and a relentless search for lower costs that devastate people, overturn national economies and threaten the global economy itself. The so-called Washington consensus on ''economic reform''—trade and investment liberalization, privatization, deregulation, and extreme austerity—is a recipe for instability, social strife, environmental degradation, and growing inequality, not long-term growth, development, and broadly shared prosperity.

The combination of the global financial crisis and long-term trends in trade and investment have inflicted deep wounds in the U.S. manufacturing sector. The United States has lost 285,000 manufacturing jobs since March of 1998. Trade-related job loss will likely grow in 1999, as the trade deficit in goods is projected to climb from about $240 billion in 1998 to close to $300 billion this year.

This trade imbalance is accelerating industrialization in a broad array of industries—

steel, textile, apparel, auto, electronics, and aerospace. No region has escaped the ravages of the crisis.The impact is not only job loss, but also the quality and composition of jobs, and therefore the distribution of income. Despite the recent growth in wages, the typical American worker's real hourly compensation is lower today than it was almost a decade ago—even as productivity grew by 9 percent.

We must address these problems by insisting upon a set of principles that will guide our trade, investment, and development policies at home and in all of the multilateral fora. We will strenuously oppose any new trade or investment agreements that do not reflect these principles, and we will work to remedy the deep flaws in our current policies.

First, excessive volatility in international flows of goods, services, or capital must be controlled. Countries must retain the ability to regulate the flow of speculative capital in order to protect their economies from this volatility.

Second, we must not allow international trade and investment agreements to be tools which businesses use to force down wages and working conditions or weaken unions, here or abroad.

Third, we need to pay more attention to the kind of development we aim to encourage with our trade policy. Our current policies reward lower barriers to trade and investment, and encourage developing countries to dismantle domestic regulation. These policies encourage developing countries to grow by tapping rich export markets abroad, while keeping wages low at home. This focus on export-led growth short-changes developing countries and places undue burden on our market.

As Congress considers trade initiatives this year, and as the Administration prepares to host the World Trade Organization (WTO) ministerial in November, they must adhere rigorously to these principles. This requires that:

The U.S. government must radically reorder its priorities, so that our trading partners understand that enforceable worker rights and environmental protection are essential elements in the core of any trade and investment agreements. Unilateral grants of preferential trade benefits must also meet this standard. The African Growth and Opportunity Act and the proposed extension of NAFTA benefits to the Caribbean and Central America fall far short and are unacceptable.

We should strengthen worker rights provisions in existing U.S. trade laws and enforce these provisions more aggressively and unambiguously to signal our trading partners that failure to comply will not be tolerated.

The U.S. government must enforce the agreements it is currently party to, before looking to conclude more deals. China's failure to abide by the 1992 memorandum of understanding and the 1994 market-opening agreement must not go unchallenged, and China's recent jailing of trade unionists is yet more evidence that WTO accession should be denied. Congressional approval should be required for China's accession to the WTO.

Current safeguard provisions in U.S. law are clumsy and ineffective. We must strengthen and streamline Section 201 and the NAFTA safeguards provisions, so that we can respond quickly and effectively when import surges cause injury to domestic industries. Until this can be accomplished, we should be ready to take unilateral action to protect against import surges when necessary.

Immediate steps must be taken to address the flood of under-priced imported steel coming into our market. U.S. workers must not be the victims of international financial collapse.

Fast track—the traditional approach to trade negotiating authority—has been decisively rejected by Congress and the American people. Trade negotiations are increasingly complex, and Congress must have a stronger consultative role. Congressional certification that objectives have been met at each stage must be required before the negotiations can proceed. Both the process of negotiation and the international institutions that implement these agreements need to be more transparent and accessible to non-governmental organizations.

We need to address the problems faced by developing countries more directly, by offering deep debt relief and development funds as part of an overall program of engagement and trade. Trade preferences linked to improved labor rights and environmental standards change the financial incentives for countries seeking market access and increased foreign direct investment; debt relief and aid can help provide the resources necessary to implement higher standards.

The U.S. government needs to address the problems of chronic trade imbalances and offset agreements, whereby U.S. technology and jobs are traded for market access.

But before Congress and the Administration craft fundamentally different trade policies, we must take urgent steps to fix problems in our current trade agreements. NAFTA has been in place for five years now and has been a failure.

We must strengthen the labor rights protections in NAFTA, so that violations of core labor standards come under the same strict dispute settlement provisions as the business-related aspects of the agreement.

We must renegotiate the provisions on cross-border trucking access. It is clear that fundamental safety issues are far from being satisfactorily addressed. The safety of our highways must not be compromised for the sake of compliance with a flawed trade agreement.

The safeguard provisions in NAFTA have proven ineffective in the cases of auto and apparel imports, which have surged unacceptably since NAFTA's implementation in 1994. These provisions must be corrected. We must insist on an equitable sharing of automotive production among the three North American countries, so that all three countries can benefit from growth in the North American market, as well as sharing in its downturns. And we must ensure that the investment provisions of NAFTA, which grant new powers to corporations in their disputes with governments, are fixed and not used as a model for any future agreements.

In addition to fixing trade policy, we have to make sure that our policies toward investment, development, taxation, and the international financial institutions support economically rational, humane, and worker-friendly rules of competition. We must change the rules of the international economy, not so we can have more trade, but so we can build a better world, for working families here and abroad.

Finally, it is important to remember that the United States has the right to withdraw from trade agreements to which it is a party. The U.S. government should undertake an aggressive review of existing trade agreements to determine whether they adequately protect U.S. interests or whether the U.S. should exercise its withdrawal rights.

WOMEN'S BUSINESS CENTER AMENDMENTS ACT OF 1999

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1999

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of H.R. 774, the Women's Business Center Amendments Act. This bill increases the authorization for the Women's Business Center Program from $8 million to $11 million in FY 2000.

I support this bill because the Women's Business Centers are instrumental in assisting women with developing and expanding their own businesses. The Centers provide comprehensive training, counseling and information to help women succeed in business.

Women are starting new businesses at twice the rate of men and own almost 40 percent or 8 million of all small businesses in the United States. Women of color own nearly one in eight of the 8 million women-owned businesses or 1,067,000 businesses.

Women start businesses for a variety of reasons. With the recent spate of corporate downsizing in large companies and the various changes in the marketplace, small businesses are becoming a vital part of the economic stability of the country.

Women often start businesses because they want flexibility in raising their children, they want to escape gender discrimination on the job, they hit the glass ceiling, and many desire to fulfill a dream of becoming an entrepreneur. We should encourage this current trend of women-owned businesses by supporting the Women's Business Center Amendment appropriation.

The Women's Business Centers offer women the tools necessary to launch businesses by providing resources and assistance with the development of a new business. This includes developing a business plan, conducting market research, developing a marketing strategy, and identifying financial services. The centers also offer practical advice and support for new business owners.

Access to this information is essential to success in small business. The Women's Business Centers provide a valuable service to aspiring entrepreneurs.

I urge my colleagues to support this bill.

ASSISTING SOCIAL SECURITY DISABILITY BENEFICIARIES IN THEIR RETURN TO WORK: THE WORK INCENTIVES IMPROVEMENT ACT OF 1999

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1999

Mr. MATSUI. Mr. Speaker, I am pleased to join my colleagues in the introduction of ''The Work Incentives Improvement Act of 1999.'' This legislation is designed to help Social Security Disability Insurance and SSI beneficiaries participate more fully in our nation's economy. It provides new opportunities and new incentives for people with disabilities to return to the work force.

The Work Incentives Improvement Act of 1999 enjoys widespread support. It has gathered bipartisan sponsorship in the House and has already been approved by a bipartisan majority in the Senate Finance Committee.

Many, many beneficiaries urgently want to return to work and to make the most of their talents and abilities, but they are simply unable to do so for a variety of reasons. For instance, while people with disabilities possess the clear desire to work, they often require vocational rehabilitation, job training, or some other form of assistance in order to find a job and to hold that job over the long run. This bill would create incentives for providers of services to offer necessary assistance and to stay involved with the individual to assure as he adjusts to the work force.

At a hearing before the Ways and Means Social Security Subcommittee last week, the General Accounting Office reported that the single most important barrier to work for people with disabilities is the fear of loss of medical coverage. People with disabilities are discouraged from securing employment, as they lose not only their SSDI or SSI benefits but also their medical coverage if they are successful in returning to work.

This legislation would extend medical coverage for people with disabilities who wish to return to work. The bill that the House passed last year by an overwhelmingly bipartisan margin—the Ticket to Work and Self-Sufficiency Act—made admirable progress in this regard. But I believe we can, and should, do more. I look forward to working with my colleagues on the Commerce Committee to remove this barrier to work.

Rather than maintain the current barriers to work, we should strive to facilitate the transition back to the workforce for people with disabilities. Rather than penalize people with disabilities once they do return to work, we should ensure that they do not have to bear the costly burden of health insurance before they are able to do so. The Work Incentives Improvement Act accomplishes both those goals.

The Act would provide disability beneficiaries with a ''Ticket to Work,'' which could be presented to either a private vocational rehabilitation provider or to a State vocational rehabilitation agency in exchange for services such as physical therapy or job training. The ''Ticket to Work'' would afford SSDI and SSI beneficiaries a much greater choice of providers and would thus enable them to match their particular needs with the capacities of private entities or public agencies more readily. Moreover, the Ticket program would spur providers, both public and private, to offer the most effective services possible, since, under the Ticket program, providers share in the savings to government that arise when a SSDI or SSI beneficiary returns to the workforce and no longer receives benefit payments.

The Work Incentives Improvement Act would also help to remove the most formidable obstacle that people with disabilities face in returning to work—the loss of their health care coverage. Last year's House-passed bill would have extended Medicare coverage for an additional two years beyond current law for individuals who leave the disability rolls to return to work. The Work Incentives Improvement Act that I am introducing today would build upon the foundation laid last year in a number of ways. First, it would extend Medicare coverage to 10 years for disability beneficiaries who return to work. Second, it would allow states to offer a Medicaid buy-in to people with disabilities whose incomes would make them ineligible for SSI.

Taken together, these provisions offer people with disabilities the support and the incentives they need as they strive to return to work. Consequently, I hope Members of both parties will join me and the other sponsors of the Work Incentives Improvement Act in enacting this innovative legislation this year and in helping to improve the lives of people with disabilities, people who want to work and who want to contribute, even more than they already do, to a brighter future for all Americans.

THE DISTRICT OF COLUMBIA BUDGET AUTONOMY ACT OF 1999 AND THE DISTRICT OF COLUMBIA LEGISLATIVE AUTONOMY ACT OF 1999

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1999

Ms. NORTON. Mr. Speaker, today I introduce the District of Columbia Legislative Autonomy Act of 1999 and the District of Columbia Budget Autonomy Act of 1999, continuing a series of bills that I will introduce this session to ensure a process of transition to democracy and self-government for the residents of the District of Columbia. The first provision of the first bill in my D.C. Democracy Now series, the District of Columbia Democracy 2000 Act (D.C. Democracy 2000), has already been passed and signed by the President as Public Law 106–1—the first law of the 106th Congress. This provision repeals the Faircloth attachment and returns power to the Mayor and City Council.

The Revitalization Act passed in 1997 eliminated the city's traditional, stagnant federal payment and replaced it with federal assumption of escalating state costs including prisons, courts and Medicaid, as well as federally created pension liability. Federal funding of these state costs involve the jurisdiction of other appropriations subcommittees, not the D.C. appropriations subcommittee. Yet, it is the D.C. subcommittee that must appropriate the District's own locally-raised revenue derived from its own taxpayers before that money can be used by the District government. My bill corrects an untenable position whereby a national legislature appropriates the entire budget of a local city jurisdiction. The District of Columbia Budget Autonomy Act would allow the District government to pass its own budget without congressional approval.

Congress has put in place two safeguards that duplicate the function of the appropriation subcommittees—the Chief Financial Officer (CFO) and the District of Columbia Financial Responsibility and Management Assistance Authority (Financial Authority). Today, however, the District has demonstrated that it is capable of exercising prudent authority over its own budget without help from any source except the CFO. In FY 1997, the District ran a surplus of $186 million. Last year, the District's surplus totaled $444 million, and the city government is scheduled to continue to run balanced budgets and surpluses into the future.

Budget autonomy will also help the District government and the Financial Authority to reform budgetary procedures by: (1) streamlining the District's needlessly lengthy and expensive budget process in keeping with the congressional intent of the Financial Authority Act to reform and simplify D.C. government procedures, and (2) facilitating more accurate budgetary forecasting.

This bill would return the city's budget process to the simple approach passed by the Senate during the 1973 consideration of the Home Rule Act. The Senate version provided a simple procedure for enacting the city's budget into law. Under this procedure, the Mayor would submit a balanced budget for review by the City Council with only the federal payment subjected to congressional approval. Under the Constitution's District clause, of course, the Congress would retain the authority to intervene at any point in the process in any case, so nothing of the prerogatives and authority of the Congress over the District would be lost ultimately. A conference compromise, however, vitiated this approach treating the D.C. government as a full agency (hence the 1996 very harmful shutdown of the D.C. government for a full week when the federal government was shut down). The Home Rule Act of 1973, as passed, requires the Mayor to submit a balanced budget for review by the City Council and then subsequently to Congress as part of the President's annual budget as if a jurisdiction of 540,000 residents were an agency of the Federal Government.

The D.C. budget process takes much longer compared to six months for comparable jurisdictions. The necessity for a Financial Authority significantly extended an already uniquely lengthy budget process. Even without the addition of the Authority, the current budget process requires the city to navigate its way through a complex bureaucratic morass imposed upon it by the Congress. Under the current process, the Mayor is required to submit a financial plan and budget to the City Council and the Authority. The Authority reviews the Mayor's budget and determines whether it is approved or rejected. Following this determination, the Mayor and the City Council (which also holds hearings on the budget) each have two opportunities to gain Authority approval of the financial plan and budget. The Authority provides recommendations throughout this process. If the Authority does not approve the Council's financial plan and budget on second review, it forwards the Council's revised financial plan and budget (containing the Authority's recommendations to bring the plan and budget into compliance) to the District government and to the President. If the Authority does approve the budget, that budget is then sent to the President without recommendations. The proposed District budget is then included in the federal budget, which the President forwards to Congress for consideration. The D.C. subcommittees in both the House and Senate review the budget and present a Chairman's mark for consideration. Following markup and passage by both Houses, the D.C. appropriations bill is sent to the President for his signature. Throughout this process the bill is not only subject to considerations of fiscal soundness but individual political considerations.

This procedure made a bad budgetary process much worse causing me to write a consensus budget provision in the President's Revitalization Act that allows the parties to sit at the same table and write one budget. Even so, instead of that budget becoming law then, the District remains without a budget for months, often after the beginning of the fiscal year.

Under the legislation I introduce today, the District of Columbia still remains subject to the full appropriations process in the House and Senate for any federal funds. Nothing in this bill diminishes the power of the Congress to ''exercise exclusive legislation in all cases whatsoever'' over the District of Columbia under Article I, section 8, clause 17 of the U.S. Constitution should it choose to revise what the District has done concerning locally raised revenue. Nothing in this legislation prevents any Member of Congress from introducing a bill that addresses her specific concerns regarding the District. The Congress should grant the District the power to propose and enact its own budget containing its own revenue free from Congressional control now during the period when the Authority is still the monitoring mechanism providing an important incentive to help the District reach budget balance and meaningful Home Rule.

The second bill I introduce today, the District of Columbia Legislative Autonomy Act of 1999, eliminates the congressional review period of 30 days and 60 days respectively, for civil and criminal acts passed by the D.C. City Council. Under the current system, all acts of the Council are subjected to this Congressional layover period. This unnecessary and undemocratic step adds yet another unnecessary layer of bureaucracy to an already overburdened city government.

My bill would eliminate the need for the District to engage in the byzantine process of enacting emergency and temporary legislation concurrently with permanent legislation. The Home Rule charter contemplates that if the District needs to pass legislation while Congress in out of session, it may do so if two-thirds of the Council determines that an emergency exists, a majority of the Council approves the law and the Mayor signs it. Emergency legislation, however, lasts for only 90 days, which would (in theory) force the Council to the pass permanent legislation by undergoing the usual congressional review process when Congress returns. Similarly, the Home Rule Charter contemplates that the Council may pass temporary legislation lasting 120 days without being subjected to the congressional review process, but must endure the congressional layover period for that legislation to become law.

In actual practice, however, most legislation approved by the City Council is passed concurrently on an emergency, temporary and permanent basis to ensure that the large, rapidly changing city remains running. This process is cumbersome and inefficient and would be eliminated by my bill.

It is important to emphasize that my bill does not prevent review of District laws by Congress. The D.C. Subcommittee would continue to scrutinize every piece of legislation passed by the City Council if it wishes and to change or strike that legislation under the plenary authority over the District that the Constitution affords to the Congress. My bill merely eliminates the automatic hold placed on local legislation and the need to pass emergency and temporary legislation to keep the District functioning.

Since the adoption of the Home Rule Act in 1973, over 2000 acts have been passed by the council and signed into law by the Mayor. Only thirty-nine acts have been challenged by a congressional disapproval resolution. Only three of those resolutions have ever passed the Congress and two involved a distinct federal interest. Two bills to correct for any federal interest, rather than a hold on 2000 bills, would have served the purpose and saved considerable time and money for the District and the Congress.

I ask my colleagues who are urging the District government to pursue greater efficiency and savings to do your part in giving the city the tools to cut through the bureaucratic maze the Congress itself has imposed upon the District. Congress has been clear that it wants to see the D.C. government taken apart and put back together again in an effort to eliminate redundancy and inefficiency. Congress should therefore eliminate the bureaucracy in D.C. that Congress is solely responsible for by granting the city budgetary and legislative autonomy.

Only through true budgetary and legislative autonomy can the District realize meaningful self-government and Home Rule. The President and the Congress took the first step in relieving the District of costly escalating state functions in the Revitalization Act. This bill takes the next logical step by granting the District control over its own budgetary and legislative affairs. I urge my colleagues to pass this important measure.

HONORING MARIE THERESE DAMRELL GALLO

HON. GARY A. CONDIT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1999

Mr. CONDIT. Mr. Speaker, I rise today to honor Marie Therese Damrell Gallo in recognition of her being awarded the Anti-Defamation League's Torch of Liberty Award for the Central Pacific Region. Marie has established standards for charity and voluntarism which are remarkable—all the while, gaining the admiration and love of the many people who have had the pleasure and enjoyment of working with her.

I'm proud to report that first and foremost in Marie's life is an incredibly strong commitment to her family. Marie married Bob Gallo in 1958 and together they have raised 8 children, and have 10 grandchildren.

Yet while raising her family, Marie never forgot her commitment to her friends of her community. In tribute to her many accomplishments, Marie has also received the Liberty Bell award from the Stanislaus County Bar Association, the Standing Ovation Award from the Modesto Symphony Guild, the Outstanding Women of the Year award from the Stanislaus County Commission for Women, and The Cross for the Church and the Pontiff Papal award from His Holiness, John Paul II.

The diversity and breadth of her interests and concerns are amazing. She has been the founder and chairwoman of innumerable fundraising events for charitable organizations, including the Modesto Symphony Guild's Holiday Overture, the American Diabetes Association of Stanislaus County's The Great Caper; the Opening Night Gala for the Central California Art League's Spring Show, the Bishop of Stockton's Celebration of Charity; An Evening Starring Loretta Young for the benefit of the Sisters of the Cross Convent; the YMCA of Stanislaus County's An Autumn Affair; and the Fashion Show for the benefit of St. Stanislaus School.

A native of Modesto, in my district in California's great Central Valley, Marie attended Lincoln Elementary, Roosevelt Junior High, and Modesto High School. She is a graduate of the College of Notre Dame and taught in the San Francisco school system before her marriage to Bob. Marie is an accomplished pianist and studied under Bernhard Abramowitsch at the University of California/Berkeley.

Mr. Speaker, Marie Gallo exemplifies the finest spirit of voluntarism and selfless dedication. I am proud to represent her in the Congress and ask that my colleagues rise and join me in honoring her.

TRIBUTE TO JACOB H. ''BUD'' BLITZER

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1999

Mr. SHERMAN. Mr. Speaker, I rise today to pay tribute to the memory of Jacob H. ''Bud'' Blitzer. Bud was a man of integrity and tremendous resilience, who used his creativity, intelligence, humor, and a sense of fairness to navigate through a life of great challenges.

A victim of polio at age 27, Bud—never one for self-pity—became a successful businessman, consultant, educator, mentor, and all around mensch. Most important to him were the relationships he cultivated with family, friends, the I Have a Dream Foundation, and the many people fortunate enough to know him.

But, with his brother-in-law Len Milner, founded Integrated Ceilings, Inc., specializing in innovative architectural custom ceiling designs. He held many patents for designs which have enhanced numerous office buildings, retail stores, and homes. These innovations inspired an entire industry of ceiling design. He ran his company with the highest standards of honesty, quality, and excellence. This commitment was reflected by the employees of the company who were loyal and proud of their product and most of whom remained with the company throughout the entire time that Bud was its president and CEO.

But did not limit himself to his company. He also served as a mentor for many young entrepreneurs as they began their businesses as well as many people who were struggling with the challenges of life. One notable example was Tom Greene of the T.A. Greene Co., of whom Bud was known to have said, ''I started out helping Tom, but in the end, it was he who helped me.''

Bud was a jazz drummer in his youth, served as an officer in the Army Air Corps, and was founder and president of the Lightrend Co., prior to founding Integrated Ceilings, Inc. An avid sailor and a jazz enthusiast, a conversationalist par excellence, Bud's

greatest gift was to make each person he spoke with feel special.

Our thoughts are with Bud's family: his wife Dalia; children Jamie and Rob, along with his wife Donna; sisters Barbara and Susan and their husbands George and Len; grandchildren Rebecca and Erica; two great grandchildren; nieces and nephews and many friends who were part of the extended family.

Mr. Speaker, distinguished colleagues, please join me in remembering a great friend and outstanding individual, Jacob ''Bud'' Blitzer.

TRIBUTE TO THE LADY BULLDOGS

HON. BARON P. HILL

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1999

Mr. HILL of Indiana. Mr. Speaker, I rise today to honor the Women's Basketball Team from New Albany High School. The Lady Bulldogs won the Indiana High School Athletic Association class 4A basketball championship last Saturday, completing a perfect season.

Congratulations go out to the entire team: Catrina Wilson, Jessica Dablow, Maria Rickards, Abigail Scharlow, Jessica Huggins, Kennitra Johnson, Erin Wall, Amanda Sizemore, Lacy Farris, Noreen Cousins, Andrea Holbrook, Regina Marshall, Brittany Williams, and Jihan Huggins.

I also wish to congratulate: the team's coach Angie Hinton, her assistant coaches Denise Parrish, Paul Hamilton, Joe Hinton and Katie Myers, team trainer Russ Cook, student manager Melissa Fisher, the athletic director at New Albany Don Unruh, and school principal Steve Sipes.

The Lady Bulldogs are the pride of southern Indiana. I join their families, friends, classmates and community in celebrating their great accomplishment.

RECOGNIZING THE IMPORTANCE OF NEW RESEARCH SUPPORTING THE BENEFITS OF MUSIC EDUCATION

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1999

Mr. SCHAFFER. Mr. Speaker, I rise today to recognize the importance of new research supporting the benefits of music education.

The arts as an academic discipline have long been seen as an essential component of education. Recent scientific studies confirm what teachers of old have always known—music and the other arts stimulate higher brain function. Music education has been shown to elevate test scores in other subjects, particularly math. The Statement of Principles is an important document; it outlines seven basic concepts that, if followed, will maximize the benefits of arts education for all children. I entered these same Statements into the CONGRESSIONAL RECORD on September 10 so my colleagues might have a chance to review them.

Mr. Speaker, there is a growing body of research demonstrating a causal link between the formal study of music and the development of spatial reasoning skills in young children. This past week new research from the University of California at Irvine has underscored this link by showing children who take piano lessons and play with newly designed computer software perform better on tests with fractions and proportional math than students not exposed to the piano lessons.

These findings are especially important when one considers that a grasp of fractions and proportional math is a prerequisite to math at higher levels, and children who do not master these areas of math cannot understand more advanced math critical to high-tech fields.

Music lovers like myself have long promoted music education as a way to inspire creativity, develop discipline, and cultivate an appreciation for the arts. Although we suspected gains in cognitive development, today we have the research to confirm it. I urge my colleagues to review the research and encourage families and educators in their Congressional districts to make music education a priority.

EXPRESSING OPPOSITION TO DECLARATION OF PALESTINIAN STATE

SPEECH OF

HON. HOWARD P. (BUCK) McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1999

Mr. McKEON. Mr. Speaker, I rise in support of House Concurrent Resolution 24, which opposes the unilateral declaration of Palestinian statehood.

While the goal of achieving peace in the Middle East has long been elusive, we have in recent years seen progress where Israelis and Palestinians have come to the negotiating table to discuss their differences. This negotiating process should continue to be respected as the best means for Israelis and Palestinians to maintain a constructive dialogue on fundamental issues of concern. Unilateral actions that circumvent this process will only prolong potential solutions to the conflicts which have caused great harm to Arabs and Jews in Israel.

Approving the resolution before use today will convey an important message that the United States support continued negotiations as the best means to create lasting peace in a region where so much blood has been shed.

THE PENSION RIGHT TO KNOW ACT

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1999

Mr. WELLER. Mr. Speaker, do we not have a responsibility to help our constituents understand their benefits? As a large portion of today's population is nearing retirement, employer-sponsored retirement plans have increased in importance. And many people do not understand their benefits. It is an even greater problem when an employer unilaterally changes that plan, and minimal explanation is given.

I have some real concerns in these situations, and I believe we need to help our constituents understand their benefits when they are changed. The Wall Street Journal recently highlighted some of the information disclosure problems when companies change from a traditional pension plan to a cash-balance plan.

One particular situation involved a company who changed their plan and merely informed the employees that a change had occurred. One 49-year-old employee decided to look into this further, because he was thinking about his retirement. He discovered that while he was not going to lose any benefits, he was also not going to accrue any benefits for several years under this new plan. It was only through his efforts to learn more about it that he discovered this.

Now, let me point out that it is not the employer's fault, but the law's. That is why I have joined with Senator MOYNIHAN in introducing companion legislation to correct this problem.

The Pension Right to Know Act, H.R. 1176, will require increased disclosure of information to employees about their pension plan. It would require an explanation to the employee as to how their pension plan will be affected by any plan change. It will require an individual benefit statement for each employee showing how they, in particular, will be affected by this change. For some the change will be beneficial, but for others the change could affect how they plan for the future.

My colleagues, I believe we need to protect our constituents who may be expecting one thing, and then receive something very different. As employers make changes from various retirement plans to cash-balance plans, employees are left not understanding what changes have been made to their retirement plan.

We can help our citizens who are nearing retirement and thinking about their retirement savings program—and we can help them to understand.

Mr. Speaker, let us do what we can to help employees understand their options.

Let us work together. Let us solve this problem, and let us solve it together.

APPRECIATION OF THE HONORABLE IMATA KABUA, PRESIDENT OF THE REPUBLIC OF THE MARSHALL ISLANDS

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1999

Mr. UNDERWOOD. Mr. Speaker, last month I was privileged to travel with the House Resources Congressional Delegation to the Pacific Insular areas. Chairman DON YOUNG should be commended for providing this opportunity to Resource Committee members to educate themselves on the issues that confront the people of Guam, American Samoa, the Commonwealth of the Northern Mariana Islands and the Republic of the Marshall Islands. In this regard our trip was a success and I hope that my colleagues who were fortunate to join the Young CODEL—Rep. DANA ROHRABACHER, Rep. JOHN DOOLITTLE, Rep. COLLIN PETERSON, Rep. KEN CALVERT, Rep. ENI FALEOMAVAEGA and Rep. DONNA CHRISTIAN-CHRISTENSEN—have gained a better understanding of Pacific Insular issues.

I would like to extend my appreciation to the people and leaders of each destination that the Young CODEL visited for their warm welcome and island hospitality. In my remarks today I would like to submit, for the record, the statement of the President Imata Kabua of the Republic of the Marshall Islands. I want to express my gratitude for his collaborative efforts on behalf of his country to advance the economic, educational, social and political needs of his people.

I also want to take this opportunity to state that I share President Kabua's desire for the House Resources Committee and the Congress to work closely in the renegotiations of the Compacts of Free Association with the United States which will commence later this year. I am hopeful that all issues can be addressed in the renegotiations and that concerns of all affected parties will be taken into consideration.

STATEMENT OF PRESIDENT IMATA KABUA

U.S. CODEL MEETING WITH PRESIDENT KABUA AND HIS CABINET, FEBRUARY 20, 1999

Chairman Young, Members of the CODEL, staff, friends: It is indeed an honor and a pleasure for me to welcome you to the Republic of the Marshall Islands. After your long flight, I trust that you now have a better understanding of the vast distance of ocean and land that we cover every time we visit you in Washington, DC.

The people and government of the Marshall Islands have long considered the United States our close friend and ally. Our nations share commitments to freedom, democracy, world peace and well-being for all peoples. These shared commitments are enshrined in the Compact of Free Association, the U.S. Public Law that joined our nations in the strategic alliance.

As the President of the Marshall Islands, I can assure you that our nation is seriously committed to strengthening our mutually beneficial partnership.

Critical to our strategic partnership is our continued hosting of the already expanded military testing facilities on Kwajalein Atoll. I would be remiss if I failed to communicate to you that our relationship with the U.S. military is the strongest it has ever been. We continue to work closely with the Department of Defense to enhance the military's important efforts on the atoll and in the region.

Chairman Young, I want to personally thank you and the members of your Committee for your efforts at extending to the Marshall Islands the assistance that honors the objectives of the Compact.

Specifically, I want to thank you for extending the Pell Grant to our students, providing FEMA support to help us cope with natural disasters and for continuing to recognize the agricultural and resettlement needs of the communities harmed the most by the U.S. Nuclear Weapons Testing Program. These actions signal to the Marshall Islands that the Untied States values our bilateral relationship.

Education remains our top priority along with health services for our people. We value the Federal programs and assistance in these areas and assure you that accountability and proper administration will always be our main focus.

I also want to thank you for the resolution that Chairman Ben Gilman, Delegate Eni Faleomavaega and you introduced last Congress. House Concurrent Resolution 92 stands as a testimony to the success of the bilateral relationship.

In a few moments, you will be hearing more about the Nitijela's corresponding resolutions, and this parliamentary body's shared appreciation of the points so eloquently stated in H. Con. Res. 92.

The RMI Government looks forward to engaging the U.S. Government in productive discussions to address certain provisions of the Compact of Free Association. Our designated negotiator is ready to meet with your designee to begin our discussions as soon as possible. It is our hope that you can encourage the Administration to expedite the appointment of the U.S. chief negotiator so we can begin this dialogue.

In advance of the upcoming Compact negotiations, our government would like to work closely with your Committee, the Members of the U.S. Congress and the U.S. government to address some outstanding issues that need to be resolved, specifically the ''changed circumstances'' issue provided for in Section 177, Article IX of the Compact and concerns we have surrounding Section 111(d).

The first Compact has taught us that the relationship works and that its continuation is important to both nations. The second Compact challenges us to think about the most appropriate and effective means to build on our mutual security and economic and social needs.

I would also like to make the CODEL aware of some of the positive actions the RMI government has undertaken. We have initiated major reforms and taken concrete steps to ensure progress in our nation-building efforts.

Over the past five years, we have successfully streamlined government, created an environment conducive for private sector and foreign investment and have taken important steps in building our nation's infrastructure to sustain economic growth and prosperity.

These efforts are empowering our people to participate in the world economy. We strongly believe that our continued partnership will assist us in meeting the challenges of the next century.

The RMI has also been aggressively working with other mutual allies in the Pacific region. We have established strong diplomatic ties with many of our neighbors and mutual friends. These efforts are beginning to pay tremendous benefits in the form of economic assistance and private sector investment.

At this time, I want to welcome you and to extend my deep appreciation for this visit. I hope you return to Washington knowing that the Marshallese people are your friends and allies. We want you to enjoy yourselves while you are here and to take in our island hospitality and beauty.

THE ROAD TO DOW 10,000

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1999

Mr. OXLEY. Mr. Speaker, I would like to bring a Wall Street Journal column by Lawrence Kudlow to the attention of my colleagues. The subject is the strength of the stock market and the ongoing economic expansion.

The point of the piece is that sound economic policy making begets solid economic growth. Put more precisely, the absence of anti-growth policies allows free markets to flourish. Economic freedom in the form of low tax rates, deregulation, free trade, and restrained government spending leads to increased private investment, low inflation and a booming national economy.

Again Mr. Speaker, I commend the following column to the attention of all interested parties.

[From the Wall Street Journal, Mar. 16, 1999]

THE ROAD TO DOW 10,000

(By Lawrence Kudlow)

The Dow Jones Industrial Average stands at the threshold of yet another milestone, this time 10,000. Meanwhile the longest continuous prosperity in the 20th century, begun in late 1982 and, interrupted only by a short and shallow recession in 1990–91, continues apace. These facts are worth pondering, for a proper understanding of them can instruct us toward the best future economic policy.

The current stock market boom began in mid-1982 and is now the second longest in the century, exceeded only by the post-war 1949–68 cycle. Since August 1982 the Dow Jones average has appreciated 1,095%, or 615% in inflation-adjusted terms. The economy has posted a 3.2% yearly real rate of increase, while real corporate profits have expanded by 6% annually. Thirty-nine million net new jobs have been created, largely from nearly 11 million new business start-ups.

Roughly $25.7 trillion of new household wealth has been created, according to the Federal Reserve. Long-term Treasury bond yields, they key discount rate used to calculate the net present value of future corporate earnings, have dropped to 5.5% from roughly 15%. Inflation has fallen to almost zero from nearly 11%, even while the unemployment rate has dropped to 4.4% from 11%.

PESSIMISTIC GURUS

Yet since 1982 most economic and investment gurus have preached pessimism. For 17 years they have told the public that neither the bull market nor the prosperity can last, because of budget deficits, trade deficits, savings shortfalls, high real interest rate, capacity constraints, inadequate productivity, subpart real wages, inflation threats, Philips curves, market bubbles, income inequity, Asia, Russia and a variety of other reasons.

Yet the experts have been proved wrong; optimism has prevailed. Actually, the stock market itself is a much better measure of economic progress than a barrelful of government statistics. Market prices reflect the collective judgment of millions of profit-seeking individuals who buy and sell each day based on their expectations of future wealth creation.

Why has the outlook for wealth improved so dramatically? In a word, freedom. Freedom creates wealth, and wealth boosts stock prices. Economic freedom was decisively restored by policies launched during the 1980s. This led to a revival of the risk-taking and entrepreneurship that is so vital to a dynamic economy.

President Reagan's policies, which are mostly still in place today, removed the barriers to growth that made in 1970s the worst stock-market economy since the '30s. Strong disinflation restored purchasing power and reduced interest rates. In other words, the ''inflation tax'' on money was repealed, Personal and corporate tax rates were slashed, providing new incentives for work and entrepreneurship. All vestiges of wage, price and energy controls were eliminated, freeing up markets to allocate resources efficiently.

Industry deregulation begun by President Carter was services, airlines and later telecommunications. Organized labor excesses were curbed. Antitrust activism was shelved. Free trade was expanded between the U.S. and Canada.

The two biggest periods of the stock market's current prosperity have been 1982–87, when the industrial average moved up by roughly 219%, or 26.1% per year, and 1994 to the present, as the average has gained another 172%, or 22.5% a year. In between the

market meandered, as Presidents Bush and Clinton raised taxes and imposed regulations.

But a steadfast Alan Greenspan brought the inflation rate down to virtually zero today from roughly 5% at the beginning of the 1990s. Along with bringing down interest rates, this has sharply lowered the effective tax rate on capital gains (which reflect inflation as well as real growth in the value of assets) to about 30% from 80%, providing a tremendous boost for the high-risk technology investment that has become the engine of our new information economy. In effect, Mr. Greenspan's disinflationary tax cut neutralized the Bush-Clinton tax hikes.

The Republican Congress elected in 1994 put an end to the high-tax and reregulatory policies of Mr. Clinton's first two years. Mr. Clinton himself morphed into a middle-of-the-road president who signed a capital gains tax-rate cut, welfare reform, a balanced budget plan, the Mexican free-trade agreement and other trade-expanding measures. All these actions helped the stock market to soar

Meanwhile, information technology took off. The capital gains tax cut and low interest rates intensified Schumpeterian gales of creative destruction. Low interest rates create much more patient investment money. Low discount rates also lead to high price-earnings multiples, something the stock market understands even if its critics do not.

The 1980s witnessed a technology surge, based mainly on advanced computer chips, cellular telephones and personal computers. In the 1990s all this was improved, but the big push has come from innovative and user friendly software and Internet commerce. Though the government's reports of gross domestic product take little account of these developments, the stock market knows full well how important these technologies will be to future earnings, productivity, real wages, growth and wealth creation.

In fact, a significant gap has opened between the performance of the Dow Jones Industrial Average, comprised mainly of old-economy companies, and the new-economy Nasdaq. Since 1990 the Nasdaq has outperformed the Dow by 271 percentage points. Over the past year, the Nasdaq has increased 36%, while the Dow has gained only 16%.

Amidst all the bull-market prosperity, another starting development has occurred: the emergence of a new investor class. Numerous surveys report that roughly half of all Americans own at least $5,000 worth of stocks, bonds and mutual funds. The investor class surely wishes to keep more of what it earns in order to bolster savings that can be invested in high-return stocks. This is why unlimited universal individual retirement accounts may be the sleeper tax issue of the next few years.

Roth IRAs—which currently invest after-tax deposits that will never be taxed again so long as the money is withdrawn at retirement—could be expanded to include redirected Social Security contributions and penalty-free withdrawals for health care insurance, education, home buying and employment emergencies.

This might be the single most popular tax reform among the shareholder class. By eliminating the double and triple taxation of saving and investment, this approach opens a back door to the flat tax, setting the stage for future tax cuts, individual ownership of Social Security contributions and other free-market policies.

OVERSIZED POWERS

What a difference a century makes. The 1890s saw a painful and costly depression that was principally caused by government policies such as high tariffs and an inelastic currency. Politicians reacted by discrediting free-market economics; in its place, they moved toward a regime of oversized government powers and diminished personal liberty—a movement that was interrupted only briefly in the 1920s.

From Theodore Roosevelt's trustbusting to Wilson's tax hikes, Hoover's tariffs, FDR's early entitlement programs, all the way to LBJ's Great Society and Nixon's funding of it, economic freedom suffered and prosperity was sporadic. The century was filled with Keynesian nostrums that seldom delivered the goods.

The dominant event of the late 20th century is the bull-market prosperity of the 1980s and 1990s. This was caused largely by a shift back to free-market economics, a reduction in the role of the state and an expansion of personal liberty. At the turn of a new century, taking the right road will extend the long cycle of wealth creation and technological advance for decades to come. By 2020 the Dow index will reach 50000, and the 10000 benchmark will be reduced to a small blip on a large screen.

NEBRASKA LEGISLATURE CALLS FOR FOUR-YEAR HOUSE TERMS

HON. LEE TERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1999

Mr. TERRY. Mr. Speaker, on March 3, 1999, the Nebraska Unicameral Legislature passed Legislative Resolution No. 10. The resolution petitions Congress to amend the Constitution to increase the terms of members of the House of Representatives to four years.

This is a matter that merits serious debate and consideration. I call the text of the Resolution to the attention of my colleagues, as follows:

NEBRASKA UNICAMERAL LEGISLATURE, NINETY-SIXTH LEGISLATURE,
Lincoln, NE, March 4, 1999.

Hon. LEE TERRY,
U.S. House of Representatives,
Washington, DC.

DEAR CONGRESSMAN TERRY: I have enclosed a copy of engrossed Legislative Resolution No. 10 adopted by the Nebraska Unicameral Legislature on the third day of March 1999. The members of the Legislature have directed me to request that the petition be entered into the Congressional Record.

Please feel free to contact me with any questions you may have regarding Legislative Resolution No. 10.

With kind regards.

Sincerely,

PATRICK J. O'DONNELL,
Clerk of the Legislature.

Enclosure.

NINETY-SIXTH LEGISLATURE, FIRST SESSION, LEGISLATIVE RESOLUTION 10

Whereas, members of and candidates for the United States House of Representatives are elected every two years virtually requiring continual campaigning and fundraising; and

Whereas, the delegates to the 1788 Constitutional Convention discussed whether the term of office for a representative should be one year or three years and compromised on a two-year term; and

Whereas, communications systems and travel accommodations have improved over the last two hundred years which allows quicker and easier communication with constituents and more direct contact;

Whereas, the American people would be better served by having the members of the House of Representatives focus on issues and matters before the Congress rather than constantly running a campaign; and

Whereas, a biennial election of one-half of the members of the House of Representatives would still allow the American people to express their will every two years: Now, therefore, be it

Resolved by the members of the Ninety-Sixth Legislature of Nebraska, First Session:

1. That the Legislature hereby petitions the Congress of the United States to propose to the states an amendment to Article I, section 2, of the United States Constitution that would increase the length of the terms of office for members of the House of Representatives from two years to four years with one-half of the members' terms expiring every two years.

2. That official copies of this resolution be prepared and forwarded to the Speaker of the House of Representatives and President of the Senate of the Congress of the United States and to all members of the Nebraska delegation to the Congress of the United States, with the request that it be officially entered in the Congressional Record as a memorial to the Congress of the United States.

3. That a copy of the resolution be prepared and forwarded to President William J. Clinton.

IN RECOGNITION OF THE FUTURE LEADERS OF COLORADO

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1999

Mr. SCHAFFER. Mr. Speaker, I rise today to recognize the participants of my first annual Young Adults Leadership Conference held in Weld County, Colorado. On February 27, 1999, 18 teenage students spent the afternoon participating in a political and networking seminar. Later that evening the students utilized what they had learned at the Weld County Republican Party Lincoln Day Dinner.

I am honored to have met the following participants: Jeff Armour, Sara Asmus, Darrenn Call, DeaAnna Call, Donnell Call, Brady Duggan, Kevin P. Duggan, Casey Johnson, Darrick Johnson, Trent Leisy, Tia McDonald, Jenny Moore, Christopher S. Ong, Mary Beth Ong, Helena Pagano, Elizabeth Peetz, Timothy Romig, and Jeff Runyan.

I established the Leadership Conference to encourage political participation by the younger generation. At the conference, elected officials and community leaders led the students in discussing several different aspects of politics. Greeley Councilman Avery Amaya began the seminar with a discussion of local politics. Avery was followed by Bill Garcia, a political consultant, who spoke about political polls.

Lea Faulkner, a local media personality and former Greeley City Council member, conducted a hands-on learning experience about networking skills. The participants also had the opportunity to discuss issues with Colorado State Senator Dave Owen. Additionally, Anne Miller, Chairperson of the Colorado College Republicans invited the students to attend in the College Republican's next meeting.

I, too, had the honor of visiting with the students. We discussed the importance of good communication and how all effective organizations must communicate well.

Mr. Speaker, I am proud to have met these young adults and am confident of their abilities to lead America in the future. This select group of young leaders has the integrity and values needed to ensure a virtuous Colorado and United States in the next century.

A VIRGINIA GENTLEMAN—RAYMOND R. ''ANDY'' GUEST

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1999

Mr. WOLF. Mr. Speaker, I want to share with our colleagues a recent editorial from The Winchester Star which so eloquently speaks about a true ''citizen-legislator,'' Raymond R. ''Andy'' Guest of Front Royal, who has announced his retirement as a delegate in the Virginia General Assembly, where he served for nearly three decades.

I am proud to call Andy Guest my constituent and friend, and am grateful to have had the opportunity to work with him in public service to so many of the constituents we share from the Shenandoah Valley. On behalf of those people of the Valley, I wish Andy and His wife, Mary Scott, all the best wherever his path now as ''citizen'' leads.

[From The Winchester Star, March 2, 1999]

VIRGINIA GENTLEMAN—GUEST PERSONIFIED LEGISLATIVE TRADITION

It comes as no small surprise that when the time came for Raymond R. ''Andy'' Guest Jr. to announce his retirement from the General Assembly he was ''overwhelmed'' by ''the history, the tradition'' that surrounds anyone in Virginia's State Capitol. But then, Andy Guest is not ''anyone''; 28 years a man of the House, he was emblematic of that tradition the Old Dominion so admires in her lawmakers, that of ''citizen-legislator.''

''To continue that tradition was a great honor.'' Mr. Guest said Sunday, roughly 24 hours after announcing his intention to leave the House, and the people, he served for nearly three decades.

However, the tradition to which he stood heir goes deeper than ties to Virginia. In a real sense, he was to the manner born; his father, Raymond Sr., also served in the General Assembly and was U.S. ambassador to Ireland. Thus, as his wife, Mary Scott, succinctly said. ''He was born to be a public servant.''

And, as a public servant, he will be dearly missed, by his peers no less than his constituents. Among the men and women with whom he engaged in the legislative hurly-burly he will be remembered as the gentleman he is.

''Sometimes we use the word . . . a little too freely,'' said House Speaker Thomas W. Moss, D-Norfolk, with whom Guest often tangled, ''but I've never known him to be anything but a gentleman.''

Likewise, said state Sen. H. Russell Potts Jr., R-Winchester: ''We have lost a good man. His integrity and character exude the class that typifies a Virginia gentleman. He leaves a void that will never be replaced.''

That ''void'' is considerable, in that Mr. Guest's voice was one of clear common sense and consistent conservatism, particularly of the fiscal variety. In his last session, he raised words of concern about the manner in which the state treats its surplus revenue (see editorial above). He is worried, as are we, that these dollars will be used to ''grow the government,'' rather than as a tool to fund needed capital expenditures.

Such a concern was true to form. As a minority member of the legislature for most all his 28 years in the House—he was minority leader for six of them—Mr. Guest often found himself ''chipping away'' at the system in hopes that it would run better. Frequently, this took the form of legislation that bore witness to the needs of his constituents in the northern Valley. He relished in his efforts to make the bureaucracy respond to these needs and to ''see things get done.''

To be sure, Mr. Guest also will be remembered for his courage in combating lymphatic cancer while maintaining a watchful eye on the General Assembly's proceedings from his Richmond hospital bed. Thankfully, he says his decision to leave the House is not health-related, but simply predicated by a desire to attend to family and business interests and to, as they say, ''smell the roses'' a bit, perhaps while dove hunting and fly fishing, two particular loves.

His wife, Mary Scott, says that having Andy at home on more or less a regular basis will translate into more opportunities to enjoy the company of friends, sans the demands that politics brings.

''I'll be able to say . . . 'Let's have dinner on Friday or Saturday night and we won't have to talk politics,'' Mrs. Guest said.

Without a doubt, she knows her man far better than we, but we suspect that politics will never stray too far from the mind of Andy Guest. Citizen-legislators may retire, but when ''tradition'' is born in the blood, the passion seldom expires. Nor does the legacy, which, in this case, is considerable.

THE D.C. EQUALITY BEGINS AT HOME EFFORTS

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1999

Ms. NORTON. Mr. Speaker, I rise today to pay tribute to the local Equality Begins at Home events here in the District of Columbia that will take place during the week of March 21–27, 1999. I will be at the Bipartisan Congressional Retreat in Hershey, Pennsylvania on Sunday, March 21, when the District of Columbia's lesbian, gay, bisexual, and transgender (LGBT) residents kick off a week of lobbying and conscience raising at Freedom Plaza.

These events, with an emphasis on local needs, are taking place throughout the United States, but no jurisdiction has experienced more bigotry associated with sexual orientation than the nation's capital. This prejudice, I am happy to say, does not come from the people of the District of Columbia, or their locally elected representatives, who have enacted the most progressive and far-reaching protections in the country. Residents of every background in the District feel particular anger when, in violation of all of the principles of self-government, Congress injects itself to enact measures at odds with principles of equality and anti-discrimination that the residents of this city hold especially dear.

Each year, under congressional attack, I am forced to defend the District's domestic partnership law, a very modest provision designed to afford relatives or partners who live in the same household the opportunity to qualify for health benefits at no additional expense to the District government. Last year, I spent ten hours on the House floor defending the District's appropriation from anti-democratic attachments, more of them seeking to impose sexual orientation discrimination than any other type of attachment that was proposed and passed. We must keep these and other anti-gay provisions off this year's appropriation. The right to adopt children or to qualify for health insurance has everything to do with kids in need of homes or residents in need of health care, and nothing to do with the sexual orientation of our residents. The bigoted mischief done by Congress to the District in the name of homophobia has known no bounds. The city is now in court seeking to overturn the congressional attachment that prevents the release of the November ballot results determining whether District residents who are ill can use medically prescribed marijuana for medicinal purposes. Another amendment brimming with discrimination last year all but destroyed the District's successful needle exchange program, leaving this vital, life-saving program to a totally private group with little funding.

I very much appreciate the efforts of our dedicated and energetic LGBT community to educate Members concerning the injury done to individuals and the insult to self-government rendered by congressional anti-gay attachments. With Equality Begins at Home rallied to fight back, we will yet make the Congress understand that it must back off—back off bigotry against District residents whose sexual orientation differs from the majority, and back off the annual assault on the legislative prerogatives of the City Council.

Sadly, Mr. Speaker, this bigotry is not limited to anti-democratic legislation aimed at the LGBT community of the District. In the past year, this nation has been outraged at the inexplicable cruelty of the murders of two gay men in Alabama and Wyoming. These hate-inspired murders underscore the need to pass the Hate-Crimes Prevention Act (HCPA) and the Employment Non-Discrimination Act (ENDA) immediately. Another session of Congress must not go by without addressing both the crimes and the employment discrimination that emanate from sexual orientation. No other response is acceptable.

COMMEMORATING TEJANO MUSIC: 19TH ANNUAL TEJANO MUSIC AWARDS CELEBRATION

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1999

Mr. RODRIGUEZ. Mr. Speaker, I am proud to introduce legislation today that will recognize one of the unique sounds sweeping across the Nation today—Tejano music. All across America the sounds of tejano have become the music of choice. From deep in the heart of south Texas to the Great Plains, from the east coast to the west coast, the pulsating rhythms of a loud drumbeat, a bajo-sexto guitar and an ubiquitous accordian are taking over the Nation to the beat of Tejano.

During the last several years Tejano artists have captured a large percentage of the Latin music market and continue to rise in popularity. From the legendary Selena to the incomparable Little Joe the sweet sounds of

Tejano continue to climb the American music charts with one hit after another. The sound of Tejano is the sound of a people. For those of us in south Texas, Tejano is the tradition and history of the people's thoughts, feelings and aspirations. Tejano is more than just the high energy mix of Rock 'n Roll, Country, Jazz and Rhythm & Blues, it is the music of our people that helps move us and express our emotions.

This week, the city of San Antonio—known as the Tejano capitol of the world—will be host to the 19th Annual Tejano Music Awards. The awards presentation will take place on Saturday, March 20, 1999, at the Alamodome in San Antonio and pay tribute to the best and brightest in the Tejano music industry.

A testament to the success of Tejano music and this annual awards show is the more than 40,000 people expected to attend the event this year. The Annual Tejano Music Awards, which began in 1980 with an enthusiastic 1,300 in attendance, is now one of our Nation's premier and fastest growing musical celebration.

Today, I offer up this resolution to commemorate the 19th Annual Tejano Music Awards and the spirit and history behind the music that will be celebrated and honored this week in San Antonio.

TRIBUTE TO MR. ARTHUR BOWERS, JR.

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1999

Mr. CLYBURN. Mr. Speaker, I rise today to ask my colleagues to join me in paying tribute to Mr. Arthur Bowers, Jr. In his hometown of Florence, SC, he is very active in community affairs and has made many kind and generous contributions to the local community. He continually offers support to his neighbors, friends, and family.

Mr. Bowers was born on December 2, 1918, in Ellenton, SC. He is the son of the late Arthur Bowers, Sr., and Mrs. Eldora Bowers Phinizy. He has two siblings: the late Estella Gantt and Isaiah Phinizy. On February 4, 1939, Mr. Bowers married the late Mary Cross Bowers. They had six children: Gladys, Dillie, Arthur, Jr., Loretta, Gloria, and Michael. In addition, Mr. Bowers has five grandchildren and one great-grandchild.

In 1979, Mr. Bowers retired after working for the railroad for over 37 years. He has been a member of the New Ebenezer Baptist Church for over 50 years where he still serves as chairman of the Deacon Board. Mr. Bowers is a member of various community organizations. In particular, he is associated with the Brotherhood of Sleeping Car Porters, the United Transportation Union, Hiram Masonic Lodge #13, and the Seaboard Fellowship Club. He also serves as organizer and chairman of the Carver and Cannon Streets Crime Watch, and chairman of the Scouting Committee at New Ebenezer Baptist Church.

Mr. Bowers is a remarkable citizen and a wonderful asset to the State of South Carolina. He follows a motto that provides insight into his good character, ''If I can help somebody as I travel along life's highway, then my living shall not be in vain.''

TRIBUTE TO CAPT. JOSEPH W. WARFIELD AND THE TEXAS STATE PILOTS' ASSOCIATION

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1999

Mr. GREEN of Texas. Mr. Speaker, I rise to pay tribute to Capt. Joe Warfield on his retirement as president of the Texas State Pilots' Association. The Texas State Pilots' Association is the professional organization that represents our State-licensed maritime pilots. These professional mariners navigate ocean-going ships safely to and from the many important commercial ports in Texas.

I am proud that our State's largest port, the Port of Houston, is in my district. The Port of Houston is connected to the Gulf of Mexico by the 53-mile Houston Shop Channel. The Port of Houston is the busiest U.S. port in foreign tonnage, second in domestic tonnage and the world's eighth busiest U.S. port overall. More than 6,435 vessels navigate the Houston Ship Channel annually. It is largely because of the skill and viligance of professional state pilots such as Captain Warfield, that our vital waterborne commerce moves safely and efficiently through our state waterways.

Captain Warfield, an active Houston Pilot, served as president of the Texas State Pilots' Association from 1994 to 1998. He had been vice president of the association the previous 4 years. Captain Warfield is a graduate of Texas A&M University and has over 20 years of experience with the Houston Pilots. He has held numerous leadership positions within his pilotage association, including three years as Presiding Officer. On the national level, Captain Warfield is active in the American Pilots' Association. He was an APA Trustee for the State of Texas from 1994 to 1998 and served as a member of the APA's Navigation and Technology Committee for several years.

Mr. Speaker, I am honored to recognize the distinguished service to the Port of Houston and the State of Texas of Captain Joseph Warfield for his leadership and professional commitment to the safe dispatch of commerce on our waterways. We will miss his leadership, but we wish him well in his retirement.

INDIA'S COMMITMENT TO RELIGIOUS TOLERANCE

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1999

Mr. FALEOMAVAEGA. Mr. Speaker, there have been a number of news stories recently about attacks on Christians in India. These attacks are deplorable and should be condemned. But even as we condemn them, we ought not to lose sight of the fact that the government of India has acted swiftly—in word and in deed—to also condemn the attacks and to take strong action against those who appear to be the perpetrators.

To date, there have been more than 200 people arrested in the two states, Gujarat and Orissa, where the violence has occurred. Both the two state governments and the central government have deployed extra manpower, particularly police and investigation support teams, into the regions. In Gujarat, where the attacks have ruined property, the state government has already authorized relief and compensation payments for damaged property.

Not only has the government of India acted against the alleged perpetrators, it has condemned them, publicly and repeatedly, in no uncertain terms. Prime Minister Vajpayee and President Narayanan, India's head of government and head of state respectively, have spoken out against these crimes and those who would commit them. The Prime Minister even embarked on a one-day fast seeking a renewal of communal harmony, and did so on the January 30 anniversary date of the death of Mahatma Gandhi, India's revered leader, thereby trying his government's policies to Gandhi's ideals of non-violence and cultural diversity.

It is right for the Prime Minister to link his fast and the ideals of Gandhi. India is a diverse nation. Although it is predominantly a Hindu nation, Muslims, Christians, Sikhs, Buddhists and Jains freely practice their religions and have for centuries. It is important to note that these attacks, as heinous as they are, have only occurred in two states, which is home to only a small portion of India's Christian community. The vast majority of Christians live in parts of India that have not seen any signs of violence.

Mr. Speaker, let me close by noting that these attacks, terrible as they are, remind us that India itself remains a secular democracy, committed to the principles of individual tolerance and religious diversity. Its government has publicly demonstrated that commitment in recent weeks. It is to be commended for it.

A TRIBUTE IN MEMORY OF ROBERT H. HODGSON, JR.

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1999

Ms. NORTON. Mr. Speaker, I rise today to remember a friend, Robert H. Hodgson, Jr., whose mortal remains will be laid to rest in the columbarium of his home parish, St. Paul's Episcopal Church, on K Street in the District of Columbia, this Saturday.

Rob was a native Washingtonian who was educated at the Campus School of Catholic University and Gonzaga College High School. Rob also earned a BA at Rice University. He died in his sleep on February 18.

Rob was passionately political and politically compassionate. He thrived in the turbulent seas of D.C., Anglican, and Gay and Lesbian politics. He worked with numerous District officials, including Council Chairwoman Linda Cropp, Councilman Harold Brazil, and Councilman James Graham; he served as treasurer of the Gertrude Stein Democratic Club, was a vocal board member of Episcopal Caring Response to AIDS, and an active volunteer in his parish's AIDS and homeless ministries.

Those who knew Rob will remember his fondness for gossip. Rob always had the ''inside scoop,'' not only on the D.C. Council and the D.C. Democratic State Committee, but on numerous vestries within the Episcopal Diocese of Washington. Rob often used his skills as a raconteur to enliven a dull reception with the latest ''dish.''

Rob was not survived by his immediate family, but he had many friends, in particular, his life-long friend Mary Eva Candon and his confidant Parker Hallberg.

Mr. Speaker, I ask that this House extend its sympathy and condolences to the many friends of Rob Hodgson.

INTRODUCTION OF THE BREAST AND CERVICAL CANCER ACT BY MARY ANN WAYGAN

HON. WILLIAM D. DELAHUNT

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1999

Mr. DELAHUNT. Mr. Speaker, standing in front of our nation's Capitol today was Mary Ann Waygan, a woman from Cape Cod, Massachusetts, who joined with Senators CHAFEE, MIKULSKI, and SMITH in introducing the Breast and Cervical Cancer Treatment Act. As an original cosponsor of the House version of this legislation, I would like to share with you her eloquent testimony of those affected by this tragic disease.

STATEMENT OF MARY ANN WAYGAN

Hello, my name is Mary Ann Waygan and I am the coordinator for the CDC Breast and Cervical Cancer Initiative for Cape Cod, Massachusetts.

Before I begin, I would like to thank Senators Chafee, Mikulski, Snowe and Moynihan for sponsoring this legislation. I would also like to thank Senator Smith for his support of this bill.

Clearly, the single largest problem facing the Breast and Cervical Cancer Screening Program today is finding resources and caregivers to provide treatment to the women who are diagnosed with breast or cervical cancer. The lack of treatment dollars is one of the biggest policy gaps in the program—and the problem is only getting worse.

The barriers to recruiting providers for charity care are growing, and funding for the treatment is an ad-hoc system that relies on volunteers, state workers and others to find treatment services. In the community, we go to tremendous ends to find treatment—and raise money to help pay for it. I've organized luncheons, bake sales, raffles—you name it. Anything to raise money for women who could not afford to pay out of pocket for treatment. Despite these efforts, all too often, we come up short.

Funding for treatment through the CDC program is the biggest problem I face as a coordinator and frankly a barrier to screening and detection. Funding for treatment is tenuous at best. Without passage of the Breast and Cervical Cancer Treatment Act, future funding for treatment for these women will remain uncertain.

I want to tell you one story in particular that clearly illustrates the problem some of these women face. A woman who lives in Buzzard's Bay, Massachusetts who was diagnosed with breast cancer through the CDC program.

Arlene McMann is a married woman in her early forties with two teenage sons and no health insurance.

When Arlene was diagnosed with breast cancer through the CDC screening program, she was devastated—not just with the diagnosis, but with the fact that she had no way to pay for the treatment she needed.

Faced with that situation, she and her husband were forced to use the $20,000 they had been saving for years to pay for their children's college tuition. In less than a year, that money was gone. After that, she and her husband were forced to go into debt to pay for her ongoing chemotherapy/radiation treatment and other procedures including a craniotomy and gall bladder surgery. They are now more than $40,000 in debt, were forced to move into a much smaller house and lost their dream of sending their sons to college without going into further debt.

The additional stress and pressure placed on Arlene and her husband by this situation has turned a difficult situation into an almost unbearable one. To make it even worse, Arlene recently found out that the cancer has spread to her hip, pelvis, lungs and liver.

Through all of this, Arlene has showed tremendous resolve. Despite being in pain and discomfort and forced to use a wheelchair, Arlene desperately wanted to be here today to share her story with you directly. She thought it was important for everyone to understand not just what the cancer had done to her, but what the effect of having to take on this incredible financial burden had done to her physical health, mental strength and family resources.

Due to her condition, Arlene's treatment finally is being paid because she qualified for disability. But to this day, Arlene is convinced that her cancer would not have spread had she been able to afford regular visits to an oncologist.

Arlene's energy and determination to fight this disease and remain positive are amazing. I feel lucky to know her and to have worked with her. I only wish that as the program coordinator, I could have done more—that I could have assured her that any treatment she needed would be paid for and that she wouldn't have to spend time dealing with bank statements, mortgages or packing boxes on top of everything else.

In summary, we hear over and over again that early detection saves lives. In actuality, early detection alone does nothing but find the disease; detection must be coupled with guaranteed, quality treatment to actually save lives.

We must pass the Breast and Cervical Cancer Treatment Act to make sure that screening and treatment always go together.

I would like to thank the National Breast Cancer Coalition for its leadership role in working to get this legislation passed and thank the members of Congress here today for sponsoring and supporting this legislation.

CENTRAL NEW JERSEY CONGRATULATES BRUCE SPRINGSTEEN ON HIS INDUCTION INTO THE ROCK AND ROLL HALL OF FAME

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1999

Mr. HOLT. Mr. Speaker, I rise today to direct the attention of my colleagues to the induction of central New Jersey's Bruce Springsteen into the Rock and Roll Hall of Fame last Monday.

From central New Jersey to central Europe, you need only mention the name ''Bruce,'' to gain immediate recognition of this man's work. From classics like ''Promised Land,'' ''Backstreets,'' ''Tenth Avenue Freeze-Out,'' and ''Thunder Road,'' Bruce Springsteen's songs hold special memories for all of us. He is a storyteller whose songs are about loyalty, friendship, and remembering the past. Most of all, his songs are about—and are part of—the real lives of Americans.

In 1973, Bruce released his famous ''Greetings From Asbury Park, N.J.'' album. It was followed by ''The Wild, the Innocent and the E Street Shuffle.'' In 1975 Bruce followed up with ''Born to Run'' which is widely acclaimed as one of the finest rock and roll albums ever made.

In the late 1970's and early 1980's Bruce and his band continued with a string of modern rock classics—''Darkness on the Edge of Town,'' ''The River,'' and the multi-platinum album ''Born in the USA.'' In the past few years, Springsteen recorded his most successful solo song ever, ''Streets of Philadelphia,'' earning himself more Grammy Awards and an Academy Award.

Springsteen's most recent record, ''The Ghost of Tom Joad'' won a Grammy Award for best contemporary folk album, and builds on the work that Bruce began in the 1980's with his critically-acclaimed album ''Nebraska,'' in calling attention to, and building on, America's rich folk music heritage.

Despite his incredible success and worldwide fame, Bruce Springsteen has always stayed true to his central New Jersey roots and to the interest of music fans everywhere. Indeed, in an era of high ticket prices and prima donna stars, Bruce Springsteen has always dedicated himself to providing his fans with affordable, consistent entertainment. He has been dedicated to seeing that his music makes its way into the lives of people. That dedication has rightfully earned him the nickname, ''The Boss.''

Mr. Speaker, Bruce Springsteen has given a lot to New Jersey, to the lives of music lovers everywhere and to our nation's rich popular culture. We in central New Jersey are rightfully proud to call him a native son and take tremendous pride in his induction into the Rock and Roll Hall of Fame. I am proud to say that Bruce Springsteen is a constituent of mine.

I hope that my colleagues in the House will join me and other central New Jerseyans in extending our congratulations to Bruce Springsteen for this well-deserved honor.

INTRODUCTION OF THE WORK INCENTIVES IMPROVEMENT ACT OF 1999

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1999

Mr. STARK. Mr. Speaker, I am honored to co-sponsor the Work Incentives Improvement Act of 1999. This bill would remove the barriers to health insurance and employment inherent in the current disability insurance (DI) system, and enable many Americans to return to work. Disabled people have much to offer. It is time that we recognize and encourage them to participate as contributing members of society.

I am especially pleased to support the Medicare and Medicaid provisions of this bill. Without these programs, many people living with disabilities would not have access to the care that is so vital to their health and well-being. Because private health insurance is not affordable or available to them, even after returning

to work, we must keep Medicare and Medicaid available to the working disabled.

There is one segment to the disabled population that I urge my colleagues to give special consideration: End Stage Renal Disease patients.

As you know, there are about 260,000 Americans on dialysis and another 80,000 who are dependent on a kidney transplant (with about 11,500 kidney transplants performed annually). About 120,000 dialysis patients are of working age (between 20 and 64), yet fewer than 28,000 are working.

The ''USRDS Abstract of Medical Evidence Reports, June 1, 1996 to June 1, 1997,'' reveals that 38.1% of all dialysis patients 18–60 years of age were employed full time, part time, or were students before onset of ESRD.

But only 22.9% of ESRD patients in the same age group were employed full time, part time, or were students after the start of dialysis. This 15% (38.1% minus 22.9%) differential is the prime hope for return to work efforts.

Of the transplant patients, most (88%) are of working age, but only about half of them are working.

Section 102 of your bill provides Medicare coverage for working individuals with disabilities—but ESRD dialysis patients already have this protection. For transplant patients, Medicare does not cover their major health need—coverage of $8,000–$10,000 per year for immunosuppressive drugs—after 36 months.

Clearly, we should tailor some special provisions to this population.

I would like to suggest a series of ESRD return-to-work amendments that would save total government revenues in the long run. While these proposals may increase Medicare spending, they would reduce Social Security disability and Medicaid spending.

There are just preliminary ideas, and I hope that you and the renal community could refine these ideas prior to mark-up.

(1) A huge percentage of ESRD patients quality for Medicaid. The disease is so expensive ($40,000–$60,000 per patient per year) and the out-of-pocket costs so high that it impoverishes many. For transplant patients, the cost of life-saving immuno-suppressive drugs alone can be $8,000, $10,000 or more per year. No wonder many are tempted to avoid actions which would disqualify them for help.

As part of general Medicare policy, I have always through that we should cover pharmaceuticals and, in particular, indefinitely cover immuno-suppressive. It is madding to hear the stories of $80,000–$100,000 kidney transplants lost, because a patient couldn't afford the $10,000 per year of medicine.

I think a good case can be made to add to this bill coverage of immuno-suppressives indefinitely, to encourage people to leave Medicaid/Disability and return to work.

(2) Some ESRD facilities do a good social work job helping patients return to work. Others don't seem to even try. We should honor and reward those centers which, on a risk adjusted basis, are doing the best job of rehab in their renal network area.

The honor could be as simple as a Secretarial award of excellence and public recognition.

The reward could be something more tangible—a cash payment to the facility to each patients of working age who does not have severe co-morbidities which the center is able to help return to work (above a baseline—perhaps 5% of eligible patients). For example, if a center had 100 working age patients, it could receive a $1000 payment for each patient above 5 who had lost employment and is helped to return to work. This would be a phenomenally successful investment and would particularly compensate the dialysis center for the cost of vocational rehab and social work.

(3) Renal dialysis networks, which are designed to help ensure ESRD center quality, should be able to apply for designation as rehab agencies and for demonstration grants under this legislation.

The law spelling out the duties of Networks has a heavy emphasis on rehabilitation. Indeed, it is the first duty listed:

''. . . encouraging, consistent with sound medical practice, the use of those treatment settings most compatible with the successful rehabilitation of the patient and the participation of patients, providers of services, and renal disease facilities in vocational rehabilitation programs;'' [1]

I suspect that the 17 Networks vary widely in their emphasis on rehabilitation. Again, the Network(s) that do the best should receive recognition and share their success with the others.

(4) Kidney failure remains a medical mystery. It often happens very quickly, with no warning. But for thousands of others, there is a gradual decline of kidney function. I am told by medical experts that in many cases the descent to terminal or end-stage renal disease can be showed by (1) nutrition counseling, or (2) medical treatment by nephrology specialists.

I hope that you will make it clear that the Medicaid (or Medicare) funds provided in this program to prevent disability could be used to delay the on-set of the devastatingly disruptive and expensive ESRD. Monies spent in this area would return savings many times over.

Also in the ''preventive area,'' some of the leaders in the renal community are reporting exciting results from more frequent, almost nightly dialysis. Like frequent testing by diabetics for blood sugar levels, it may be that more frequent dialysis can result in a less disrupted life and better chance to contribute to the workforce. We should watch these medical developments and if there is a chance that some additional spending on more frequent, but less disruptive dialysis would encourage return to work, we should be supportive.

(5) Finally, I urge you to coordinate this bill with another proposal of the Administrative—skilled nursing facility employment of aides to help with feeding. As you know, last summer we received a GAO report on the horror of malnutrition and death by starvation in some nursing homes, due to a lack of staffing to take the time to help patients who have trouble eating and swallowing and who take a long, long time to eat (e.g., many stroke patients). A coordinated effort by the nursing home industry and ESRD centers to fill this minimum wage type position would help nursing home patients while starting many long-out-of-work ESRD patients back on the road to work.

[1] Sec. 1881(c)(2)(A); see also (B) and (H).

Mr. Speaker, these are just a few, quick ideas. I am sure that experts in this field could suggest other steps to ensure that the ESRD program not only saves lives, but helps people have a good and productive life.

A TRIBUTE TO MARY MAHONEY'S OLD FRENCH HOUSE RESTAURANT

HON. GENE TAYLOR

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1999

Mr. TAYLOR of Mississippi. Mr. Speaker, I rise today to share with my colleagues news of two rather unique accolades for the celebrated Mary Mahoney's Old French House Restaurant in Biloxi, Mississippi .

Since opening its doors on May 7, 1964 in the refurbished Louis Frasier house that dates from 1737, this venerable establishment has been a Gulf Coast culinary landmark serving friends and travelers from near and far. The late Mary Mahoney and her dedicated family built their business on the tenets of excellent cuisine and service as well as an historically authentic Old South atmosphere, which over time has earned them international acclaim.

Among the numerous celebrities whose names grace their guest book are Sam Donaldson, Alexander Haig, Robert Redford, Denzel Washington, Randy Travis, and Dick Clark. During the Reagan Administration, Mary Mahoney catered a ceremony on the White House lawn for President and Mrs. Reagan and their guests.

All were impressed, but none left a more impressive gratuity than author John Grisham. In his recent bestseller, The Runaway Jury, Mr. Grisham compliments the restaurant by name and offers the reader a glimpse inside by having the judge in his novel host a fictional lunch for the jurors and court officers at ''Mary Mahoney's''. Through Mr. Grisham's narrative the reader gets to share in the ''crab cakes and grilled snapper, fresh oysters and Mahoney's famous gumbo. * * *'' He goes on to write, ''By the time the jury was seated for the afternoon session, everyone present had heard the story of their splended lunch.''

Now a newly released book celebrates the restaurant's vivacious founder and guiding spirit. It is entitled, A Passion for People: The Story of Mary Mahoney and Her Old French House Restaurant. Written by Mississippi journalist and family friend Edward J. Lepoma, himself a regular in Mary's inner circle of guests, this photo-filled, loving memoir tells of the trials and ultimate triumph of a second generation American with a dream. The dream was that of creating a world class restaurant in Biloxi, Mississippi, where the dining experience would be matched by the warm ambiance that told all who visited, ''Tonight, you are among friends.''

With its quaint art-filled dining rooms, superior wine list, and captivating Southern charm and hospitality, Mary Mahoney's Old French House Restaurant provides a memorable evening for first-time and long-time guests, an excellent backdrop for the novelist, and is a source of civic pride for the citizens of Biloxi and the entire Mississippi Gulf Coast region.

HONORING LAUREN DeBOWES FOR OUTSTANDING ACHIEVEMENT IN DANCE

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1999

Ms. DELAURO. Mr. Speaker, I am pleased to rise today to congratulate Lauren DeBowes for her outstanding achievements as an Irish dancer. A resident of New Haven, she will be representing Connecticut and the United States at the All World Irish Dance Championship in Ennis County Clare, Ireland.

Lauren is one of five young women in her age group from the New England area who will be making the trip to compete at the World Championship. With only 8 years of competitive dance experience under her belt, this is a truly impressive accomplishment. Teamed with her coach, John O'Keefe, Lauren performs both the soft dance and hard shoe dance, both of which have led her to success in several local competitions.

I was a tap dancer when I was young and can recall the thrill of recitals and concerts. I can only imagine the excitement that Lauren is feeling as she prepares for her trip to Ireland. Her hard work, dedication and enthusiasm has put her at a level to compete with the best in the world.

I would like to take this opportunity to extend my best wishes to Lauren as she celebrates her 16th birthday. This is certainly a special year. It is a pleasure for me to rise today and join with her family, friends, and the New Haven community to honor Lauren DeBowes for her tremendous accomplishments as an Irish dancer. Connecticut and the nation are indeed fortunate to be represented by such a talented young woman.

EXPRESSING OPPOSITION TO DECLARATION OF PALESTINIAN STATE

SPEECH OF

HON. JOHN ELIAS BALDACCI

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1999

Mr. BALDACCI. Mr. Speaker, I appreciate this opportunity to offer my remarks on both the substance of H. Con. Res. 24 and the context in which it is being considered. The Middle East peace process is at a critical stage, the Oslo Agreement will expire on May 4, 1999 and the legal framework for the peace process will come to an end. Despite the recent breakdown in negotiations, I applaud President Clinton and Secretary of State Albright for their tireless efforts towards achieving a lasting and just peace.

I agree with the majority of the text of H. Con. Res. 24 and therefore I supported it. The final status of the lands controlled by the Palestinian Authority should be determined under the auspices of Oslo or another framework. While Yasser Arafat may have the right to make unilateral declarations after Oslo, it will not be helpful to reaching peace and could inflame the violence that looms over the region every day.

However, I am disturbed by what H. Con. Res. 24 does not say. It does not condemn the ''unilateral actions'' taken by Israel in direct violation of Oslo and the Wye River agreements. It ignores the responsibilities and commitments made by the Netanyahu Administration. In short, it is not a balanced resolution.

In the coming months I will continue to support the Administration's efforts in the Middle East and offer my support for all those who truly seek peace in the region. I will also work with my colleagues in the House to craft more balanced resolutions that call on both sides to adhere to the letter and spirit of their commitments.

INTRODUCTION OF LEGISLATION TO EXPAND THE TAX DEDUCTION FOR STUDENT LOAN INTEREST PAYMENTS: ELIMINATING THE 60-PAYMENT RESTRICTION

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1999

Mr. GEORGE MILLER of California. Mr. Speaker, today I am introducing legislation on behalf of myself, and Representatives JOHNSON (of Connecticut), MATSUI, and ENGLISH, to expand the student loan interest payment tax deduction.

As a college education becomes both increasingly expensive and increasingly important in getting a job and being a productive and active participant in our democratic society, we must continue to look for ways to help students pay for tuition and related educational expenses.

As a part of the Tax Payer Relief Act of 1997, the interest paid on student loans became eligible for an ''above-the-line'' deduction on Federal income taxes. This tax provision is just beginning to provide needed relief to many student borrowers.

However, under current law, only the first 60 loan payments are eligible for the deduction. Because student loan payments are typically made monthly, this means that students can deduct interest payments on their taxes for only 5 years of repayment, not including time periods spent in either forbearance or deferment.

Our legislation would simply lift the 60-payment restriction and allow borrowers to deduct interest payments for the entire period of repayment.

Extending the time limit on the tax deduction is one of the most direct and straightforward changes we can make in current law to relieve the increasing burden of student loan debt. Loans now comprise 60 percent of all postsecondary student aid, compared to just 45 percent 10 years ago.

Our legislation will be particularly helpful to students with high loan debt and those who choose to pay over longer periods. The latter group includes those who choose ''income contingent repayment,'' that is those who make smaller payments over a longer period of time, especially those who maintain a commitment to lower-paying public service occupations.

Eliminating the 60 payment period also will ease difficult, confusing, and costly reporting requirements currently required for both borrowers and lenders. Thus far, these reporting requirements have proved so difficult that the IRS has already relaxed the rules for reporting during the 1998 tax year.

I look forward to working with my colleagues to pass this important legislation.

EXCELLENCE REWARDED AT BURBANK HIGH SCHOOL

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1999

Mr. RODRIGUEZ. Mr. Speaker, I rise today to recognize the academic decathlon team members, coaches, and parents at Burbank High School in my hometown, San Antonio, Texas. At the state Academic Decathlon competition for medium-size schools, Burbank placed third among 225 Texas high schools. This great accomplishment reflects the hard work and countless hours of preparation by students and school officials alike.

These students have demonstrated exceptional time management skills, self-discipline, and determination. They stayed focused on their priorities and set high standards for themselves. The City of San Antonio is proud of all nine members who received 14 individual medals in addition to the third-place team medal. Included in the team award was a gold medallion and a $250 scholarship for each team member.

I would like to thank the coaches and parents of these diligent students for all their efforts in making this accomplishment possible. These students have been successful because of their hard work and support from family and teachers. They are paving the way to a bright and exciting future.

A TRIBUTE TO ST. JOSEPH'S VILLAGE IN SELDEN, LONG ISLAND, NEW YORK

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1999

Mr. FORBES. Mr. Speaker, I rise today in this historic chamber to share with my colleagues the story of St. Joseph's Village in Selden, Long Island, New York. On Saturday, March 20, 1999, this special community, built by the Diocese of Rockville Center, will celebrate the 20th anniversary of its ground breaking. I stand here today in the People's House to talk about St. Joseph's Village because it embodies a unique spirit of community and cooperation; where its residents help each other and work to improve the lives of those in the surrounding community—even the world.

This Saturday evening, I have the privilege of helping the community pay tribute to a community within a community; St. Joseph's Village. Since its inception, 20 years ago, its 200 residents have made noteworthy contributions to an array of causes, from national charities to local food and clothing drives, and have improved the lives of individuals from around the world and at home on Long Island.

St. Joseph's Village began as an experiment. It was the first subsidized senior and

disabled housing development built by the Diocese of Rockville Center on Long Island and, initially at least, a controversial plan. Many residents in this middle class area resisted the notion of a subsidized apartment complex in their community. But St. Joseph's Village proved to be an outstanding neighbor and a model for the developments that followed it. Villagers often visit the nearby Hawkins Elementary School and read to students. This unique program, called ''Reading Buddies,'' pairs up seniors with young children for mutual literary enjoyment. Other seniors devote their time preparing and serving to their fellow senior citizens at the local Senior Nutrition Center. Sixty other residents organized a project to donate money each month to improve the lives of three underprivileged children living abroad in Third World nations.

Mr. Speaker, words can hardly express the deep debt of gratitude we on Long Island owe to the residents of St. Joseph's Village for all they have done to serve our community and improve the lives of our neighbors. I ask my Congressional colleagues to join me, the community and all who have benefited from their generosity in thanking the residents for all their good work. And on this day of their 20th anniversary, we wish them many more years of success and good fortune.

FAIRNESS FOR FOSTER CARE FAMILIES ACT

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1999

Mr. LEWIS of Kentucky. Mr. Speaker, today I am introducing a bill that ensures that all foster care families are treated fairly under the Tax Code.

The Fairness for Foster Care Families Act simplifies the current rules for foster care payments and recognizes the increasing role that charitable tax exempt agencies and private for-profit agencies play in the placement of foster care children and adults.

In 1983, Congress amended the Internal Revenue Code to permit certain foster care families to exclude from taxable income payments they receive to cover the additional expenses incurred for caring for the individual. Unfortunately, the exclusion depended on a complicated analysis of three factors: the age of the foster care individual, the type of foster care placement agency and the source of the foster care payment.

Congress revisited the tax treatment of foster care payments in 1986. Although the process was simplified to an extent, some families were still left out. Those families could only receive a tax deduction if they maintained detailed expense records to support such deductions.

Under the Fairness for Foster Care Families Act, foster care providers would avoid this burdensome record keeping process. This bill guarantees that the payment is tax-free regardless of the age of the foster care individual or the type of agency that places the individual provided that the agency is licensed and certified by the State.

I hope my colleagues will join me in supporting this legislation.

HAPPY 300TH ANNIVERSARY TO THE SIKH NATION

HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1999

Mr. DOOLITTLE. Mr. Speaker, Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, has brought it to my attention that on April 13, the Sikhs will be celebrating their 300th anniversary. Sikhs have been significant contributors to America in several sectors of life, but their anniversary is significant for another reason. The Sikh Nation is currently one of several nations struggling to reclaim its freedom from Hindu India.

It is an interesting coincidence that April 13, the Sikhs' anniversary, is also the birthday of Thomas Jefferson, the author of our Declaration of Independence. This symmetry of events highlights the Sikh Nation's desire to be free. It is time that the Sikhs enjoy the freedom that we enjoy here in America.

In the Declaration of Independence, Jefferson wrote that all people ''are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness; that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or abolish it.'' In India, the government allows 70,000 Sikh political prisoners to rot in jail without charge or trial, some since 1984. They should be released on or before April 13 as a goodwill gesture. Instead, I fear that even more Sikhs will be endangered as ''democratic, secular'' India tries to maintain what it calls its ''territorial integrity.''

In the spirit of Jefferson, let the 300th anniversary of the Sikh Nation be an occasion to do whatever we can to support the Sikhs and the other nations of South Asia in their struggle to live in the glow of freedom. By stopping U.S. aid to India (which is one of the top five recipient countries) until human rights are universally respected, by declaring our support for self-determination through a free and fair plebiscite, and by imposing the same sanctions on India that we would impose on any other religious oppressor, we can share the blessings of liberty with the people of South Asia. This is the best thing that we can do to celebrate this important occasion with the Sikh Nation.

THE AMERICAN HEALTH SECURITY ACT OF 1999

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1999

Mr. McDERMOTT. Mr. Speaker, I rise today to once again introduce the American Health Security Act. The single payer plan I propose is the only plan before Congress that will guarantee health care universality, affordability, security and choice.

While this Congress lacks the political will to enact comprehensive health reform, the underlying needs for reform remain prevalent: health care costs are more unaffordable to more people and the number of people without health insurance continues to rise. These problems are compounded by increasing loss of health care choice and autonomy for those people who have insurance leading to disruptions in care and in relationships with providers.

The American Health Security Act I am introducing today embodies the characteristics of a truly American bill. It will give to all Americans the peace of mind—the security—to which all citizens should be entitled. It creates a system of health care delivered by physicians chosen by the patient. No one will have to leave their existing relationships with their doctors or hospitals or other providers. It is federally financed but administered at the state level, so the system is highly decentralized. And it provides new mechanisms to improve the quality of care every American receives.

The American Health Security Act (the Bill) provides universal health insurance coverage for all Americans as of January 1, 2000. It severs the link between employment and insurance. The federal government defines the standard benefit package, collects the premium, and distributes the premium funds to the states. The states, through negotiating panels comprised of representatives from business, labor, consumers and the state government, negotiate fees with the providers and the government controls the rate of price increases. The result is health care coverage that never changes when your personal situation does, never requires you to change the way you seek health care, and never causes disruption in your relationships with your providers.

The bill provides the coverage under a mechanism of global budgets to achieve controllable and measurable cost containment that will yield scorable savings over the next five years. Unlike other single-payer proposals of the past, it provides for almost exclusive state administration provided the states meet federal budget, benefit package, guarantee of free choice of provider, and quality assurance standards. This bill explicitly preserves free choice of provider by providing a mechanism for fee-for-service delivery to compete effectively with HMOs. It will not force Americans into HMO models.

The insurance mechanism of the American Health security Act is easy to use and understand. Quite simply, a patient visits the doctor or other provider. The provider then bills the state for the services provided under the standard benefit package and the state pays the bill on the patient's behalf, just as insurance companies pay medical bills on the patient's behalf now. The difference is that complicated and expensive formulas for patient copayments, coinsurance, and deductibles in addition to premium costs are eliminated.

The standard benefit package is in fact extremely generous. It covers all inpatient and outpatient medical services without limits on duration or intensity except as delineated by outcomes research and practice guidelines based on quality standards. It provides for coverage of comprehensive long-term care, dental services, mental health services and prescription drugs. Cosmetic procedures and other ''frill'' benefits such as private rooms and comfort items are not covered.

The extent of state discretion is substantial. The federal budget is divided into quality assurance, administrative, operating, and medical education components. The system is financed 86% by the federal government and

14% by the states. That federal pie is then apportioned among the states. For example, states with large elderly populations can be expected to require a larger volume of higher intensity services and will receive a larger federal contribution. However, the states are free to determine how that money is allocated among types of providers and to negotiate those allocations according to the state's individual needs, provided federal standards are met. The ability of HMOs to operate and compete on a capitated basis is preserved.

The states must demonstrate the efficacy of their methodologies or federal models will be imposed. However, states are not required to seek waivers in advance. While the federal government will not make separate allocations to states for capital and operating budgets, the states are free to allocate capital separately to assure adequate distribution of resources throughout the state and to develop their own mechanisms for doing so.

The financing package reflects the CBO scoring of this bill's predecessor, H.R. 1200, in the 103d Congress. The numbers were provided by the Joint Committee on Taxation (JCT) on the basis of the CBO scoring. Accordingly, the bill is fully financed. In fact, JCT estimates that the American Health Security Act will lead to deficit reduction approximating $100 billion per year by the year 2004.

Everyone will contribute to the health insurance system, except the very poor. Employers will pay 8.7% of payroll and individuals will pay 2.2% of their taxable income. A tobacco tax equal to $0.45 per cigarette pack is also imposed. These payroll deductions are lower than current insurance costs for most businesses and individuals, even while providing universal coverage and a more generous benefit package than exists in the private market today. The key is that the money necessary to provide coverage to people who cannot afford it comes from the administrative savings achieved through the elimination of the insurance company middle man. Americans are freed from the hassle of obtaining and keeping their insurance and have a federal guarantee that their health care costs will be paid for, regardless of who their employer is, where they move, or how their personal or family situation changes.

In addition to providing realistic and affordable financing, the bill provides quality assurance mechanisms that enhance system-wide quality and truly protect the consumer. It attempts to end the interference between doctor and patient. It establishes a system of profiling practice patterns to identify outliers on a systematic basis. Pre-certification of procedures and hospitalization (getting permission from insurers before your doctor can treat you) is prohibited except for case management of catastrophic cases.

Practice guidelines and outcomes research are emphasized as the main quality and utilization control mechanisms which gives physicians latitude to deviate from cookbook medicine where required for individual cases without going through intermediaries. Only if practitioners consistently deviate are they subject to review to ascertain the basis for the pattern of practice. This system includes mechanisms for education and sanctions including case-by-case monitoring when the review indicates serious quality problems with a specific provider.

The need for a 1:1 ratio of primary care physicians to specialists is explicitly set forth. Federal funding to graduate medical education is tied to achieving this ratio. Funding to the National Health Service is also provided to achieve this goal.

Special grants are provided to meet the needs of underserved areas through enhanced funding to the community health centers, both rural and urban, to enable outreach and other social support mechanisms. In addition, states have discretion to make special payment arrangements to such facilities to improve local access to care. It is anticipated that the revenue streams established for the public health service, community health centers, and education of primary care providers will double the primary care capacity of rural and other underserved areas in this country.

In summary, the American Health Security Act will provide all the citizens with the health care they need at a price both they and their country can afford. It is clear that we cannot afford the price of doing nothing.

EXPOSING RACISM

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1999

Mr. THOMPSON of Mississippi. Mr. Speaker, in my continuing efforts to document and expose racism in America, I submit the following articles into the CONGRESSIONAL RECORD.

OFFICERS ACCUSED OF USING RACIAL SLURS, BREAKING BOY'S ARM

LAS VEGAS (AP).—Two Las Vegas off-duty police officers are accused of taunting schoolchildren with racial slurs and breaking the arm of a 12-year-old boy while arresting him.

The Metropolitan Police Department is investigating, and the mother of Parrish ''Pookie'' Young Jr., shose arm was broken, has contacted an attorney.

Police Department spokesman Lt. Rick Alba said Thursday the department began an internal investigation after the Wednesday morning incident through Tammy Lyons, Pookie's mother, has yet to file a compliant with the department's Internal Affairs Bureau.

Lyons' aunt, Caroline Lyons, said Pookie was cited for resisting arrest and impeding traffic, both misdemeanors. She said her great-nephew's arm was broken between the elbow and the shoulder.

Twelve-year-old Alex Solomon said the incident began when he, Dwayne Childs, 13, and Pookie met to go to school about 7 a.m. Wednesday. After making their morning trek to a doughnut shop, they walked to their school bus stop at Mojave Road and Charleston Boulevard.

Alex said their friend, Zaya Thompson, 12, had a can of potato chips, which she tossed to them. The can went into the street, Alex said, and he and pookie chased after it. Then, he said, they started ''play fighting''over it.

An unidentified woman stopped her car at that time and told them to stay out of the road because they could get hurt.

Just behind her was a Las Vegas police squad car and a white vehicle. An officer in uniform got out of the squad car, and another man, who identified himself as an officer, got out of the white vehicle.

The officers scolded the children for running into the street at the school bus stop, but Alex and another student, Candance Reynard, 11, said the officers then started using racial slurs. All the children involved in the incident are black.

One of the girls at the bus stop yelled an expletive to the officers. Another girl repeated the derogatory rebuff, and Pookie started laughing.

''I said, 'A-hahaha,'" the 12-year-old said. ''One of the men said, 'This ain't no joke. Bring your little ass over her.'"

Pookie said he dropped his school books and walked toward the two. When he was within arm's reach, they grabbed him and slammed him against the police car, he said.

''Pookie walked over to the cop, to the car, and as he was walking over, as soon as he got near them, they took him,'' said Gary Hamilton, 26, who was driving the school bus the children were waiting to board.

''And one cop has his head down, and the other tried to get, I guess, what looked like an arm bar,'' he said, referring to a method of immobilizing someone's arms.

Pookie's left arm then ''just gave away,'' Hamilton said. The officers then took Pookie to University Medical Center.

FREE SPEECH AT HEART OF CASE INVOLVING STUDENT DENIED LAW LICENSE

(By Tara Burghart)

EAST PEORIA, IL. (AP).—In three years of law school Matt Hale made decent grades, participated in student groups, played violin in two orchestras—and worked to revive a white supremacist group that advocates ''racial holy war.''

A state panel that reviews the ''character and fitness'' of prospective lawyers says that's reason enough to refuse Hale a law license. That ruling in turn has prompted debate about the balance between free speech and an attorney's obligation to uphold the nation's bedrock belief of equal justice under the law.

''The idea that I can't be lawyer because of my views is ludicrous. Plain and simple,'' Hale says, sitting in a home office where an Israeli flag serves as a doormat, swastika stickers decorate the walls and the flag of Hale's group, the World Church of the Creator, hangs from a window.

Hale's effort to gain a law license has attracted some unlikely supporters, including the Anti-Defamation League and renowned attorney Alan Dershowitz, who says he may help Hale appeal the inquiry panel's ruling.

''Character committees should not become thought police,'' Dershowitz said. ''It's not the content of the thoughts I'm defending, it's the freedom of everybody to express their views and to become lawyers.''

Hale, 27, grew up in East Peoria, a blue-collar town on the Illinois River. By his own account he was immersing himself by age 12 in books about Nazis and formed a ''Little Reich'' group at school. In high school and at Bradley University he attended ''white power'' rallies and sent letters filled with racial slurs to newspapers.

He also had a few brushes with the law, including a citation for littering after trying to distribute racist newspapers to homes in Pekin.

While attending Southern Illinois University law school Hale was elected head of the World Church of the Creator. The Anti-Defamation League says the group was one of the most violent of its kind in the early 1990s; one member was convicted of killing a black Gulf War veteran in 1991 in a Florida parking lot.

After the veteran's family won $1 million from the church in a lawsuit and its founder died, the church foundered, only to experience a resurgence under Hale, according to the league. Hale's claim of up to 30,000 supporters cannot be verified.

Hale graduated from SIU in May 1998, passed the bar exam and was hired by a

Champaign law firm that now says it knew nothing about his views.

To receive a law license, Hale and other prospective lawyers are required to appeal before a judge or attorney working on behalf of the Illinois Supreme Court's committee on character and fitness who look for problems including dishonesty, criminal activity, academic misconduct or financial irresponsibility.

All but 25 of more than 3,000 applicants last year were approved at that initial stage.

Hale was not, and then a three-member inquiry panel voted 2–1 in December not to give him a license.

''The balance of values that we strike leaves Matthew Hale free, as the First Amendment allows, to incite as much racial hatred as he desires and to attempt to carry out his life's mission of depriving those he dislikes of their legal rigthts,'' panel members wrote.

''But in our view he cannot do this as an officer of the court.''

Illinois officials say the last case similar to Hale's was in the early 1950s, when a law student refused to take an anti-Communist loyalty oath. The U.S. Supreme Court last considered a similar case in 1971, when two applicants for law licenses in other states would not reveal their political beliefs. The court ruled in their favor.

The Anti-Defamation League believes Hale shouldn't be denied a law license because of the ''slippery slope'' it creates, said Andrew Shoenthal, assistant director in the group's Chicago office.

For instance, Shoenthal asked, could a prospective lawyer who opposes abortion or supports school prayer be denied a license if a majority in his community held an opposite view?

The Illinois State Bar Association has yet to take a position on Hale's case, but spokesman Dave Anderson said the case ''is a hot topic (among lawyers) right now, with spirited debate on both sides.''

Hale, meanwhile, was fired in November by the law firm because he couldn't obtain a license. He lives with his parents in East Peoria, operating out of an office in their home.

When he's not talking about his white supremacist beliefs, Hale seems intelligent, polite, and articulate.

''I can't name a Hollywood movie that made white supremacists look good,'' he said. ''We're always portrayed as hate mongers, villains, uneducated, missing all our teeth, having a shotgun in the backseat and chewing tobacco.''

Hale is optimistic he'll get his license and plans to open a solo practice because no law firm is likely to hire him. His plans include challenging affirmative action laws and the littering law for which he was cited.

''For me, the true test of character is whether a person says what they think, which is what I have always done,'' Hale said. ''I believe I show more character than most attorneys in that I actually practice what I preach.''

STUDENT PLEADS GUILTY TO SENDING THREATENING E-MAILS

LOS ANGELES (AP).—A college student has pleaded guilty to federal civil rights charges that he e-mailed hate messages to dozens of Hispanics around the country.

Kingman Quon, 22, of Corona pleaded guilty Monday in federal court to seven misdemeanor counts of interfering with federally protected activities.

Specifically, he was accused of threatening to use force against his victims with the intent to intimidate or interfere with them because of their national origin or ethnic background.

It was only the second federal civil rights prosecution involving e-mail threats.

Quon could face up to seven years in prison and nearly $700,000 in fines when he is sentenced on April 26, although he is expected to receive a 2-year sentence under a plea bargain.

Quon, who was charged in January, remains free on bail pending sentencing.

Quon, a Chinese-American, said outside court that he ''snapped'' and sent the messages in March because he couldn't stand the pressures of being ''a high-achieving college student.''

He is a marketing major at California State Polytechnic University, Pomona.

Quon sent the same racially derogatory e-mail to 42 professors at California State University, Los Angeles and 25 students at Massachusetts Institute of Technology.

''The only reason you people are in state colleges is because of affirmative action,'' the message read.

One copy went to Assemblywoman Gloria Romero, D-Alhambra, a former Cal State psychology professor.

Quon also sent the message to employees of Indiana University, Xerox Corp., the Texas Hispanic Journal, the Internal Revenue Service and NASA's Ames Research Center.

Outside of court Monday, Quon apologized for the messages and asked the victims to forgive him.

The only other federal hate e-mail prosecution involved Richard Machado, 21, a naturalized citizen from El Salvador who flunked out of the University of California, Irvine. He was convicted last year of sending messages to 59 Asian students on campus, allegedly out of anger because he felt their good grades were raising the standard for others.

He was sentenced to a year in jail and was ordered to undergo racial tolerance counseling.

SPEEDY RULING SOUGHT FOR AYERS ISSUE AFFECTING USM-GULF COAST

JACKSON, MISS. (AP).—The State College Board will meet Thursday with its lawyers to discuss questions raised in a complaint over whether university expansion on the Gulf Coast will impact the historically black colleges.

Last week, plaintiffs in a long-running college desegregation lawsuit filed papers asking U.S. District Judge Neal Biggers Jr. of Oxford to hold up the University of Southern Mississippi Gulf Coast expansion.

Alvin Chambliss Jr., a law professor at Texas Southern University and lead attorney for plaintiffs in the lawsuit, questioned the admissions policies at USM/Gulf Coast operations.

Chambliss also said he feared the USM upgrades could interfere with state funding needed for court-approved remedies.

The desegregation case began in January 1975 when the late Jake Ayers Sr. of Glen Allan sued, accusing Mississippi of neglecting the state's three historically black universities—Jackson State, Alcorn and Mississippi Valley State. The U.S. Supreme Court ruled in 1992 that Mississippi operated a segregated college system.

USM wants $2 million for Gulf Coast expansions. That includes funds for USM-Long Beach and creation of a multi-university higher education center. The Legislature has not yet acted on the money.

''We all hope it doesn't hold up things,'' said College Board member Nan Baker of Winona. ''A speedy ruling (from the judge) would be best for everybody concerned.''

The College Board endorsed the USM/Gulf Coast expansion by a 7–5 vote last month. Critics say Mississippi can't afford what may become a ninth university.

Reports from the College Board did not spell out the racial makeup of USM/Gulf Coast programs, Chambliss said.

The USM plan would add 150 freshmen next fall to the Gulf Park campus at Long Beach and 750 freshmen and sophomores over a five-year period. The board plan also proposes a USM-led higher education center on the Gulf Coast. It would allow five universities including Jackson State and Alcorn State, and a community college, to teach classes.

''Persons from every sector of the Gulf Coast support what we are doing,'' said USM President Horace Fleming Jr. ''We have support from leaders in the black community. We think it would help everybody.''

Sen. David Jordan, D-Greenwood, is urging the Legislature to more than triple the $4.7 million the College Board is seeking for Ayers funding for the three historically black universities.

LEGISLATION FOR ACTION ON MISSING ISRAELI SOLDIERS—H.R. 1175 DIRECTS THE U.S. GOVERNMENT TO PRESS THIS MATTER WITH MID–EAST GOVERNMENTS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1999

Mr. LANTOS. Mr. Speaker, almost 17 years ago, three Israeli soldiers were captured in northeastern Lebanon following a tank battle with Syrian and Palestinian forces near the town of Sultan Yaqub. One of the men was Sgt. Zachary Baumel, an American citizen living in Israel. His parents also live in Israel and also are American citizens. The other two Israeli soldiers captured at Sultan Yaqub are Tzvi Feldman and Yehuda Katz.

According to press and intelligence reports, a pro-Syrian faction of the Palestinian Liberation Organization (PLO) had custody of these three men initially, but the faction later split from the PLO and took the three prisoners with them. Just hours after the soldiers were captured, western journalists in Damascus and Syrian radio reported that three Israeli soldiers were paraded through the streets of Damascus in a victory parade.

Over 10 years later, in 1993, the families of the MIAs hoped their ordeal might be over when Palestinian Authority Chairman, Yasser Arafat, returned half of Baumel's army dogtag to Prime Minister Yitzhak Rabin and promised to provide additional information regarding the MIAs of Sultan Yaqub. Over 5 years have passed since that time, and no additional information has been forthcoming from Chairman Arafat.

According to the Israeli newspaper Ma'ariv (April 24, 1994), French President Jacques Chirac raised the issue of the three prisoners during a visit to Lebanon. He reported on his conversations in Beirut: ''I spoke to my friend, the Prime Minister of Lebanon, and he told me in no uncertain terms that only [Syrian President Hafez al] Assad knows what happened to the [Israeli] POWs.'' Syrian officials, however, have repeatedly denied knowledge of the missing men.

Syrian practice in the past has been to deny publicly holding such individuals. For example, the Syrians repeatedly denied knowledge of a group of Palestinians whom they held for over

a decade; the Palestinian prisoners only became known when the Syrian government released them in 1995. On the basis of this experience with Syria, it is quite possible that these Israeli MIAs are still alive and under Syrian control.

Mr. Speaker, I have chosen to introduce this legislation today because this day holds great significance for the Jewish people. Today is the first day of the month of Nissan on the Jewish calendar. Nissan is a very important month because Jews from around the world celebrate Passover and join with their families in the observance of the holiday of freedom in this month.

It is in the spirit of this month that I ask my colleagues in the Congress to join me in helping Zachary Baumel, Tzvi Feldman, and Yehuda Katz return to their homes. Sitting in the gallery today is Mrs. Miriam Baumel, Zachary Baumel's mother, whose tireless efforts on behalf of H.R. 1175 are a testament of her deep love for her son and her strong support for this legislation. Miriam and husband, Yona, have visited communities across the country and have met with numerous Members of Congress and congressional staff in their tireless effort to rally support for their son and to end this family tragedy.

I have confidence in this house's ability to do what is right. Mr. Speaker. The Baumel, Feldman, and Katz families should not have to spend one more night worrying about the fate of Zachary, Tzvi, and Yehuda.

H.R. 1175 directs the Department of State to raise the fate of these Israeli soldiers with the Palestinian Authority and leaders of the governments of Syria, Lebanon, and other countries in the Middle East in an effort to locate and secure the return of these soldiers. This legislation also specifies that U.S. aid to these governments ''should take into consideration the willingness of these governments and authorities to assist in locating and securing the return of these soldiers.'' The State Department is directed to report to the Congress concerning these efforts.

Mr. Speaker, our legislation is introduced in the hope that we can find answers to the questions that have haunted the Baumel, Katz, and Feldman families for almost 17 years. I urge my colleagues to support this legislation and help to put an end to this tragedy.

H.R. 1175

To locate and secure the return of Zachary Baumel, an American Citizen, and other Israeli soldiers missing in action.

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

SECTION 1. CONGRESSIONAL FINDINGS.

The Congress finds that

A. Zachary Baumel, an American citizen serving in the Israeli military forces, has been missing in action since June 1982 when he was captured by forces affiliated with the Palestinian Liberation Organization (PLO) following a tank battle with Syrian forces at Sultan Ya'akub in Lebanon;

B. Yehuda Katz and Zvi Feldman, Israeli citizens serving in the Israeli military forces, have been missing in action since June 1982 when they were also captured by these same forces in a tank battle with Syrian forces at Sultan Ya'akub in Lebanon;

C. These three soldiers were last known to be in the hands of a Palestinian faction splintered from the PLO and operating in Syrian-controlled territory, thus making this a matter within the responsibility of the government of Syria;

D. Diplomatic efforts to secure their release have been unsuccessful, although PLO Chairman Yasir Arafat delivered one half of Zachary Baumel's dog tag to Israeli government authorities; and

E. In the Gaza-Jericho agreement between the Palestinian Authority and the government of Israel of May 4, 1994, Palestinian officials agreed to cooperate with Israel in locating and working for the return of Israeli soldiers missing in action.

SEC. 2. ACTION BY THE DEPARTMENT OF STATE.

A. The Department of State shall raise the matter of Zachary Baumel, Yehuda Katz and Zvi Feldman on an urgent basis with appropriate government officials of Syria, Lebanon, the Palestinian Authority, and with other governments in the region and other governments elsewhere which in the Department's view may be helpful in locating and securing the return of these soldiers.

B. Decisions with regard to United States economic and other forms of assistance to Syria, Lebanon, the Palestinian Authority, and other governments in the region and United States policy towards these governments and authorities should take into consideration the willingness of these governments and authorities to assist in locating and securing the return of these soldiers.

SEC. 3. REPORT BY THE DEPARTMENT OF STATE.

A. Ninety days after the enactment of this legislation, the Department of State shall deliver a report in writing to the Congress detailing its consultations with governments pursuant to section 2(A) of this act and United States policies affected pursuant to section 2(B) of this act. This report shall be a public document. The report may include a classified annex.

B. After the initial report to the Congress, the Department of State shall report in writing within 15 days whenever any additional information from any source relating to these individuals arises. Such report shall be a public document. The report may include a classified annex.

C. The reports to the Congress identified in paragraph (A) and (B) above shall be made to the Committee on International Relations of the House of Representatives and to the Committee on Foreign Relations of the Senate.

A SALUTE TO WILLIAM JOHNSON

HON. THOMAS M. BARRETT

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1999

Mr. BARRETT of Wisconsin. Mr. Speaker, I appreciate this opportunity to share with my colleagues my esteem and regard for William Johnson, Business Manager of Laborers Union Local 113 in Milwaukee, Wisconsin. On March 20, his family, friends, union brothers and sisters, and admirers will gather to celebrate Bill Johnson's over 40 years of service to Milwaukee workers and to wish him well as his life begins a new chapter.

Bill returned to his native Alabama in 1955, an honorably discharged veteran of the United States Army. He stayed only a couple of weeks before he agreed to join his brother in Milwaukee.

When he arrived in Milwaukee, Bill Johnson found work, but he did not immediately find union representation. During the early days of America's struggle for civil rights, many of the union locals in town were not admitting African Americans. When he joined the Laborers' paving local that would eventually become Local 113, he had found a home.

Bill Johnson rose through the ranks to the position of Business Manager, ultimately responsible for contract negotiation and administration, personnel, and all of the union's other business. He has also served as Union Trustee for 30 years and is a trustee of the Laborers' Employers Cooperation Education Trust.

As a leader, Bill Johnson earned the respect of Local membership. He led by example, with dedication to the welfare and professional advancement of the membership. He always remembered that a successful union draws strength from its members just as they draw strength from the union.

After over 40 years, Bill Johnson is retiring as Business Manager of Laborers Local 113. His retirement from organized labor does not mean an end to his public service. Bill has been a longtime leader at Mt. Zion Missionary Baptist Church, and he presides over the church's economic and community development corporations. Under his direction, I know that these organizations will continue to work vigorously to bring housing and economic opportunity to Milwaukee's central city. Bill has also been active in leadership positions in the Milwaukee Jobs Initiative, the United Way of Greater Milwaukee, and Campaign for a Sustainable Milwaukee.

I am proud to join his colleagues, his friends, and his many admirers in expressing my gratitude to Bill Johnson for a lifetime of devoted service to Milwaukee's working families. I ask my colleagues to join me in saluting Bill and wishing him well as he embarks on a new course.

TRIBUTE TO THE BROOKLYN IRISH-AMERICAN PARADE COMMITTEE

HON. ANTHONY D. WEINER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1999

Mr. WEINER. Mr. Speaker, I rise today to invite my colleagues to pay tribute to the Brooklyn Irish-American Parade Committee on the occasion of it's 24th Annual Brooklyn Irish-American Parade.

The Brooklyn Irish-American Parade highlights the cultural, education and historical accomplishments and contributions of Brooklyn's Irish-American community. The Annual Brooklyn Irish-American Parade serves as a celebration of Brooklyn's cultural diversity and richness and takes place in historic Park Slope on the hallowed ground of the Battle of Brooklyn and commemorates the Marylanders, Irish Freedom Fighters and Americans of other ethnic backgrounds who gave their lives to secure independence for all Americans. The Spirit of '76 was, and still is, the ideal of the Brooklyn Irish-American Parade.

The Parade Committee, it's officers and members, continue the memorialization of ''The Great Famine'' (An Gorta Mor) which caused the deaths of over 1,500,000 people in Ireland and tens of thousands as they traveled to America. During ''The Great Famine'', over 1,000,000 of Erin's sons and daughters emigrated to the United States through the port of New York.

The theme of this year's Parade is Wolfe Tone and The Good Friday Peace Accords. Wolfe Tone was an Irish Patriot and founder of the Society of the United Irishman, whose vision of Ireland was neither North nor South, neither Protestant nor Catholic, but one Ireland United and Free. The Good Friday Peace Accords, which were overwhelmingly supported by the people of the North and South, gave new hope for an end to sectarian violence and a peaceful resolution of political and social differences. The members of the Brooklyn Irish-American Parade Committee salutes with gratitude all the peacemakers who secured these accords for the people of Ireland, especially the untiring negotiations of former United States Senator George Mitchell.

This year's parade is dedicated to the memories of Johanna Cronin McAvey of County Cork, a founder of the Brooklyn Irish-American Parade Committee; Past Grand Marshals Paul O'Dwyer and Patrick McGowan, Past Aides to Grand Marshals Maureen Glynn Connolly, Tom Doherty, Eugene Reilly and Irene Stevens.

The Grand Marshal for the 24th Annual Parade is Sister Mary Rose McGeady, D.C., President and Chief Executive Officer of Covenant House who has dedicated her life to homeless children and their families. Sister McGeady has long been known as an innovator and beacon of good will to all those whose lives she has touched.

The Grand Marshall, her Aides Robert Hanley (Irish Culture) Pipe Major NYC Correction Department Pipe Band; Jane Murphy Parchinsky, Ladies AOH Kings County Board and Division 17; James Boyle (Irish Business) Snook Inn & Green Isle Inn; Bettyanne McDonough (Education) Emerald Society Board of Education; Patrick W. Johnson (Kings County AOH & Division 22); Geraldine McCluskey Lavery (Gaelic Sports/Young Irelands Camogie Team); Thomas Daniel Duffy (Grand Council, United Emerald Societies/ Housing Authority); Parade Chairperson Kathleen McDonagh; Dance Chairperson Charlie O'Donnell; Journal Chairperson James McDonagh; Raffle Chairperson Eileen Fallon; Parade Officers, Members and all the citizens of Brooklyn, have joined together to participate in this important and memorable event.

In recognition of their many accomplishments on behalf of my constituents, I offer my congratulations and thanks to the Grand Marshall, her Aides, the Parade Officers and members of the Brooklyn Irish-American Parade Committee on the occasion of the Brooklyn Irish-American Parade Committee's 24th Annual Brooklyn Irish-American Parade.

IN HONOR OF J.C. PICKETT, M.D., PRESIDNET OF THE CALFORNIA MEDICAL ASSOCIATION

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1999

Mr. THOMPSON of California. Mr. Speaker, I am pleased today to honor the new California Medical Association (CMA) President, Dr. J.C. Pickett, of St. Helena, California.

Dr. Pickett has been a longtime leader in the Napa community, as well as throughout the State of California, and as native St. Helenan, I am extremely proud of my friend's outstanding accomplishments.

Born in West Virginia in 1926, Justus Cunningham (J.C.) Pickett received his B.A. degree from West Virginia University in 1956 and his medical degree from the Medical College of Virginia in 1958. He served as a surgical intern from 1958 to 1959, a surgical resident from 1959 and 1960, and an orthopaedic resident from 1960 to 1963, all at the Medical College of Virginia Hospitals.

Dr. Pickett was certified by the American Board of Orthopaedic Surgery in 1955 and became a Fellow of the American College of Surgeons in 1967 and the American Academy of Orthopaedic Surgeons in 1968. A retired colonel of the U.S. Air Force Reserve, he served in a number of important positions: as a clinical instructor at Ohio State University, as Chief of Staff and Chief of Surgery at Queen of the Valley Hospital in Napa, as a board member of the Napa County Chapter of the American Cancer Society, as orthopaedic consultant to Napa Valley College, and as team physician for Napa High School and Vintage High School. Dr. Pickett is also a member of the California Orthopaedic Association and the Western Orthopaedic Association.

Dr. Pickett served as President of the Napa County Medical Society from 1980 to 1981, as a member of the CMA House of Delegates from 1977 to 1990, and has been a member of CMA's Board of Trustees since 1990. In that capacity, he was Vice-Chair from 1994 to 1995, Chair from 1996 to 1997, and President-Elect from 1998 to 1999.

Despite his busy medical practice and dedication to his profession and patients, Dr. Pickett always finds time to spend with his wife Sandra, his three children, Justus Cunningham Pickett II, Carrie Laing Pickett, and John Eastman Brown Pickett, his two grandchildren Samantha and Joycelyn, and his beloved dog Murphy. Dr. Pickett is also well known to his friends, family, colleagues and patients as a highly skilled physician, gentleman farmer, infrequent golfer, and world class over lover of crossword puzzles.

Mr. Speaker, I believe it is fitting and appropriate to honor the lifetime of service Dr. Pickett has given to his community, his state and his nation. Undoubtedly, there are many families in Napa County who are thankful each day for Dr. Pickett's service. Napa County is a health community and its resident can point to Dr. Pickett's service as one reason for this.

Mr. Speaker, I would like to personally commend Dr. Pickett on his dedication and meritorious service, and I wish him well this coming year as the new president of the CMA.

ADVANCE PLANNING AND COMPASSIONATE CARE ACT OF 1999

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1999

Mr. LEVIN. Mr. Speaker, on March 17, 1999 I reintroduced the Advance Planning and Compassionate Care Act of 1999, along with my colleagues Representatives JAMES GREENWOOD and DARLENE HOOLEY. This legislation intends to respond to the critical needs of the elderly and their families during often difficult times in their lives. As advancements in health care provide better care and extend life expectancy, we must also be cognizant of the care we provide in the last stages of an individual's life.

It is my hope that by addressing the needs of patients and families dealing with pain and medical difficulties at the end of life, we can focus attention on the constructive steps that can be taken to provide help and assistance to seniors and other Americans during this critical period. We should not allow end of life care to be eclipsed by the debate over physician assisted suicide. In my discussions with families and physicians, people are concerned with the quality of care and the type of information available during this difficult period of one's life.

The Advance Planning and Compassionate Care Act builds on the Patient Self-Determination Act enacted in 1990, which I sponsored, by strengthening many of its provisions. The Patient Self-Determination Act requires health care facilities to distribute information to patients regarding existing State laws on living wills, medical powers-of-attorney, and other advance directives so that individuals can document the type of care they would like to receive at the end of their lives. Since passage of that legislation, there has been an increase in the number of individuals who have advance directives. However, a Robert Wood Johnson study found that less than half of hospitalized patients who had advanced directives had even talked with any of their doctors about having a directive and only about one-third of the patients with advanced directives had their wishes documented in their medical records.

This legislation seeks to address these problems and improve the quality of information provided to individuals in hospitals, nursing homes and other health care facilities. It will encourage seniors and families to have more open and informed communication with health care providers concerning their preferences for end-of-life care.

Specifically, the bill requires that a trained professional be available, when requested, to discuss end-of-life care. It also requires that if a patient has an advance directive, it must be placed in a prominent part of the medical record where all doctors and nurses can clearly see it. In addition, the bill establishes a 24-hour hotline and information clearinghouse to provide consumers, patients and their families with information about advance directives and end-of-life decision making.

Included in this legislation is a provision designed to ensure that an advance directive which is valid in one State will be honored in another State, as long as the contents of the advance directive do not conflict with the laws of the other State. In addition, the bill requires the Secretary of Health and Human Services to gather information and consult with experts on the possibility of a uniform advance directive for all Medicare and Medicaid beneficiaries, regardless of where they live. A uniform advance directive would enable people to document the kind of care they wish to get at the end of their lives in a way that is easily recognizable and understood by everyone.

The Advance Planning and Compassionate Care Act also addresses quality end-of-life care by responding to the national need for end-of-life standards. It requires the Secretary of Health and Human Services, in conjunction with the Health Care Financing Administration,

National Institutes of Health, and the Agency for Care Policy and Research, to develop outcome standards and other measures to evaluate the quality of care provided to patients at the end of their lives.

This legislation also responds to the serious crisis in pain care. As documented by the Institute of Medicine, studies have shown that a significant proportion of dying patients experience serious pain despite the availability of effective pain treatment. In addition, the aggressive use of ineffectual and intrusive interventions at the end of life may actually increase pain and eliminate the possibility for a peaceful and meaningful end-of-life experience with family and friends. This bill will improve the treatment of pain for Medicare patients with life threatening diseases.

Currently, Medicare does not generally pay the cost of self-administered drugs prescribed for outpatient use. The only outpatient pain medications currently covered by Medicare are those that are administered by a portable pump. It is widely recognized among physicians treating patients with cancer and other life-threatening diseases that self-administered pain medications, including oral drugs and transdermal patches, are alternatives that are equally effective at controlling pain, less costly and more comfortable for the patient. To address this inadequacy in coverage, the bill requires Medicare coverage for self-administered pain medications prescribed for outpatient use for patients with life-threatening disease and chronic pain.

The bill also focuses on the need to develop models to improve end-of-life care. The bill provides funding for demonstration projects to develop new and innovative approaches to improving end-of-life care provided to Medicare beneficiaries. It also includes funding to evaluate existing pilot programs that are providing innovative approaches to end-of-life care.

Mr. Speaker, the legislation we are proposing seeks to improve the quality of care for individuals and their families experiencing the last stages of life so they may do so together with dignity, independence and compassion.

SUMMARY: ADVANCE PLANNING AND COMPASSIONATE CARE ACT

SECTION 1. TITLE

Sec. 2. Development of Standards to Assess End-of-Life Care

The HHS Secretary, through HCFA, NIH, and AHPR, shall develop outcome standards and measures to evaluate the performance and quality of health care programs and projects that provide end-of-life care to individuals.

Sec. 3. Study and Recommendation to Congress on Issues Relating to Advance Directive Expansion

HHS will study and report to Congress on ways to improve the uniformity of advance directives.

Sec. 4. Study and Legislative Proposal to Congress

HHS shall study and report to Congress on all matters relating to the creation of a national, uniform policy on advance directives.

Sec. 5. Expansion of Advance Directives

Individuals in hospitals, nursing homes and health care facilities will have an opportunity to discuss issues relating to advance directives with an appropriately trained individual. Advance directives must be placed prominently in a patient's medical record.

This section also ensures portability of advance directives, so that an advance directive valid in one state will be honored in another state, as long as the contents of the advance directive do not conflict with the laws of the other state.

Sec. 6. National Information Hotline for End-of-Life Decision-making

HHS, through HCFA, shall establish and operate directly, or by grant, contract, or interagency agreement, a clearinghouse and 24-hour hot-line to provide consumer information about advance directives and end-of-life decision-making.

Sec. 7. Evaluation of and Demonstration Projects for Medicare Beneficiaries

HHS, through HCFA, will evaluate existing innovative programs and also administer demonstration projects to develop new and innovative approaches to providing end-of-life care to Medicare beneficiaries. Also, the Secretary shall submit to Congress a report on the quality of end-of-life care under the Medicare program, together with any suggestions for legislation to improve the quality of such care under that program.

Sec. 8. Medicare Coverage of Self-Administered Medication for Certain Patients with Chronic Pain

Medicare will provide coverage for self-administered pain medications prescribed for outpatients with life-threatening disease and chronic pain. (These medications are currently covered by Medicare only when administered by portable pump).

RED BANK MEN'S CLUB 50TH ANNIVERSARY: ''UNITY—PAST, PRESENT, FUTURE''

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1999

Mr. PALLONE. Mr. Speaker, on Saturday, April 17, 1999, the members of the Red Bank, NJ, Men's Club will be celebrating their fiftieth anniversary with a formal dinner ball to be held at the PNC Arts Center in Holmdel, NJ. The theme for the evening, which will be chaired by Mr. Gary Watson, is ''Unity—Past, Present and Future.'' Two of the Red Bank area's leading citizens, James W. Parker, Jr., M.D., and Donald D. Warner, Ed.D., will be honored at the ball.

Dr. James W. Parker, Jr., was born in Red Bank, where he attended the public schools and began his lifelong membership in the Shrewsbury Avenue AME Zion Church. He attended Howard University, graduating in 1940 with a B.S. degree, and earning his M.D. degree in 1944. He also attained the rank of First Lieutenant in the U.S. Army. After serving his residency in Norfolk, Va., he came back home to Red Bank and opened a private practice. The Korean War interrupted his career on the home front, as Dr. Parker went to serve his country as a Captain in Korea with a Battalion Air Station on the front line, and later in Japan. After the war, he returned to private family practice, as well as serving on the medical staff at Monmouth Medical Center in Long Branch, NJ, and Riverview Medical Center in Red Bank.

Dr. Parker was married to Alice Williams Parker in 1944. They have two children and four grandchildren. His community involvement has been and continues to be extensive, including service to the YMCA, the Red Bank Board of Health, the American Red Cross, the Red Bank Board of Education, where he served as vice President, the Monmouth County Welfare Board, which he chaired, the Monmouth College Trustees Board, the Monmouth County Office of Social Services Board and the Red Bank Community Service Board.

Last year, Dr. Donald D. Warner retired after 23 years of service as Superintendent of the Red Bank Regional High School District. Dr. Warner began his long and distinguished career in education 40 years ago, starting out as a classroom teacher. He earned his Bachelor's Degree at Temple University and his Doctor of Education Degree at the Pennsylvania State University. Over the years, he has received school and community awards too numerous to mention. In his nearly a quarter-century in the Red Bank area, he has taken on significant community and professional responsibilities, serving on various boards of trustees, foundations and task forces in Monmouth County and throughout the State of New Jersey.

A native of Pennsylvania, Dr. Warner now lives in Tinton Falls, NJ, with his wife Mercedes, a teacher in the Tinton Falls District. The Warners' three children have all achieved impressive success—not surprising, given the commitment to hard work and excellence instilled in them by both of their parents. Despite his retirement, Dr. Warner has remained active in community affairs, while a scholarship being established in his honor will further his legacy as an educator by providing opportunities for students to expand their educational opportunities for years to come.

Mr. Speaker, the Red Bank Men's Club has been instrumental over the years in supporting youth through scholarships for higher education. Many members of the Club serve as mentors and tutors for youth in the community. I congratulate the leaders and members of the Red Bank Men's Club, and wish them many years of continued success.

INTRODUCTION OF H.R. 1150, THE JUVENILE CRIME CONTROL AND DELINQUENCY PREVENTION ACT

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1999

Mr. CASTLE. Mr. Speaker, I am pleased to join with my colleague from Pennsylvania, Mr. GREENWOOD, to introduce H.R. 1150, the Juvenile Crime Control and Delinquency Prevention Act. It is essential that Congress join together to fight and reduce the rising rates of crime, particularly violent crime among children.

Our children are our most important resource. They are our future teachers, doctors, lawyers, engineers, and parents. We need to make sure that we do everything in our power to keep them safe from harm and prevent them from becoming involved in at-risk activities, such as drugs, alcohol abuse, and crime. In 1996 alone, there were over 100,000 arrests of children and youth under the age of 18 for violent crimes. Over 1,000 of those crimes were committed by those under the age of 10 and 6,500 were committed by youths between the ages of 10 and 12. In my home state of Delaware, one out of every five persons arrested in 1996 was a juvenile.

The key to lowering these statistics and stopping juvenile crime in its tracks is prevention and that is what we do in the Juvenile

Crime Control and Delinquency Prevention Act. This bill acknowledges that most successful solutions to juvenile crime are developed at the state and local levels by people who understand the unique characteristics of youth in their particular area. H.R. 1150 goes a long way toward providing states and local providers with more flexibility in addressing juvenile crime by reducing burdensome state requirements and streamlining current law. Funds in H.R. 1150 can be used for prevention activities, including for hiring probation officers to monitor youth to ensure they abide by the terms of their probation. The bill also acknowledges that interventions and prevention activities such as educational assistance, job training employment services are effective tools in reducing and preventing juvenile crime. Also included in this bill is the Runaway Homeless Youth Act, which targets prevention as the best means to combat juvenile violent crime. H.R. 1150 authorizes programs to keep youth off the streets and away from criminal activity, so they will never even have the opportunity to become involved in violent crime. The Juvenile Crime Control and Delinquency Prevention Act provides the missing link in our efforts to combat juvenile crime.

Identical legislation to H.R. 1150 passed the House of Representatives by a vote of 413 to 14 last year. This widely supported legislation can go a long way in providing kids support when they are most in need.

REGARDING H. CON. RES. 60

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1999

Mr. DINGELL. Mr. Speaker, I am particularly pleased to introduce H. Con. Res. 60 telling the United States Postal Service that the Congress believes it should issue a series of commemorative postage stamps honoring veterans service organizations across the Nation.

As we are aware, this year, the Veterans of Foreign Wars of the United States will observe the 100th Anniversary of its founding. This important occasion represents the perfect opportunity to recognize the service of America's veterans, but the Postal Service has turned a deaf ear to numerous requests from veterans organizations, Members of Congress, and the American public to issue even a single stamp this year for this noble purpose.

There are numerous organizations that deserve commendation, including the American Legion, AMVETS, Blinded Veterans of America, Disabled American Veterans, Jewish War Veterans, Paralyzed Veterans of America, Vietnam Veterans of America, and the Polish League of American Veterans of which I am proud to be one. And, these organizations would be specifically honored with the V.F.W. The Postal Service should be doing all it can to make this happen. Veterans have fought for our liberties, they should not have to fight for appropriate recognition.

From the time of the Founding Fathers, American service personnel have sacrificed dearly to defend our country and its ideals. But their service is not confined to the battleground. Over time, veterans organizations have ably represented the interests of veterans in the Congress and State Legislatures across the Nation. They have established networks of trained volunteer service officers who have helped millions of veterans and their families secure the education, disability compensation, pension, and health care benefits they are entitled to receive as a result of their military service. Moreover, veterans service organizations have been deeply involved in countless local community service projects and have been constant reminders of the American values of duty, honor, and national service.

With more than 25 million veterans serving as living reminders of the greatness of our Nation, it is only fitting and proper that their dedicated and professional service in times of war and peace be celebrated in the unique and lasting manner by which the Postal Service has honored past heroes. The Postal Service has seen fit in recent years to memorialize flowers, dinosaurs, dolls, movie monsters, household pets, and even cartoons, but it has been intransigent regarding our veterans. This ought not be so.

I look forward to working with my colleagues—and the list of cosponsors indicates this is a serious matter on both sides of the aisle—to establish this momentous issuance.

COMMEMORATING THE ANNIVERSARY OF LEONARD AND GRACE PAULSON

HON. JOHN R. THUNE

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1999

Mr. THUNE. Mr. Speaker, I rise today to pay tribute to Mr. and Mrs. Leonard Paulson of Clark, South Dakota, on their fiftieth wedding anniversary. The Paulsons were married on March 19, 1949 at Garden City, South Dakota. There they lived, worked and raised six children, James, Sandra, David, Chantel, Bruce, and Lori. Leonard and Grace were exceptional role models for their family and strived to give their children a solid Christian home. And today, all six of their children reside in South Dakota with their families.

Throughout the past 50 years, Mr. and Mrs. Paulson have been active members of our community. As members of the St. Paul Lutheran Church, both Leonard and Grace served their fellow members through various church activities and organizations. Leonard also served on several agricultural and educational boards in the Clark County area, and continues to be a member of the Clark Lions Club. Grace continues to serve in the church, and is also active in the Clark Lady Lions Club.

Today, Mr. and Mrs. Paulson reside in the same farm house since the day of their marriage in 1949. They enjoy spending time with their children and grandchildren, both at their farm and at their cabin on Lake Kampeska.

Mr. Speaker, it is with great pleasure that I recognize this outstanding American couple. It is obvious to me that Leonard and Grace worked as a team to raise their family and give back to their community through service. The dedication they demonstrate to the institution of marriage and our community provides many Americans with an example to follow. I invite my colleagues to join in extending our congratulations on this milestone occasion to Leonard and Grace Paulson and with best wishes for health and happiness in the years ahead.

INTRODUCTION OF LEGISLATION REGARDING THE MEDICARE+CHOICE PROGRAM

HON. BARBARA CUBIN

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1999

Mrs. CUBIN. Mr. Speaker, today I am introducing a Concurrent Resolution to ensure that Medicare beneficiaries will continue to have access to the types of medical care they need. Regrettably, the Medicare+Choice regulations do not ensure that Medicare beneficiaries participating in the Medicare+Choice Program receive coverage for chiropractic services like they do under traditional Medicare.

Medicare beneficiaries have access to chiropractic services through Medicare Part B. When the Medicare+Choice Program was created, Congress stated its intention that all services covered under Medicare Parts A and B would be included in the program. It is unfortunate that the such services might not be available under the new program.

The Medicare+Choice program allows Medicare beneficiaries to participate in a managed care system. For many people, such a system will better meet their needs. It was also the intention of Congress, while expanding health care choices, to find cost-effective means of providing care.

I urge my colleagues in the House to join me in rectifying this problem by supporting this bill.

PERSONAL EXPLANATION

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1999

Mr. BECERRA. Mr. Speaker, I was traveling on official business with President Clinton on his trip to Central America last week and therefore was unable to cast votes on March 10 and 11, 1999. The votes I missed on those days include rollcall vote 34 on Approving the Journal; rollcall vote 35 on passage of H.R. 540, the Nursing Home Resident Protection Amendments; rollcall vote 36 on Ordering the Previous Question; rollcall vote 37 on the Holt Amendment to H.R. 800, the Education Flexibility Partnership Act; rollcall vote 38 on the Ehlers Amendment to H.R. 800; rollcall vote 39 on the George Miller amendment to H.R. 800; rollcall vote 40 on the Scott amendment to H.R. 800; rollcall vote 41 on passage of H.R. 800; rollcall vote 42 on passage of H.R. 808, the Short Term-Extension of Farm Bankruptcy Law; rollcall vote 43 on passage of H. Res. 32, a resolution Expressing Support for Open Elections in Indonesia; rollcall vote 44 on H. Con. Res. 28, a resolution Criticizing China for its Human Rights Abuses; rollcall vote 45 on Ordering the Previous Question; rollcall vote 46 on Agreeing to the Resolution; rollcall vote 47 to Sustain the Rule of the Chair; rollcall vote 48 on the Fowler Amendment to H. Con. Res. 42, a resolution on

Peacekeeping Operations in Kosovo; and rollcall vote 49 on passage of H. Con. Res. 42.

Had I been present for the preceding votes, I would have voted ''yes'' on rollcall votes 34, 35, 37, 38, 39, 40, 42, 43, 44, and 49. I would have voted ''no'' on rollcall votes 36, 41, 45, 46, 47, and 48.

PERSONAL EXPLANATION

HON. TED STRICKLAND

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1999

Mr. STRICKLAND. Mr. Speaker, on March 11, 1999, due to a prior personal commitment, I was unable to cast my vote on H. Con. Res. 42. Had this scheduling conflict not prevented me from being in the House on the evening of March 11, I would have voted the following: ''Yea''—H. Con. Res. 42 [Roll No. 49]—on agreeing to the resolution—peacekeeping operations in Kosovo. ''Nay''—H. Con. Res. 42 [Roll No. 48]—on agreeing to the amendment—Fowler of Florida to Gejdenson of Connecticut

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S2881–S2977

Measures Introduced: Twelve bills and three resolutions were introduced, as follows: S. 656–667, S.J. Res. 15, and S. Res. 69–70. **Pages S2934–35**

Measures Reported: Reports were made as follows:

S. 334, to amend the Federal Power Act to remove the jurisdiction of the Federal Energy Regulatory Commission to license projects on fresh waters in the State of Hawaii. (S. Rept. No. 106–26) **Page S2934**

Measures Passed:

Legal Representation: Senate agreed to S. Res. 70, to authorize representation of Senate and Members of the Senate in the case of James E. Pietrangelo, II v. United States Senate, et al. **Page S2934**

Greek Independence Day: Committee on the Judiciary was discharged from further consideration of S. Res. 50, designating March 25, 1999, as ''Greek Independence Day: A Day of Celebration of Greek and American Democracy'', and the resolution was then agreed to. **Page S2976**

National Inhalants and Poisons Awareness Week: Committee on the Judiciary was discharged from further consideration of S. Res. 47, designating the week of March 21 through March 27, 1999, as ''National Inhalants and Poisons Awareness Week'', and the resolution was then agreed to. **Pages S2976–77**

Emergency Supplemental Appropriations: Senate continued consideration of S. 544, making emergency supplemental appropriations and rescissions for recovery from natural disasters, and foreign assistance, for the fiscal year ending September 30, 1999, taking action on the following amendments: **Pages S2881–S2923, S2929–32**

Adopted:

Stevens Amendment No. 80, to defer certain funds for use in connection with expiring or terminating section 8 contracts until October 1, 1999. **Pages S2898–99**

Stevens (for McCain) Amendment No. 82, to extend the aviation insurance program through May 31, 1999. **Pages S2900–01**

Stevens (for Grassley) Amendment No. 83, to expedite adjudication of civil monetary penalties by the Department of Health and Human Services Appeals Board. **Pages S2900–01**

Stevens (for Shelby/Stevens) Amendment No. 84, to make a technical correction with regard to Title 49 Recodification. **Pages S2900–01**

Stevens (for Byrd) Amendment No. 85, to make a technical correction with regard to the Emergency Steel Loan Guarantee Program. **Pages S2900–01**

Stevens (for Frist/Thompson) Amendment No. 86, to increase, with a rescission, the supplemental appropriations for fiscal year 1999 for military construction for the Army National Guard. **Pages S2900–01**

Stevens Amendment No. 87, to provide that the taking of a Cook Inlet beluga whale under the exemption provided in section 101(b) of the Marine Mammal Protection Act between the date of the enactment of this Act and October 1, 2000 shall be considered a violation of such Act unless such taking occurs pursuant to a cooperative agreement between the National Marine Fisheries Service and Cook Inlet Marine Mammal Commission. **Pages S2900–01**

Stevens Amendment No. 88, to provide that funds provided in the Department of Commerce, Justice and State, the Judiciary, and Related Agencies Appropriations Act, 1999 (P.L. 105–277, Division A, Section 101(b)) for the construction of a correctional facility in Barrow, Alaska shall be made available to the North Slope Borough. **Pages S2900–01**

Stevens (for Helms/McConnell) Amendment No. 93, relating to activities funded by the appropriations to the Central America and the Caribbean Emergency Disaster Recovery Fund. **Pages S2916–17**

Stevens (for Reid) Amendment No. 94, to make available certain funds for technical assistance related to shoreline erosion at Lake Tahoe, Nevada caused by high lake levels. **Pages S2916–17**

Stevens (for Kyl) Amendment No. 95, to make available certain funds for emergency repairs to the Headgate Rock Hydroelectric Project. **Pages S2916–17**

Stevens (for Domenici) Amendment No. 96, to rescind certain funds made available for the Lackawanna River, Scranton, Pennsylvania. **Pages S2916–17**

Stevens (for Jeffords/Bingaman) Amendment No. 97, to provide that the Agency for International Development should undertake efforts to promote reforestation, with careful attention to the choice, placement, and management of species of trees consistent with watershed management objectives designed to minimize future storm damage, and to promote energy conservation through the use of renewable energy and energy-efficient services and technologies. **Pages S2916–17**

Stevens (for Levin) Amendment No. 98, to authorize the disposal of the zirconium ore in the National Defense Stockpile. **Pages S2916–17**

Stevens (for Domenici) Amendment No. 100, to expand the jurisdiction of the State of New Mexico portion of the Southwest Border High Intensity Drug Trafficking Area to include Rio Arriba County, Santa Fe County, and San Juan County and to provide specific funding for these three counties. **Pages S2919–22**

Stevens (for Roberts) Amendment No. 101, to provide relief from unfair interest and penalties on refunds retroactively ordered by the Federal Energy Regulatory Commission. **Pages S2919–22**

Stevens Amendment No. 102, to exempt non-Indian Health Service and non-Bureau of Indian Affairs funds from section 328 of the Interior Department and Related Agencies Appropriations Act for fiscal year 1999. **Pages S2919–22**

Stevens (for Grams) Modified Amendment No. 103, to provide funding for annual contributions to public housing agencies for the operation of low-income housing projects. **Pages S2919–23**

Stevens (for Lincoln) Amendment No. 104, to provide for watershed and flood prevention debris removal that would not be authorized under the Emergency Watershed Program. **Pages S2919–22**

Stevens (for Gorton) Amendment No. 105, to prohibit the Secretary of Agriculture from assessing a premium adjustment for club wheat when calculating loan deficiency payments and to require the Secretary to compensate producers of club wheat for any previous premium adjustment. **Pages S2919–22**

Stevens Amendment No. 106, relating to commercial fishing and compensation eligibility in Glacier Bay. **Pages S2919–22**

Stevens (for Gorton) Amendment No. 107, to expand the eligibility of emergency funding to replacement and repair of power generation equipment. **Pages S2919–22**

Stevens (for Landrieu) Amendment No. 108, to provide funds to expand the home building program for Central American countries affected by Hurricane Mitch. **Pages S2919–22**

Stevens (for Daschle) Amendment No. 109, to provide relief to the White River School District #47–1, White River, South Dakota. **Pages S2919–22**

Stevens (for Daschle) Amendment No. 110, to provide for equal pay treatment of certain Federal firefighters. **Pages S2919–22**

Stevens (for Dorgan/Craig) Amendment No. 112, to express the sense of the Senate that a pending sale of wheat and other agricultural commodities to Iran be approved. **Pages S2922–23**

Stevens (for Gregg) Amendment No. 113, to provide for a limitation on certain fishing permits or authorizations. **Pages S2922–23**

Stevens (for Crapo) Amendment No. 114, to transfer funds from the environmental program and management account of the Environmental Protection Agency to the State and tribal assistance grant account. **Page S2929**

Stevens (for Kohl/Harkin/Durbin) Amendment No. 115, to provide funding for conservation technical assistance. **Pages S2929–31**

Stevens (for Bond) Amendment No. 116, to appropriate additional funds to the fund maintained for funds made available under section 32 of the Act of August 24, 1935, and to authorize the Secretary of Agriculture to waive the limitation on the amount of such funds that may be devoted during fiscal year 1999 to 1 agricultural commodity or product thereof, with an offset. **Pages S2929–31**

Stevens (for Byrd/Stevens) Amendment No. 117, to provide funding for rural water infrastructure. **Pages S2929–31**

Stevens Amendment No. 118, to make available certain funds to any State determined by the Secretary of Agriculture to have been materially affected by the commercial fishery failure or failures declared by the Secretary of Commerce in September, 1998 under section 312(a) of the Magnuson-Stevens Fishery Conservation and Management Act. **Pages S2929–31**

Stevens (for Feinstein/Boxer) Amendment No. 119, to increase emergency grants to assist low-income migrant and seasonal farmworkers under section 2281 of the Food, Agriculture, Conservation, and Trade Act of 1990, and to provide for increase in the amount of rescissions and offsets for the Food Stamp Program. **Pages S2929–31**

Stevens (for DeWine) Amendment No. 120, to provide authority and appropriations for the Department of State to carry out certain counterdrug research and development activities. **Pages S2931–32**

Rejected:

Specter Amendment No. 77, to permit the Secretary of Health and Human Services to waive

recoupment of Federal government medicaid claims to tobacco-related State settlements if a State uses a portion of those funds for programs to reduce the use of tobacco products, to improve the public health, and to assist in the economic diversification of tobacco farming communities. (By 71 yeas to 29 nays (Vote No. 53), Senate tabled the amendment.) **Pages S2881–97**

Hutchinson Amendment No. 89, to require prior congressional approval before the United States supports the admission of the People's Republic of China into the World Trade Organization. (By 69 yeas to 30 nays (Vote No. 54), Senate tabled the amendment.) **Pages S2902–10, S2915**

Torricelli Amendment No. 92, to terminate the funding and investigation of any independent counsel in existence more than 3 years, 6 months after the termination of the independent counsel statute. (By voice vote, Senate tabled the amendment.) **Pages S2910–16**

Pending:

Hutchison Amendment No. 81, to set forth restrictions on deployment of United States Armed Forces in Kosovo. **Pages S2899–S2900**

Stevens (for Enzi) Amendment No. 111, to prohibit the Secretary of the Interior from promulgating certain regulations relating to Indian gaming and to prohibit the Secretary from approving class III gaming without State approval. **Page S2922**

Senate earlier adopted Amendment No. 111 (listed above) and by unanimous consent vitiated its adoption. **Page S2922**

A unanimous-consent agreement was reached providing for the consideration of certain amendments to be proposed to the bill, and that following disposition of these amendments, the bill be advanced to third reading and passed, and that when the Senate receives the House companion bill, the House bill be passed, after striking all after the enacting clause and inserting in lieu thereof the text of the Senate bill (S. 544), as amended. Further, that the Senate insist on its amendment, request a conference with the House, the Chair be authorized to appoint conferees on the part of the Senate, and the Senate bill be placed back on the Calendar. **Pages S2917–18**

A unanimous-consent agreement was reached providing for further consideration of the bill on Friday, March 19, 1999. **Page S2977**

Cuban Human Rights: Senate began consideration of S. Res. 57, expressing the sense of the Senate regarding the human rights situation in Cuba, after the Committee on Foreign Relations was discharged from further consideration. **Pages S2923–29**

A unanimous-consent agreement was reached providing for the Committee on Foreign Relations to be discharged from further consideration of the resolution, and the Senate proceed to its consideration. **Pages S2923–24**

Education Flexibility Partnership Act—Conferees: By unanimous consent, the Chair was authorized to appoint the following conferees to H.R. 800, to provide for education flexibility partnerships: Senators Jeffords, Gregg, Frist, DeWine, Enzi, Hutchinson, Collins, Brownback, Hagel, Sessions, Kennedy, Dodd, Harkin, Mikulski, Bingaman, Wellstone, Murray, and Reed. **Page S2977**

Messages From the President: Senate received the following messages from the President of the United States:

Transmitting the annual report of the National Endowment for Democracy for fiscal year 1998; referred to the Committee on Foreign Relations. (PM–17). **Page S2934**

Transmitting the report of the Corporation for Public Broadcasting; referred to the Committee on Commerce, Science, and Transportation. (PM–18). **Page S2934**

Nominations Received: Senate received the following nominations:

Brian E. Sheridan, of Virginia, to be an Assistant Secretary of Defense.

2 Air Force nominations in the rank of general.

1 Army nomination in the rank of general.

Routine lists in the Air Force, Army, Marine Corps, Navy. **Page S2977**

Messages From the President: **Page S2934**

Messages From the House: **Page S2934**

Measures Referred: **Page S2934**

Measures Read First Time: **Page S2977**

Statements on Introduced Bills: **Pages S2934–61**

Additional Cosponsors: **Pages S2961–62**

Amendments Submitted: **Pages S2962–68**

Notices of Hearings: **Pages S2968–69**

Authority for Committees: **Page S2969**

Additional Statements: **Pages S2969–76**

Record Votes: Two record votes were taken today. (Total—54) **Pages S2897, S2915**

Adjournment: Senate convened at 9:30 a.m., and adjourned at 8:33 p.m., until 9:45 a.m., on Friday, March 19, 1999. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S2977.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS—CIVILIAN RADIOACTIVE WASTE/ENVIRONMENTAL MANAGEMENT

Committee on Appropriations: Subcommittee on Energy and Water Development concluded hearings on proposed budget estimates for fiscal year 2000 for the Department of Energy, after receiving testimony in behalf of funds for their respective activities from Lake H. Barrett, Acting Director, Office of Civilian Radioactive Waste Management; and James M. Owendoff, Acting Assistant Secretary for Environmental Management, both of the Department of Energy.

APPROPRIATIONS—NASA

Committee on Appropriations: Subcommittee on VA, HUD, and Independent Agencies concluded hearings on proposed budget estimates for fiscal year 2000 for the National Aeronautics and Space Administration, after receiving testimony from Daniel S. Goldin, Administrator, National Aeronautics and Space Administration.

APPROPRIATIONS—ENERGY

Committee on Appropriations: Subcommittee on the Interior and Related Agencies concluded hearings on proposed budget estimates for fiscal year 2000 for the Department of Energy, focusing on energy conservation, fossil energy research and development, and other related programs, after receiving testimony from Bill Richardson, Secretary of Energy.

AUTHORIZATION—DEFENSE

Committee on Armed Services: Committee concluded hearings on proposed legislation authorizing funds for fiscal year 2000 for the Department of Defense, and the future years defense program, after receiving testimony from Gen. Dennis J. Reimer, USA, Chief of Staff of the Army; Adm. Jay L. Johnson, USN, Chief of Naval Operations; Gen. Charles C. Krulak, USMC, Commandant of the Marine Corps; and Gen. Michael E. Ryan, USAF, Chief of Staff of the Air Force.

AIR FORCE AND ARMY READINESS

Committee on Armed Services: Subcommittee on Readiness and Management Support concluded hearings to examine the readiness of the United States Air Force and Army operating forces, after receiving testimony from Gen. Richard E. Hawley, USAF, Commanding General, Air Combat Command; Gen. Charles T. Robertson, USAF, Commanding General, Air Mobility Command; Lt. Gen. George A. Crocker, USA, Commanding General, I Corps and Fort Lewis; Lt. Gen. William F. Kernan, USA, Commanding General, XVIII Airborne Corps and Fort Bragg; Lt. Gen. Leon J. LaPorte, USA, Commanding General, III Corps and Fort Hood; Maj. Gen. Roger C. Schultz, ARNG, Director, Army National Guard; and Maj. Gen. Thomas J. Plewes, USAR, Chief, Army Reserve.

2000 BUDGET

Committee on the Budget: Committee ordered favorably reported an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 2000 through 2009.

OPEN SPACE AND ENVIRONMENTAL QUALITY

Committee on Environment and Public Works: Committee concluded hearings to examine the loss of open space and environmental quality, focusing on sprawl and development, and related proposals, after receiving testimony from Senators Landrieu, Feinstein, and Leahy; David Hayes, Counselor to the Secretary of the Interior; Maryland Governor Parris N. Glendening, Annapolis; Andrew Falender, Appalachian Mountain Club, Boston, Massachusetts; Chris Montague, Montana Land Reliance, Billings; and R. Max Peterson, International Association of Fish and Wildlife Agencies, Roy Kienitz, Surface Transportation Policy Project, and Ralph Grossi, American Farmland Trust, all of Washington, D.C.

MEDICARE FINANCIAL STATUS

Committee on Finance: Committee continued hearings to examine spending and enrollment patterns in the Medicare program, the impact on those patterns of Medicare savings in the Balanced Budget Act of 1997, the Medicare+Choice Program, and the President's proposed budget request for fiscal year 2000 for Medicare, including issues associated with expanding coverage, fee-for-service spending reductions, trust fund proposal, and prescription drug benefits, after receiving testimony from Dan L. Crippen, Director, Congressional Budget Office; and David M. Walker, Comptroller General of the United States, General Accounting Office.

INDONESIA ELECTIONS

Committee on Foreign Relations: Subcommittee on East Asian and Pacific Affairs held hearings to examine recent developments in Indonesia, focusing on new election laws, the election schedule, disproportionate government control, economic reform, and political stability, after receiving testimony from Stanley O. Roth, Assistant Secretary of State for East Asian and Pacific Affairs; and Edward E. Masters, United States-Indonesia Society, Sidney Jones, Asia Division

of the Human Rights Watch, and R. Michael Gadbaw, United States-Indonesia Business Committee, US–ASEAN Business Council, all of Washington, D.C.

Hearings recessed subject to call.

BUSINESS MEETING: PATIENTS' BILL OF RIGHTS ACT

Committee on Health, Education, Labor, and Pensions: Committee ordered favorably reported, S. 326, to improve the access and choice of patients to quality, affordable health care, with an amendment in the nature of a substitute.

INTELLIGENCE

Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee will meet again on Wednesday, March 24.

House of Representatives

Chamber Action

Bills Introduced: 36 public bills, H.R. 1175–1210; and 10 resolutions, H. Con. Res. 60–66, and H. Res. 122–124 were introduced. **Pages H1471–73**

Reports Filed: One Report was filed today as follows:

H.R. 70, to amend title 38, United States Code, to enact into law eligibility requirements for burial in Arlington National Cemetery (H. Rept. 106–70). **Page H1471**

Guest Chaplain: The prayer was offered by the guest Chaplain, Father Martin G. Heinz of Rockford, Illinois. **Page H1409**

Missile Defense Policy: The House passed H.R. 4, to declare it to be the policy of the United States to deploy a national missile defense by a yea and nay vote of 317 yeas to 105 nays, Roll No. 59. **Pages H1420–48**

By a yea and nay vote of 152 yeas to 269 nays with 1 voting ''present,'' Roll No. 58, rejected the Allen motion to recommit the bill to the Committee on Armed Services with instructions to report it back to the House forthwith with an amendment in the nature of a substitute that states that it is the policy of the United States to deploy a ground-based national missile defense provided that it has been demonstrated to be operationally effective against the threat; does not diminish the overall national security of the United States by jeopardizing other efforts to reduce threats including reductions in Russian nuclear forces; and is affordable and does not compromise the ability of the uniformed service chiefs and unified commanders to meet their requirements for operational readiness, quality of life of the troops, programmed modernization of weapons systems, and the deployment of planned theater missile defenses. **Pages H1445–47**

Earlier, the House agreed to H. Res. 120, the rule that provided for consideration of the bill by a yea and nay vote of 239 yeas to 185 nays, Roll No. 57. **Pages H1411–20**

Meeting Hour—March 22: Agreed that when the House adjourns today, it adjourn to meet at 2 p.m. on Monday, March 22. **Page H1449**

Calendar Wednesday: Agreed that business in order under the Calendar Wednesday rule be dispensed with on March 24. **Page H1449**

Joint Economic Committee: The Chair announced the Speaker's appointment of Representatives: Sanford, Doolittle, Campbell, Pitts and Ryan of Wisconsin to the Joint Economic Committee. **Page H1449**

Board of Trustees for the JFK Center for Performing Arts: The Chair announced the Speaker's appointment of Representative Gephardt to the Board of Trustees of the John F. Kennedy Center for the Performing Arts. **Page H1449**

United States Capitol Preservation Commission: Read a letter from the Minority Leader wherein he announced his appointment of Representative Pastor to the Capitol Preservation Commission. **Page H1449**

Presidential Messages: Read the following messages from the President:

Corporation for Public Broadcasting: Message wherein he transmitted report for the Corporation for Public Broadcasting—referred to the Committee on Commerce; and **Pages H1449–50**

National Endowment for Democracy: Message wherein he transmitted the 15th annual report for the National Endowment for Democracy—referred to the Committee on International Relations. **Page H1450**

Quorum Calls—Votes: Three yea and nay votes developed during the proceedings of the House today

and appear on pages H1419–20, H1447, and H1447–48. There were no quorum calls.

Adjournment: The House met at 12 noon and adjourned at 8:08 p.m.

Committee Meetings

DISASTER ASSISTANCE IMPLEMENTATION

Committee on Agriculture: Held a hearing to review the USDA's implementation of disaster assistance and the operation of other programs. Testimony was heard from Dan Glickman, Secretary of Agriculture.

AGRICULTURE, RURAL DEVELOPMENT, FDA APPROPRIATIONS

Committee on Appropriations: Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies held a hearing on Departmental Administration/Chief Financial Officer/Chief Information Officer. Testimony was heard from the following officials of the USDA: Sally Thompson, Acting Assistant Secretary, Administration and Chief Financial Officer; Anne F. Thomson Reed, Chief Information Officer; and Rosalind Gray, Director, Office of Civil Rights.

COMMERCE, JUSTICE, STATE, AND JUDICIARY APPROPRIATIONS

Committee on Appropriations: Subcommittee on Commerce, Justice, State, and the Judiciary held a hearing on International Organizations and Peacekeeping. Testimony was heard from the following officials of the Department of State: Ambassador Peter Burleigh, Acting U.S. Representative to the United Nations; and David Welch, Assistant Secretary, International Organizations.

DEFENSE APPROPRIATIONS

Committee on Appropriations: Subcommittee on Defense met in executive session to hold a hearing on Military Readiness. Testimony was heard from the following officials of the Department of Defense: Gen. Eric K. Shinseki, USA, Vice Chief of Staff, Army; Adm. Donald L. Pilling, USN, Vice Chief of Naval Operations; Gen. Terrance R. Dake, USMC, Assistant Commandant of the Marine Corps; and Gen. Ralph E. Eberhart, USAF, Vice Chief of Staff of the Air Force.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS

Committee on Appropriations: Subcommittee on Energy and Water Development met in executive session to hold a hearing on Atomic Energy Defense Activities. Testimony was heard from the following officials of the Department of Energy: Victor H. Reis, Assistant Secretary, Office of Defense Programs; Rose E. Gottemoeller, Director, Office of Nonproliferation and National Security; and Laura S.H. Holgate, Director, Office of Fissile Materials Disposition.

INTERIOR APPROPRIATIONS

Committee on Appropriations: Subcommittee on Interior held a hearing on Service Department of Energy-Fossil Energy. Testimony was heard from Robert W. Gee, Acting Assistant Secretary, Fossil Energy, Department of Energy.

LABOR-HHS-EDUCATION APPROPRIATIONS

Committee on Appropriations: Subcommittee on Labor, Health and Human Service, and Education, held a hearing on Gallaudet University and on Institute of Museum and Library Services and Railroad Retirement Board. Testimony was heard from the following officials of the Department of Education: I King Jordan, President, Gallaudet University; and Judith E. Heumann, Assistant Secretary, Special Education and Rehabilitative Services; Diane B. Frankel, Director, Institute of Museum and Library Services, National Foundation on the Arts and Humanities; and Cherryl T. Thomas, Chair, Railroad Retirement Board.

TRANSPORTATION APPROPRIATIONS

Committee on Appropriations: Subcommittee on Transportation held a hearing on the Secretary of Transportation. Testimony was heard from Rodney E. Slater, Secretary of Transportation.

TREASURY—POSTAL SERVICE APPROPRIATIONS

Committee on Appropriations: Subcommittee on Treasury, Postal Service, and General Government held a hearing on Secretary of the Treasury and on Customs Integrity. Testimony was heard from the Robert E. Rubin, Secretary of the Treasury; and the following officials of the U.S. Customs Service of the Department of the Treasury: Raymond Kelly, Commissioner; William Keefer, Assistant Commissioner for Internal Affairs; Vincent Parolisi, Office of Internal Affairs; and public witnesses.

RECRUITING ISSUES

Committee on Armed Services: Subcommittee on Military Personnel held a hearing on recruiting issues. Testimony was heard from the following officials of the Congressional Commission on Servicesmembers and Veterans Transition Assistance: Anthony J. Principi, Chairman; and G. Kim Wincup, Vice Chairman; the following officials of the Department of Defense: Francis M. Rush, Jr., Acting Assistant Secretary (Force Management Policy); Maj. Gen. Evan Gaddis, USA, Commanding General, U.S.

Army Recruiting Command; Rear Adm. Barbara McGann, USN, Commander, U.S. Navy Recruiting Command; Brig. Gen. Peter U. Sutton, USAF, Commander, U.S. Air Force Recruiting Service; and Maj. Gen. Garry L. Parks, USMC, Commanding General, U.S. Marine Corps Recruiting Command.

SHIPMENT OF HOUSEHOLD GOODS

Committee on Armed Services: Subcommittee on Military Readiness held a hearing on the shipment of household goods. Testimony was heard from David Warren, Director, Defense Management Issues, GAO; the following officials of the Department of Defense: Roger W. Kallock, Deputy Under Secretary (Logistics); Lt. Gen. Roger G. Thompson, USA., Deputy Commander in Chief, U.S. Transportation Command (TRANSCOM); and Brig. Gen. Kenneth L. Privratsky, USA, Director, Transportation, Energy and Troop Support, Department of the Army; and public witnesses.

ELECTRICITY COMPETITION

Committee on Commerce: Subcommittee on Energy and Power held a hearing on Electricity Competition: Evolving Federal and State Roles. Testimony was heard from Vincent A. Persico, member, General Assembly and Co-Chair, Special Committee on Electric Utility Deregulation, State of Illinois; John M. Quain, Chairman, Public Utility Commission, State of Pennsylvania; Craig A. Glazer, Chairman, Public Utility Commission, State of Ohio; Susan F. Clark, Commissioner, Public Service Commission, State of Florida; Marsha Smith, Commissioner, Public Utility Commission, State of Idaho; and public witnesses.

BOND PRICE COMPETITION IMPROVEMENT ACT

Committee on Commerce: Subcommittee on Finance and Hazardous Materials held a hearing on the Bond Price Competition Improvement Act of 1999. Testimony was heard from Arthur Leavitt, Jr., Chairman, SEC; and public witnesses.

JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT

Committee on Education and the Workforce: Subcommittee on Early Childhood, Youth, and Families held a hearing on Juvenile Justice and Delinquency Prevention Act: Preventing Juvenile Crime at School and in the Community. Testimony was heard from public witnesses.

FEDERAL EMPLOYEES—LONG TERM CARE INSURANCE

Committee on Government Reform: Subcommittee on Civil Service held a hearing on Long Term Care Insurance for Federal Employees. Testimony was heard from the following officials of the OPM: Janice Lachance, Director; and William E. Flynn III, Associate Director, Retirement and Insurance Services; and public witnesses.

DRUG ABUSE—PREVENTION AND TREATMENT

Committee on Government Reform: Subcommittee on Criminal Justice, Drug Policy, and Human Resources held a hearing on Overview of Agency Efforts to Prevent and Treat Drug Abuse. Testimony was heard from Daniel Schecter, Deputy Director, Demand-Reduction (Acting), Office of National Drug Control Policy; from the following officials of the Department of Health and Human Services: Richard A. Millstein, Deputy Director, National Institute on Drug Abuse, NIH; and Joseph H. Autry, III, M.D., Deputy Administrator, Substance Abuse and Mental Health Services Administration; and Vicki Verdeyen, Psychology Services Programs, Federal Bureau of Prisons, Department of Justice.

OVERSIGHT—FINANCIAL MANAGEMENT PRACTICES AT JUSTICE AND FAA

Committee on Government Reform: Subcommittee on Government Management, Information, and Technology held a hearing on Oversight of Financial Management Practices at the Department of Justice and the Federal Aviation Administration. Testimony was heard from the following officials of the Department of Justice: Michael Bromwich, Inspector General; and Stephen Colgate, Assistant Attorney General, Administration; Linda Calbom, Director, Resources, Community, and Economic Development Accounting and Financial Management, Accounting and Information Management Division, GAO; and from the following officials of the Department of Transportation: John Meche, Deputy Assistant Inspector General, Financial, Economic, and Information Technology; David K. Kleinberg, Deputy Chief Financial Officer; and Carl Schellenberg, Assistant Administrator, Financial Services, FAA.

VETERANS SERVICE ORGANIZATIONS VIEWS

Committee on Government Reform: Subcommittee on National Security, Veterans Affairs, and International Relations held a hearing on views of Veterans Service Organizations. Testimony was heard from representatives of veterans organizations.

BANKRUPTCY REFORM ACT

Committee on the Judiciary: Subcommittee on Commercial and Administrative Law, continued hearings on H.R. 833, Bankruptcy Reform Act of 1999. Testimony was heard from Representatives Leach and Roukema; the following Bankruptcy Judges: Thomas

Carlson, Northern District of California; and Tina Brozman, Chief Judge, Southern District of New York; Jere W. Glover, Chief Counsel, Office of Advocacy, SBA; Oliver Ireland, Associate General Counsel, Board of Governors, Federal Reserve System; and public witnesses.

COLLECTIONS OF INFORMATION ANTIPIRACY ACT

Committee on the Judiciary: Subcommittee on Courts and Intellectual Property held a hearing on H.R. 354, Collections of Information Antipiracy Act. Testimony was heard from Marybeth Peters, Register of Copyrights, Library of Congress; Andrew Pincus, General Counsel, Department of Commerce; and public witnesses.

NURSING RELIEF FOR DISADVANTAGED AREAS ACT; OVERSIGHT—ILLEGAL IMMIGRATION

Committee on the Judiciary: Subcommittee on Immigration and Claims approved for full Committee action H.R. 441, Nursing Relief for Disadvantaged Areas Act of 1999.

The Subcommittee also held an oversight hearing on illegal immigration. Testimony was heard from the following officials of the Department of Justice: Michael R. Bromwich, Inspector General; Michael D. Cronin, Associate Commissioner, Programs and Louis Nardi, Director, Investigations, Field Operations, both with the Immigration and Naturalization Service; and Amy Dale, Administrator, Detention Services, Federal Bureau of Prisons; Donna J. Hamilton, Principal Deputy Assistant Secretary, Consular Affairs, Department of State; and public witnesses.

LAND SOVEREIGNTY

Committee on Resources: Held a hearing on H.R. 883, to preserve the sovereignty of the United States over public lands and acquired lands owned by the United States, and to preserve State sovereignty and private property rights in non-Federal lands surrounding those public lands and acquired lands. Testimony was heard from Representative Emerson; Melinda L. Kimble, Acting Assistant Secretary, Oceans and International Environmental and Scientific Affairs, Department of State; Kate Stevenson, Associate Director, Cultural Resources, Stewardship and Partnership, National Park Service, Department of the Interior; and public witnesses.

OVERSIGHT—BUDGET REQUESTS—NOAA AND NATIONAL MARINE FISHERIES SERVICE

Committee on Resources: Subcommittee on Fisheries Conservation, Wildlife and Oceans held an oversight hearing on the fiscal year 2000 budget request of the National Oceanic and Atmospheric Administration and the National Marine Fisheries Service. Testimony was heard from D. James Baker, Under Secretary, Oceans and Atmosphere, Department of Commerce.

MISCELLANEOUS MEASURES

Committee on Resources: Subcommittee on National Parks and Public Lands approved for full Committee action, as amended, the following bills: H.R. 66, to preserve the cultural resources of Route 66 Corridor and to authorize the Secretary of the Interior to provide assistance; H.R. 658, Thomas Cole National Historic Site Act; and H.R. 659, to authorize appropriations for the protection of Paoli and Brandywine Battlefields in Pennsylvania, to direct the National Park Service to conduct a special resource study of Paoli and Brandywine Battlefields, to authorize the Valley Forge Museum of the American Revolution at Valley Forge National Historical Park.

OVERSIGHT—AUTHORIZATION REQUEST; EPA RESEARCH AND DEVELOPMENT

Committee on Science: Subcommittee on Energy and the Environment held an oversight hearing on fiscal year 2000 Budget Authorization Request: Environmental Protection Agency Research and Development. Testimony was heard from the following officials of the EPA: Norine Noonan, Assistant Administrator, Research and Development, Office of Research and Development; and W. Randall Seeker, Chairman, Research Strategies Advisory Committee, Science Advisory Board; and David G. Wood, Assistant Director, Resources, Community and Economic Development Division, GAO.

MISCELLANEOUS MEASURES

Committee on Transportation and Infrastructure: Subcommittee on Aviation continued hearings on the following bills: H.R. 700, Airline Passenger Bill of Rights Act of 1999, H.R. 780, Passenger Entitlement and Competition Enhancement Act of 1999, and H.R. 908, Aviation Consumer Right to Know Act of 1999. Testimony was heard from Representatives Dingell, Forbes and Slaughter; Nancy E. McFadden, General Counsel, Department of Transportation; and public witnesses.

ARLINGTON NATIONAL CEMETERY BURIAL ELIGIBILITY ACT

Committee on Veterans' Affairs: Ordered reported H.R. 70, Arlington National Cemetery Burial Eligibility Act.

MEDICARE+CHOICE PROGRAM

Committee on Ways and Means: Subcommittee on Health held a hearing on the Medicare+Choice Program. Testimony was heard from the following officials of the Health Care Financing Administration, Department of Health and Human Services: Robert A. Berenson, M.D., Director, Center for Health Plans and Providers; Carol Cronin, Director, Center for Beneficiary Services; and Jeffrey Kang, M.D., Director and Chief Clinical Officer, Office of Clinical Standards and Quality; and public witnesses.

STRUCTURED SETTLEMENTS—TAX TREATMENT

Committee on Ways and Means: Subcommittee on Oversight held a hearing on Tax Treatment of Structured Settlements. Testimony was heard from Joseph Mikrut, Tax Legislative Counsel, Department of the Treasury; and public witnesses.

BUDGET: IMAGERY INTELLIGENCE

Permanent Select Committee on Intelligence: Met in executive session to hold a hearing on Fiscal Year 2000 Budget: Imagery Intelligence. Testimony was heard from departmental witnesses.

Joint Meetings

HUMAN RIGHTS IN TURKEY

Commission on Security and Cooperation in Europe (Helsinki Commission): Commission concluded hearings to review United States policy and strategy for the Organization for Security and Cooperation in Europe (OSCE) in preparation for the OSCE Summit Meeting scheduled to convene in Istanbul this year, after receiving testimony from Marc Grossman, Assistant Secretary for European Affairs, and Harold Koh, Assistant Secretary for Democracy, Human Rights, and Labor, both of the Department of State; Stephen Rickard, Amnesty International USA, Washington, D.C.; Douglas A. Johnson, Center for Victims of Torture, Minneapolis, Minnesota; and Neil Hicks, Middle East and North Africa Program, Lawyers Committee for Human Rights, New York, New York.

COMMITTEE MEETINGS FOR FRIDAY, MARCH 19, 1999

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Subcommittee on Commerce, Justice, State, and the Judiciary, to hold hearings on proposed budget estimates for fiscal year 2000 for the National Oceanic and Atmospheric Administration, Department of Commerce, 10 a.m., S–146, Capitol.

House

No Committee meetings are scheduled.

Next Meeting of the SENATE

9:45 a.m., Friday, March 19

Senate Chamber

Program for Friday: Senate will continue consideration of S. 544, Emergency Supplemental Appropriations.

Next Meeting of the HOUSE OF REPRESENTATIVES

2 p.m., Monday, March 22

House Chamber

Program for Monday: Pro forma session.

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