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House of Representatives

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

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
May 19, 1999.

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

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

PRAYER

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

We know, O God, how we strive to gain influence and extend our ideas and we know too that Your word calls us to see the needs of others. We admit that excessive pride demands victory in all things but Your word calls us to do justice and speak the truth. We acknowledge that we can see more clearly the evil in another person but can miss the selfishness in our own hearts. O gracious God, our creator and our guide, we pray Your spirit will lead us in the way of justice and reconciliation and with a greater understanding may we walk faithfully along the road of peace. In Your holy name we pray. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. TRAFICANT 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. 4. An act to declare it to be the policy of the United States to deploy a national missile defense.

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

S. 39. An act to provide a national medal for public safety officers who act with extraordinary valor above and beyond the call of duty, and for other purposes.

The message also announced that pursuant to Public Law 95–521, the Chair, on behalf of the President pro tempore, appoints Patricia Mack Bryan, of Virginia, as Senate Legal Counsel, effective as of June 1, 1999, for a term of service to expire at the end of the One Hundred Seventh Congress.

The message also announced that pursuant to Public law 105–341, the Chair, on behalf of the Democratic Leader, announces the appointment of the following individuals to the Women's Progress Commemoration Commission:

Joan Doran Hedrick, of Connecticut;

Lisa Perry, of New York; and

Virginia Driving Hawk Sneve, of South Dakota.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 15 one-minutes per side.

UNITED WE STAND, DIVIDED WE FALL

(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, Lincoln once said, ''United we stand, divided we fall.'' Well, that old adage is quite appropriate to the Kosovo crisis, and I am sure Mr. Milosevic understands it very well.

Just take a look at NATO. The British are calling for ground troops and a summer invasion of Yugoslavia; while the Germans, the Finns, and the Italians are openly opposed to ground troops and are engaged in a hectic peacekeeping effort calling for a pause in the NATO bombing.

Meanwhile, the European Union leaders met with Russian delegates with very little progress, and no signs of any agreement on how to proceed.

Now, on the other hand, the Clinton administration may or may not be opposed to ground troops. It certainly does not support a bombing pause. Now, is anyone else confused?

Mr. Speaker, one week ago 11 Members of Congress, both Democrats and Republicans, tried to provide the administration with a simple framework for peace in Kosovo, in complete cooperation with the Russian Duma. The administration, however, came out whining about freelance diplomacy, but sadly they have completely missed the point.

Our bipartisan effort is simply an attempt to get the Clinton administration and the rest of NATO singing off the same sheet of music, and to bring solidarity, consensus, and a peaceful conclusion to this confusing crisis.

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EVERY DIPLOMATIC OPPORTUNITY SHOULD BE PURSUED TO END WAR IN YUGOSLAVIA

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

Mr. KUCINICH. Mr. Speaker, there is a drumbeat in Washington this morning, as there has been a drumbeat in London, where troops are being advocated to be sent to Kosovo and into the Federal Republic of Yugoslavia for purposes of winding up this war.

I think it is an important moment to reflect, as British officials are visiting this country today, as to whether or not it is in the best interest of our country to not just be talking about ground troops but to even have the thought of an expanded war in which the lives of our young people, of our sons and daughters, would be put at risk.

I say that instead of talking about the possibility of an expanded war, we should begin aggressively to pursue peace. We should look for every diplomatic opportunity to bring an end to this war, to stop the conflict, to stop the bombing, to begin the withdrawal of the Serbian troops, to stop the military activities of the KLA, to begin the repatriation of the refugees, to give them a chance to go home.

This has to be done diplomatically with international armed peacekeeping troops. We cannot win this war militarily. We have to bring an end to it diplomatically.

THE CLINTON-GORE ADMINISTRATION IS REFUSING TO PROVIDE ADEQUATE HEALTH CARE FOR OUR SENIOR CITIZENS

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

Mr. WICKER. Mr. Speaker, why is the Clinton administration shortchanging Medicare? Under the Clinton-Gore leadership, the executive branch's Health Care Financing Administration is refusing to spend money which is desperately needed by our Nation's elderly population and which has been authorized under the Balanced Budget Act. This amounts to an astonishing $20 billion this administration is withholding from the most deserving members of our society: retired Americans who are suffering from illness.

There is a lot of discussion in this town about abiding by the caps of the Balanced Budget Act, and I support the idea of requiring our appropriation bills to follow the budget. But when the Congress and the President enact a statute that says funds are needed to ensure the health of our country's greatest generation, HCFA has an obligation to abide by the law.

It is a scandal that the Clinton-Gore administration is refusing to provide adequate health care for our senior citizens.

AMERICA GIVES, GIVES, GIVES TO RUSSIA AND RUSSIA TAKES, TAKES, TAKES

(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, a classified report says, and I quote, Russia is spying on NATO and America. The report goes on and says Russia has recruited spies and is sabotaging our activities in the Balkans. Now, if that is not enough to scorch your Apache, Russia is passing on our secrets to Milosevic. Unbelievable. Think about it. America gives, gives, gives to Russia. Russia takes, takes, takes; then stabs us right in the back.

Beam me up. I say Russia is a bunch of ingrates that should not get one more penny from Uncle Sam. Finally I say, after the bombing is over, let Russia go in with their rubles and rebuild Yugoslavia, not Uncle Sam.

THE QUESTION ARISES, WHAT WAS THIS PRESIDENT OPPOSED TO IN VIETNAM?

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

Mr. PITTS. Mr. Speaker, I want to read a quote made recently by retired three star General Tom Griffin, attempting to understand our involvement in Yugoslavia. I quote: ''Now let's see here if I understand all this correctly. President Clinton has ordered our forces to engage an entrenched, politically motivated enemy backed by the Russians, on their home ground, in a foreign civil war, in difficult terrain, with limited military objectives, bombing restrictions, boundary and operational restrictions, queasy allies, far across the ocean, with uncertain goals, without prior consultation with Congress, the potential for escalation, while limiting the forces at his disposal, and the majority of Americans opposed to or at least uncertain about the value of the action being worth American lives,'' end quote.

When we review history, the question arises, what was this President opposed to in Vietnam? Are we going to learn from the history of the 1960s?

IF WE HAVE THE POWER TO BOMB, THEN WE HAVE THE POWER TO SETTLE THIS WAR IN YUGOSLAVIA

(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, there has been a lot of finger pointing with the tragedy of Littleton, Colorado. Mr. Speaker, today I announce a proposal for ''give a child a chance'' omnibus mental health services bill for our children, for there are many things that we can do, but I believe that it is important that we listen to young people and provide them with school counseling services and guidance services which will be available to intervene for children at risk and others.

Mr. Speaker, as we talk about violence, let me move quickly to a subject and join my colleague in asking for a cessation in the bombing. I have asked the President for three days, 72 hours, in order to begin talks on a negotiated settlement over the Kosova conflict.

Mr. Speaker, I believe we can win. I supported the air strike. I certainly did not support the bill yesterday that was throwing good money after bad, $15 billion, although I supported it before for the refugees and military pay increase. If one has the power, they need to use it right. We need to go to the negotiated settlement table right now and deal with the request or the needs of the NATO allies and begin to send refugees back home.

When I went to the refugee camps in Macedonia, they said one thing to me: Promise to help us go back home. And that was my promise. If we have the power to bomb, then we have the power to settle this.

We need to be at the table of settlement, the negotiated settlement with Mr. Milosevic. It has nothing to do with whether he is a war criminal. That is another matter. Let us get a negotiated settlement and stop this conflict now. It is time now to stop the bombing and begin to discuss the way to really get our refugees back home and bring our military personnel back home.

CLINTON ADMINISTRATION SHORTCHANGING SENIORS

(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, why is the Clinton administration shortchanging our seniors? Here is a story we will not be hearing much in the mainstream media. The administration is spending $20 billion a year less on Medicare than Congress authorized and provided under the 1997 Balanced Budget Act. My colleagues heard that right, and let me repeat it. The administration is hoarding $20 billion a year from the funds the Republican Congress provided under the current law.

Skeptical? I encourage my colleagues to give a call over to their friendly HCFA offices and verify these numbers for themselves. One can hardly grasp the irony of the startling facts. The same administration that has run millions and millions of dollars in deceptive Medicare TV ads aimed at scaring seniors is now found to be shortchanging the same seniors they claim to care so much about.

We cannot blame seniors for becoming cynical about this administration's constant willingness to play politics

with Medicare. Do our seniors not deserve better?

ADMINISTRATION CUTS MEDICARE BY REFUSING TO SPEND THE MONEY

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

Mr. HAYWORTH. Mr. Speaker, my friend, the gentleman from Colorado (Mr. SCHAFFER) points out yet another way in which the Clinton-Gore team says one thing and does another. Indeed, to use the rhetoric of Mediscare from 1996, in essence Mr. Clinton, Mr. Gore and their liberal allies have cut Medicare by $20 billion by refusing to spend the money.

I suppose it will come as no great surprise to the pundits and those in town here engaged in spin, because we have a credibility canyon of people saying one thing and doing another.

□ 1015

That is why, Mr. Speaker, not only in terms of defending our seniors, but for all Americans in terms of national security, this House should release the Cox Committee Report so that we can get to the bottom of Chinese espionage and transfers of technology, not to engage in spin and double-talk, as some do at the other end of Pennsylvania Avenue, but because the American people deserve the facts, and free people in a constitutional society have the right to a common defense and a sound national security.

Let us end this breach of credibility. Let us heal that breach and give the American people straight answers.

BUCKLE UP AND DRIVE SAFELY

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

Mr. CUMMINGS. Mr. Speaker, I rise today during National Transportation Week to discuss the safety of our Nation's children. As a father of a four-year-old, this issue hits home for me.

I am a strong advocate of child passenger safety laws, but sadly, not all of America's drivers are. Listen to the statistics. Each year, 1,800 children ages 14 and under are killed. More than 280,000 are injured. An average of 24 children 10 years and under die every week. Why is this happening? We are not protecting our children. Six out of 10, or 60 percent, of the children who die in automobile crashes are unrestrained. No seat belt, no car seat.

Mr. Speaker, the law is clear. All children must be buckled up at all times. As parents and drivers, let us demonstrate a commitment to protecting our youth. I urge my colleagues to buckle up and travel safely.

DEMOCRATS MAKE MEDICARE POLITICAL ISSUE

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

Mr. WELDON of Florida. Mr. Speaker, let us face it. The Clinton administration sure does talk a good game about Medicare, but now there is even more evidence that the administration and their liberal defenders in Congress are only paying lip service to the seniors they claim to champion.

First, they shot down, for political reasons, their own bipartisan Commission on Medicare Reform. They said, you can kiss Medicare reform goodbye in this Congress because the Democrats need to make it a political issue in the 2000 election. After all, what would an election be without Democrats scaring seniors with demagoguery about Medicare? Mr. Speaker, do not take my word for it. Just ask the distinguished gentleman from Louisiana in the other body about the Medicare Commission and why the White House will not even look at it.

Now we learn that the administration is shortchanging seniors to the tune of $20 billion in this year alone from the Medicare program. Hard to believe? Well, ask the hospitals and the seniors if it is true or not.

This administration is spending $20 billion less than authorized by law. Our seniors deserve better.

REPUBLICAN MEDICARE AND SOCIAL SECURITY PLAN SAVES MORE FOR SENIORS

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

Mr. COOKSEY. Mr. Speaker, the Republican plan saves $100 billion more for Social Security and Medicare compared to the Clinton plan. Now, this one is going to be awfully difficult for the Democrats to spin, to deny, or to demagogue.

Do not get me wrong, this will not stop them from trying. But the numbers are there for all to see. They are on the Internet. They are on the record at the Congressional Budget Office, or the CBO. In fact, even a generation of children growing up on rain forest math, whole math, and arithmetic through self-esteem could probably figure out the truth about the Republican budget.

The Republican budget saves $100 billion more for Social Security and Medicare over the next 10 years than the Clinton budget does. Mr. Speaker, $1.8 trillion is locked away from Social Security and Medicare by the GOP plan.

Under the Clinton plan, $1.3 billion is promised, but not locked away, for Social Security and Medicare, and the kicker is that the Clinton plan contains $350 billion in new Medicare IOUs, a bad deal for seniors.

AMERICAN PEOPLE WANT HONESTY AND INTEGRITY FROM PRESIDENTIAL CANDIDATES

(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, the book that I am holding up came from the Library of Congress, and it is entitled Honest Graft. It is written by Brooks Jackson, and it documents the influence-peddling and the soft money abuses of a former Member of Congress and the former head of the Democratic Congressional Campaign Committee. Largely as a result of the events that were documented in this book, that former Member was compelled to resign his seat in the Congress.

The significance of this today is that that discredited former Member, who literally invented the soft money scams and then worked to hide the truth from the American people, has been tapped for a new job and that new job is heading up the Vice President's campaign.

To all of my colleagues who have argued on this floor that we need to reform campaign laws, particularly those on the Democratic side, I say, you need to join me in speaking out that the Vice President is making a huge mistake. This decision reflects poorly on his commitment to honesty and integrity, and the American people are crying out for honesty and integrity in the candidates for the next President of the United States.

NO AMERICAN BLOOD SPENT ON THE FIELDS OF KOSOVO

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

Mr. MANZULLO. Mr. Speaker, our Nation is on the verge of sending in ground troops into Kosovo. Just look at the headlines in today's Washington newspapers. Estimates, however, take between 150,000 and 300,000 ground troops in Kosovo, with casualties of between 7 and 12 percent, and 65 percent of those ground troops would be Americans. Casualties of up to 20,000 Americans in Kosovo, and who is pushing it? NATO, many of whose members still continue to ship oil to Serbia. Who is pushing it? The Prime Minister of the United Kingdom who uses the word ''we.'' His Nation sends 20 airplanes to Serbia, while the United States sends over 600.

It is time to negotiate a settlement now. It is time to stand up and say, the American people do not want any blood of American soldiers spent on the fields of Kosovo.

PROVIDING FOR CONSIDERATION OF H.R. 1654, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION ACT OF 1999

Mr. REYNOLDS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 174 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 174

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1654) to authorize appropriations for the National Aeronautics and Space Administration for fiscal years 2000, 2001, and 2002, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 4(a) of rule XIII are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Science. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Science now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. Points of order against the amendment for failure to comply with clause 7 of rule XVI are waived. During consideration of the bill for amendment, the chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. The chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

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

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

Mr. Speaker, House Resolution 174 is an open rule providing for the consideration of H.R. 1654, the National Aeronautics and Space Administration Authorization Act of 1999.

The purpose of this legislation is to authorize appropriations for fiscal years 2000, 2001 and 2002 for the National Aeronautics and Space Administration and for other purposes.

The rule provides for one hour of general debate, equally divided and controlled by the chairman and the ranking minority member of the Committee on Science. The rule waives points of orders against consideration of the bill for failure to comply with clause 4(a) of rule XIII, requiring a three-day layover of the committee report.

Additionally, the rule provides that the amendment in the nature of a substitute recommended by the Committee on Science now printed in the bill be considered as an original bill for the purpose of amendment. The rule provides that the committee amendment in the nature of a substitute shall be open for amendment at any point. The rule further waives points of order against the amendment in the nature of a substitute for failure to comply with clause 7 of rule XVI, prohibiting nongermane amendments.

The Chair is authorized by the rule to grant priority and recognition to Members who have preprinted their amendments in the Congressional RECORD prior to their consideration.

The rule allows for the Chairman of the Committee of the Whole to postpone votes during consideration of the bill and to reduce voting time to 5 minutes on a postponed question if the vote follows a 15-minute vote.

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

Mr. Speaker, House Resolution 174 is a fair and open rule for consideration of H.R. 1654, the National Aeronautics and Space Administration Authorization Act. It is my understanding that some Members may wish to offer germane amendments to this bill, and under this open rule, they will have every opportunity to do so.

Mr. Speaker, this seems an appropriate week for us to consider this rule and its underlying bill, H.R. 1654. Across our Nation, Americans from every age group and every walk of life have shown our Nation's continuing fascination with the mysteries of space. Last night as the clock struck 12 o'clock, thousands upon thousands of people took part in an unprecedented phenomena across these United States, lining up to see the sequel to the 22-year-old movie, Star Wars. But our country's fascination with space and space exploration is rooted as much in science as it is in science fiction.

Long before anyone heard of George Lucas or Darth Vader, Americans were fixated on the small screen in their living rooms to bear witness to Alan Sheppard's first manned Mercury space flight and Neil Armstrong's first steps on the room. And, baby boomers and generation-Xers alike shared in two historic flights, John Glenn's first orbit of the Earth aboard Friendship VII in 1962, and his return to space 36 years later aboard the Shuttle Discovery.

This rule and its underlying bill will allow NASA and America's space program to move forward with a multinational space station.

In addition to our Nation's contribution, 15 other countries have invested $5 billion in the International Space Station program, and continued U.S. support will show the world our commitment to the international science projects. Further, the ISS means over 75,000 American jobs. With this space station, with moving our space program forward, young Americans will continue to be attracted to fields and job markets like science and engineering, areas that are key to making American industry more competitive across the globe.

□ 1030

I would like to commend the gentleman from Wisconsin (Chairman SENSENBRENNER) and the ranking member, the gentleman from California (Mr. BROWN) for their hard work on this legislation. I urge my colleagues to both support this open rule and the underlying bill.

In conclusion, Mr. Speaker, House Resolution 174 is an open rule, and I urge its adoption.

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 rise in support of this open rule providing for the consideration of H.R. 1654, which will authorize NASA for the next fiscal year.

Although I support the bill, Mr. Speaker, I do not support waiving the requirement that committee reports lay over for 3 days. Even though this is a good bill, I think Members should have a chance to examine it before they have to vote on it. The Committee on Science report was not even given to the Democratic members of the Committee on Rules before our meeting yesterday to report this rule to the floor.

Mr. Speaker, the House has not exactly been working at a breakneck pace over the last few weeks, so I really cannot understand why my Republican colleagues decided not to let us see this bill in advance.

Lately this seems to be part of the pattern. Since this Congress began 5 months ago, 12 of the 34 rules we have considered have contained waivers of the 3-day layover requirement. That is one-third of all the rules in the 106th Congress waiving the 3-day layover requirement.

And, the committee report that we received in the Committee on Rules did not even contain some of the things it

was supposed to contain. It was supposed to contain the Ramsayer and the proceedings of the full committee markup. Mr. Speaker, it did not. I am sure they are probably contained somewhere in the printed version of the report, but I still think they should have been given to the Committee on Rules before it began its deliberations.

Mr. Speaker, nearly all of NASA reauthorizations are bipartisan, and that is the way they should be. Americans have always been pioneers, and NASA is agency of the pioneers. They expand our frontiers into space. They perform research in the heavens to benefit us here on Earth.

Thirty years ago, NASA put Neal Armstrong, Michael Collins, and Buz Aldrin on the moon. Three years ago NASA set up the Mars Pathfinder, which has expanded knowledge of our close neighbors and given us an idea of the possibilities of life off of Earth. This March NASA finishes a project mapping Mars.

The National Aeronautics and Space Administration has discovered new galaxies and planets in our solar system.

NASA's Hubble Telescope gave us incredible color pictures of space. They discover new worlds, enrich our minds, and stir our spirits.

Mr. Speaker, I am sure that NASA is partly to thank for the long, long lines referred to by my dear friend, the gentleman from New York (Mr. REYNOLDS) that are now currently outside the new Star Wars Phantom Menace.

So I am disappointed that my Republican colleagues have decided to make it partisan. They singled out one particular project for elimination, one out of all the projects, Mr. Speaker. That project has been championed by Vice President GORE. Mr. Speaker, I can think of no reason for the elimination of this particular project except partisan politics.

In the future, Mr. Speaker, I hope my Republican colleagues will allow us to see the bills before we actually vote on them. I urge my colleagues to support this open rule and to support this bill. NASA does provide the research for the future and the explanations for the past.

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

Mr. REYNOLDS. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 1553, NATIONAL WEATHER SERVICE AND RELATED AGENCIES AUTHORIZATION ACT OF 1999

Mr. REYNOLDS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 175 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 175

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 1553) to authorize appropriations for fiscal year 2000 and fiscal year 2001 for the National Weather Service, Atmospheric Research, and National Environmental Satellite, Data and Information Service activities of the National Oceanic and Atmospheric Administration, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 4(a) of rule XIII are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Science. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Science now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. The chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

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

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

Mr. Speaker, House Resolution 175 is an open rule providing for the consideration of H.R. 1553, the National Weather Service and Related Agencies Authorization Act of 1999.

The purpose of this legislation is to authorize appropriations for fiscal year 2000 and fiscal year 2001 for the National Weather Service, Atmospheric Research, and National Environmental Satellite, Data and Information Service activities of the National Oceanic and Atmospheric Administration, and for other purposes.

The rule waives points of order against consideration of the bill for failure to comply with clause 4(a) of rule XIII requiring a 3-day layover of the committee report.

The rule provides for 1 hour of general debate, equally divided and controlled by the chairman and the ranking minority member of the Committee on Science.

The rule further provides that it shall be in order to consider as an original bill for the purpose of amendment under the 5-minute rule the amendment in the nature of a substitute recommended by the Committee on Science and now printed in the bill.

The rule provides that the amendment in the nature of a substitute shall be open for amendment at any point. The Chair is authorized by the rule to grant priority to recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD prior to their consideration.

The rule allows the chairman of the Committee of the Whole to postpone votes during consideration of the bill and to reduce voting time to 5 minutes on a postponed question if the vote follows a 15-minute vote.

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

Mr. Speaker, I believe that House Resolution 175 is a fair rule. It is an open rule for the consideration of H.R. 1553, the National Weather Service and Related Agencies Authorization Act of 1999.

It is my understanding that some Members may wish to offer germane amendments on this bill, and under this open rule they will have every opportunity to do so. H.R. 1553 authorizes funding for several very important weather service programs in the United States. In fact, funding for the National Weather Service alone is about one-third of the total annual National Oceanic and Atmospheric Administration budget.

Mr. Speaker, as the events of Monday, May 3, in Oklahoma showed us, we are still often powerless against the fury of Mother Nature. An outbreak of more than 40 tornadoes claimed 44 lives, destroyed or heavily damaged 5,200 homes, and left more than $1 billion in property damage in its wake. The damage to life, property, and community was devastating, but it could have been even worse without the National Weather Service's first tornado warning at 4:45 p.m.

This rule, and its underlying bill, will help improve, modernize and automate

weather observations and improve public forecasts and warnings of severe weather events.

The fact is the National Weather Service provides a valuable source of early warning and observations to the American people. Whether a tornado or hurricane, blizzard or tropical storm, this rule and its underlying bill can save countless lives and property by assuring early and accurate warning systems.

Further, atmospheric research programs have helped improve severe weather forecast and warning capabilities, and improved knowledge about severe storms and the science of weather modification, important for U.S. transportation and agriculture.

I would like to commend the gentleman from Wisconsin (Chairman SENSENBRENNER) and the gentleman from California (Mr. BROWN), the ranking member, for their hard work on this legislation. I urge my colleagues to support both this open rule and the underlying bill.

In conclusion, Mr. Speaker, House Resolution 175 is a fair, completely open rule, and I urge its adoption.

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

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume. Mr. Speaker, this is an open rule. The debate will be equally divided and controlled by the majority, and equally divided, as far as the debate is concerned, between the majority and minority.

The rule permits amendments to come up under the 5-minute rule, which is the normal amending process in the House. All Members on both sides will have the opportunity to offer germane amendments.

This bill, Mr. Speaker, is about research to be conducted by the National Oceanic and Atmospheric Administration. It has tremendous potential to pay off through improved environmental quality and better weather prediction.

This bill provides no increase in funding in fiscal year 2001 for that research. Consequently, inflation will result in a slight cut in spending power. Funding in important areas of research like this should remain stable. Therefore, it is unfortunate that the committee rejected an amendment to provide a modest 3 percent increase in fiscal year 2001.

This rule waives the requirement for a 3-day layover of the committee report. This was necessary because the report was not filed until Tuesday. Waiving this rule gives Members a little less time to examine the bill and to draft amendments.

Despite these concerns, the bill is relatively uncontroversial. The rule is an open rule which will give Members the opportunity to offer amendment. The rule was adopted by voice vote of the Committee on Rules. For these reasons, I can support the rule.

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

Mr. REYNOLDS. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on this resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1045

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION ACT OF 1999

The SPEAKER pro tempore (Mr. REYNOLDS). Pursuant to House Resolution 174 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1654.

The Chair designates the gentleman from North Carolina (Mr. BURR) as chairman of the Committee of the Whole, and requests the gentleman from Georgia (Mr. COLLINS) to assume the chair temporarily.

□ 1045

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1654) to authorize appropriations for the National Aeronautics and Space Administration for fiscal years 2000, 2001, and 2002, and for other purposes, with Mr. COLLINS (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Tennessee (Mr. GORDON) each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

Mr. SENSENBRENNER. Mr. Chairman, I yield myself such time as I may consume.

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

Mr. SENSENBRENNER. Mr. Chairman, this bill is a 3-year authorization for our civil space program. When combined with separate legislation authorizing government-wide programs and high performance computing and information technologies, that represents a 1 percent annual increase over NASA's budget requests.

The bill provides full funding for the baselined International Space Station, which moved from a dream to a reality last year with the successful launch of the first two elements. At the same time, the bill promotes fiscal and programmatic responsibility by prohibiting NASA from adding content to the program in a costly new structure called Trans-Hab. Together, this constraint and the 3-year authorization will provide the Space Station with the stability it needs to achieve the same success fiscally that the program is demonstrating technically.

The bill also includes modest funding increases in areas of key scientific research. In the past few years the administration has cut some $742 million out of life and microgravity research accounts in NASA. This bill restores some $228 million of that over 3 years to take a small step towards ensuring that the science community is prepared to maximize the research potential of the International Space Station.

It also contains increases for space science to put the Near Earth Object Survey back on track, to promote research in space solar power that will have applications here on Earth, and to offset the cost of NASA's emergency Hubble Space Telescope repair mission.

More importantly, the bill increases funding for NASA's work in advanced space transportation technologies. Last year we learned the perils of launching U.S.-built payloads on foreign rockets. In the last 6 months we have seen a string of launch failures that have reminded us how critical reliable, low-cost access to space is for our economy, our scientific endeavors, and our national security.

H.R. 1654 accelerates and increases the funding for NASA's programs to develop a new generation of space transportation vehicles. The NASA administrator and the head of the U.S. Space Command have both said frequently that this must be a high national priority. H.R. 1654 ensures that it is.

We have developed this bill on a bipartisan basis and reached agreement on a wide range of issues. I think our efforts to work together come through in the bill's list of bipartisan original cosponsors and its bipartisan endorsement by the Committee on Science last week.

There are a few remaining points on which the majority and minority disagree, and I want to thank Members of both parties for working together to iron out most of these over the past few days. For now we may have to agree to disagree on the few outstanding issues that remain, but they should not get in the way of such a sound and comprehensive bill upon which to build our future in space.

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

Mr. GORDON. Mr. Chairman, I yield myself such time as I may consume.

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

Mr. GORDON. Mr. Chairman, I would first like to include for the RECORD a letter from Administrator Goldin of the National Aeronautics and Space Administration in which, among other things, he states ''NASA strongly opposes House passage of H.R. 1654.''

The letter is as follows:

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION,
Washington, DC, May 19, 1999.

Hon. GEORGE E. BROWN, Jr.,
Ranking Member, Committee on Science, House of Representatives, Washington, DC.

DEAR MR. BROWN: This letter is to provide NASA's views on H.R. 1654, the ''National Aeronautics and Space Administration Authorization Act of 1999,'' authorizing appropriations for FY 2000–2002, as ordered reported by the Committee on May 13, 1999.

NASA strongly opposes House passage of H.R. 1654. The authorization levels in the bill do not conform to the President's request, which is based on a balanced and affordable space and aeronautics program. H.R. 1654 would authorize a total of $13,625.6 million in FY 2000, $13,747.1 million in FY 2001 and $13,839.4 million in FY 2002. As ordered reported, total funding for FY 2000 exceeds the President's request by a net of $47.2 million; total funding for FY 2001 is below the President's request by a net of $82 million. The majority of the additional funding provided is for Life and micro gravity Sciences and Applications, Advanced Space Transportation Technology, and Academic Programs. At the same time, funding authorized in H.R. 1654 reflects significant reductions ($174.4 million in FY 2000, $211.1 million in FY 2001, and $216.6 million in FY 2002) for High Performance Computing and Communications (HPCC) and Information Technology for the 21st century (IT2).

While the Administration recognizes that the Committee strongly supports NASA program efforts for which they have recommended augmentations, such additional spending must be evaluated against the imperative to maintain an overall balance in NASA's aeronautics and space research program and against the impacts resulting from the resulting reductions in other critical programs. Failure to fund NASA's HPCC and IT2 activities in a timely manner would be unacceptable.

NASA appreciates the Committee's authorization of funding for the International Space Station (ISS) Program consistent with the President's request. That request reflects an Administration policy decision to reduce the level of risk to the ISS with a net increase of $1.4 billion over the next five years, to enhance Station budget reserves and to make NASA's Contingency Plan against potential Russian shortfalls more robust. The Committee's support for these efforts is appreciated, and I look forward to continuing to work together on this very important program.

While NASA supports those portions of H.R. 1654 that are consistent with the President's request, we have serious objections to several provisions that are contrary to the President's budget. I request that you and the Committee take NASA's objections, outlined below, into consideration as this bill proceeds through Congress.

TRIANA

NASA and the Administration are greatly disappointed in the Committee's adoption of an amendment (Section 130) terminating the Triana science mission. Triana is good science, was subject to a rigorous peer review process, and will provide the scientific community with valuable research data. We strongly object to the Committee's arbitrary and partisan recommendation to terminate the Triana science mission.

In October 1998, after an exacting peer-review evaluation of nine competing proposals, NASA selected the Scripps Institution of Oceanography as the Principle Investigator for the Triana mission. The Conference Report accompanying the FY 1999 VA-HUD-Independent Agencies Appropriations Act (P.L. 105–276) directed NASA to identify funding for the initiation of Triana as part of NASA's FY 1999 Operating Plan. NASA identified $35 million in the FY 1999 Operating Plan submitted to this and other Committees, and responded to questions thereon. NASA's FY 2000 budget requests $35 million to complete development of Triana, and launch it in December 2000 as a secondary payload on the Space Shuttle.

Triana has sound science objectives and will present valuable practical applications in: solar influences on climate; solar wind and space weather; ultraviolet (UV) radiation effects of clouds, aerosols, and surface radiation; cloud microphysical properties and the effect of solar radiation on climate models; and vegetation canopy measurements, detecting changes in the amount of vegetation-leaf structure, or fraction of covered land.

NASA is also formulating an Earth Science education initiative using Triana imagery, and is planning to issue an open, competitive solicitation for educational tools and applications this fall. NASA has received inquiries from three commercial firms regarding Triana participation. The Scripps Institution of Oceanography is currently working to structure a commercialization approach.

INTERNATIONAL SPACE STATION RESEARCH

Section 101 of H.R. 1654 limits the flexibility of the ISS program to accommodate unforeseen requirements by restricting the use of ISS research funds. Should program difficulties result in further schedule delays, such a restriction could result in research equipment being developed prior to the Station's readiness to accommodate it. This could exacerbate the delay by not allowing the flexibility to shift research funds and address Station contingencies. Such restrictions could, therefore, prolong delays in research flight opportunities and further harm the research community intended to be helped.

EARTH SCIENCE COMMERCIAL DATA ACQUISITION

Section 126 of H.R. 1654 would require that NASA spend $50 million in FY 2001 and FY 2002 for the purchase of commercial remote sensing data. NASA objects to a mandated minimum level of spending for such acquisitions, at the expense of other research opportunities in the Earth Science enterprise. There is no guarantee that such commercial data will be available for acquisition in such amounts stipulated in the bill. NASA should not be precluded from directing its resources in the most efficient and effective manner.

As a matter of policy, NASA's Earth Science Enterprise will not build new missions where commercial data is available at market prices, and the Enterprise has instituted a process under which all Announcements of Opportunity include statements of data buy preferences. The Earth Science Enterprise will release, in the near future, two Requests for Information (RFI's), one for determining sources of Landsat-class observations, and a second for determining sources of tropospheric wind measurements. The Enterprise is also working toward the objective of having each scientific and application research proposal identify the source of data sets required, and including an estimate of the funding requirement for such data sets. This approach is intended to establish a direct dialog between the providers and users of data, and NASA does not have to second-guess the user requirements and unduly constrain the provider's capabilities.

Finally, the NASA Inspector General recently released a report on the Commercial Remote Sensing Program, and concluded ''additional congressionally directed data buy programs are not warranted.''

TRANS-HAB

Section 128 of H.R. 1654 would prevent NASA from further research on inflatable technology, such as Trans-Hab, which would accommodate humans in space. Inflatable module technology offers the potential for significant stowage volume, crew habitability and safety advantages over current approaches for building pressurized space structures using reinforced aluminum. The technology holds considerable potential for advancement of space exploration. NASA shares the Committee's concern that added cost and risk to the ISS should be avoided. NASA desires to continue to explore potential commercial partnering for the development, construction, and use for the ISS Trans-Hab module. We will not pursue the development of a Trans-Hab module for the ISS unless it can be done through a partnership with industry that results in a cost-neutral solution to the baseline cost for the aluminum Habitation module. Additional technical definition and design work is necessary before potential commercial interests can be assured of the viability of the concepts. H.R. 1654 would preclude any work on this very promising set of technologies.

ULTRA-EFFICIENT ENGINE TECHNOLOGY

I am very concerned that Section 103(4) eliminates the Ultra-Efficient Engine Technology (UEET) program as a Focused Program. We understand that it is the Committee's intent to permit these activities to be conducted within the R&T base. We strongly urge the continuation of this effort as a Focused Program.

UEET as a Focused Program gives all interested parties—other Government agencies (e.g., DoD) and the private sector—assurances that resources have been identified to meet defined goals over a specified period of time. Fully 80% of program funding for UEET will be spent in-house, primarily for the operation of test stands and facilities, in coordination with the ongoing DoD program. The UEET Program is designed to address the most critical propulsion issues: performance and efficiency. The primary benefits of these technologies will be to improve efficiency and reduce emissions for a wide range of civil and military applications.

Loss of the UEET effort could have major consequences for the future competitiveness of the U.S. aircraft engine industry and the U.S. balance of trade. Research associated with understanding the technical issues of engine emissions supports a major portion of U.S. scientific analysis that provides a basis for informed policy making and U.S. influence on international civil aviation policies. Finally, it should be noted that significant interaction and dependencies have been formed over the years in engine technology efforts between NASA's Space Programs, DoD's Acquisition Programs and DOE's Energy Programs; while the impact of the restriction in H.R. 1654 upon these interdependencies has not yet been completely assessed, there will be implications to U.S. strategic interests in these critical areas.

ADMINISTRATION PROPOSALS

H.R. 1654 does not include ten important legislative proposals proposed by the Administration in the draft FY 2000 NASA authorization bill, submitted to the Congress on April 28, 1999. Many of these proposed provisions are legislative ''gap fillers''—providing NASA the same authority already provided to the Department of Defense in title 10 of the U.S. Code and to other civilian agencies in title 41 of the U.S. Code.

NASA is covered by the acquisition provisions of title 10, but is frequently overlooked when amendments to that title are enacted. Section 203 of the Administration's bill

would provide NASA the same authority as that available to DoD and other civilian agencies to withhold contract payments based on substantial evidence of fraud. Section 209 would make NASA's claim payment process consistent with procedures already required by other law and with those used by other agencies. Section 210 would provide NASA the same authority as that available to DoD and other civilian agencies to exempt contractor proposals from release under the Freedom of Information Act.

The remaining provisions contained in the Administration's bill address the need to adapt NASA's legal authorities to the world in which we now operate. The role of the commercial sector has been ever increasing. With the support of this Committee, NASA has been changing the way it does business, looking for opportunities to engage in joint endeavors with industry, and attempting to leverage the private sector investment in space and aeronautics research and development. These activities present new and different working relationships and legal hurdles. We are asking the private sector to invest not only money, but also ideas. We must be able to protect these ideas from disclosure to competitors—foreign as well as domestic—which have not invested their time or capital. In order to attract industry partners and their investments, we must be able to grant them some form of exclusive right to use the software or other inventions arising from their joint endeavor with us before it is released to the general public. Our space program should benefit not only from the increased investment of private capital, but also from the royalties derived from such licensing authority. We must be able to attract more private investment—and thus reduce the cost to the Government—by being able to transfer title to personal property used in our joint endeavors to the partner whom we are asking to invest the capital. I urge the Committee to incorporate these provisions as the bill progresses through Congress.

HPCC AND IT2

As reported, H.R. 1654 deletes all funding for NASA's High Performance Computing and Communication program (HPCC) and Information Technology for the 21st century (IT2) initiative, including the very important Intelligent Synthesis Environment (ISE) program. Although the Committee has indicated its intent to hold hearings and mark up a separate, multi-agency, ''computer research'' bill later this year, in the absence of the introduction of a companion measure that fully funds those activities, NASA's support for H.R. 1654 will continue to be qualified.

Not authorizing funding requested for NASA's HPCC and IT2 would essentially remove all of the Agency's research in information technology, and severely impact NASA's remaining programs and missions. Both programs are structured to contribute to broad Federal efforts, but also to address NASA-specific computational, engineering, and science requirements spanning many programs. Not authorizing HPCC and IT2 would severely limit NASA's ability to deliver key capabilities needed to support Earth, space, and aeronautical programs, with impacts such as the following:

Cut Earth and Space Sciences and directly impact NASA's ability to use advanced computing technology to further our ability to predict the dynamic interaction of physical, chemical and biological processes affecting the Earth, the solar-terrestrial environment, and the universe;

Cut Space Science and eliminate NASA's capability to develop low-power, fault-tolerant, high-performance, scaleable computing technology for a new generation of micro-spacecraft;

Cut Aero-Space Technology and eliminate critical advances in aeronautics algorithms and applications, software, and computing machinery needed to enable more than 1000 fold increases in systems performance in the 21st century;

Cut Aero-Space Technology and limit implementation of the tools and processes for a revolution in engineering practice and science integration in modeling, design, development and execution of all NASA's missions; and,

Cut Space Science and eliminate NASA's Self-Sustaining Robotic Networks program to develop the critical set of technologies necessary to support potential future decisions on establishing outposts of self-tasking, self-repairing, evolvable rover networks at key sites of scientific interest throughout the solar system.

We are preparing a more detailed analysis of additional concerns regarding H.R. 1654, which we believe will hamper our ability to manage our space and aeronautics research programs most effectively. I urge the Committee to consider these concerns as the bill proceeds through the legislative process.

The Office of Management and Budget advises that there is no objection from the standpoint of the Administration's program to submission of this report for the Committee's consideration.

Sincerely,

DANIEL S. GOLDIN,
Administrator.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION,
Washington, DC, May 19, 1999.

Hon. BART GORDON,
Ranking Member, Subcommittee on Space and Aeronautics, Committee on Science, House of Representatives, Washington, DC.

DEAR MR. GORDON: This letter is to provide NASA's views on H.R. 1654, the ''National Aeronautics and Space Administration Authorization Act of 1999,'' authorizing appropriations for FY 2000–2002, as ordered reported by the Committee on May 13, 1999.

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Cut Aero-Space Technology and limit implementation of the tools and processes for a revolution in engineering practice and science integration in modeling, design, development and execution of all NASA's missions; and,

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The Office of Management and Budget advises that there is no objection from the standpoint of the Administration's program to submission of this report for the Committee's consideration.

Sincerely,

DANIEL S. GOLDIN,
Administrator.

Mr. GORDON. Mr. Chairman, I would like to say a few words about H.R. 1654, the NASA Authorization Act. First, I wish to commend Chairman ROHRABACHER for his efforts in developing H.R. 1654. I believe that he made a serious effort to include a number of positive provisions in the bill and to work with the minority.

Thus, while it was by no means a perfect bill, I thought that H.R. 1654 was a reasonably constructive piece of legislation as introduced. In fact, I was a

cosponsor of the bill as introduced, with the understanding that we would continue to work to improve its provisions.

At this point I have to say that I do not think that H.R. 1654 is ready for floor consideration. I have not reached this position easily. As a supporter of NASA, I want to provide a solid, fiscally responsible foundation for the space agency's activities. I also want to make sure that we do not micromanage NASA in ways that will hurt its ability to carry out its programs effectively and efficiently. Unfortunately, I think that H.R. 1654 falls short of the mark in meeting these two goals.

The NASA Administrator has sent over a letter outlining a number of serious concerns with the NASA bill. Let me discuss just a few of them. First, there is the absence of any funding for NASA's information technology programs. While we have received some assurance from the chairman of the Committee on Science that authorization of these programs will be done at a later date, I remain concerned. NASA needs to be on the cutting edge of information technology R&D if it is to deliver missions that are both cost-effective and innovative.

Second, H.R. 1654 would prohibit the Ultra Efficient Energy Technology focused program. That program is a new program that is critical to maintaining NASA's capabilities for long-term aircraft engine R&D. It also is critical to maintaining the competitiveness of the U.S. aeronautics industry.

Moreover, the UEET program will offer important benefits to military aviation by conducting important R&D into improved engine performance. I am afraid that H.R. 1654 attempts to micromanage NASA's aeronautics R&D efforts in ways that can do real damage over the long term.

Third, the bill as amended at full committee would cancel the Triana scientific mission. Triana is an Earth observing spacecraft that would deliver both scientific and educational benefits. This mission was selected out of nine competing proposals, and it has undergone scientific peer review. It already was funded in last year's VA-HUD appropriations conference report. If we cancel it now, we would waste $40 million, which is more than it would cost to save it.

Fourth, H.R. 1654 has a provision that would have the effect of holding NASA's Earth science research program hostage to a ''data buy'' earmark. While I support a healthy commercial remote sensing industry, the bill's provisions will do real harm to NASA's programs while doing little to help grow industry. It is a misguided and ultimately unworkable position.

Fifth, the bill would prohibit NASA from spending any money on the Trans-Hab or other innovative inflatable structure technologies. While I am as careful with taxpayers' dollars as anyone, I do not believe that we should prohibit NASA from doing research to improve our space program.

H.R. 1654's Trans-Hab prohibition would keep NASA from getting the data Congress will need if we are to make informed decisions on these innovative technologies.

Mr. Chairman, I raise these issues not to diminish the efforts of Chairman ROHRABACHER in drafting this bill. I simply believe the bill we have before us today is not ready for prime time. I think that the bill needs more work.

I intend to vote ''no'' on H.R. 1654 on final passage, and I would urge my colleagues to also oppose the bill.

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

Mr. SENSENBRENNER. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from California (Mr. ROHRABACHER), the chairman of the Subcommittee on Space and Aeronautics that handled this bill.

Mr. ROHRABACHER. Mr. Chairman, I thank the gentleman from Wisconsin for allotting me this time.

Mr. Chairman, today the House is considering H.R. 1654, the NASA Authorization Act of 1999, which I am pleased to sponsor. I want to publicly thank the gentleman from Tennessee (Mr. GORDON), the ranking member, for his spirit of cooperation during the process. I am saddened, however, that he is unable to cosponsor the bill and vote for it at this time, but I do understand that there are some areas of disagreement and perhaps some areas that he feels that was not dealt with in the way that he would prefer for it to be dealt with, and I am sorry for that.

But I do think that we do have a spirit of cooperation among the members of the subcommittee, and I am trying my best to maintain that spirit as well as the spirit of cooperation among the staffs on both sides of the aisle. I appreciate the work that they put in to trying to put this bill together, although the gentleman from Tennessee (Mr. GORDON) cannot support it at this time.

It contains one or two controversial provisions, surely. This bill, however, is overwhelmingly bipartisan. At least it was my intent to make it bipartisan. It includes several provisions and modifications that actually came from the Democratic side.

Furthermore, I plan to offer a manager's amendment which will make a few additional refinements, including one that specifically addresses the concerns of the gentleman from Connecticut (Mr. LARSON) who has put a tremendous amount of effort into a project that is very meaningful to his district.

This is not a perfect bill, and I admit that. We have asked for an open rule because we want the House to work its will on this legislation. To the degree that we have an open rule and to the degree there are disagreements, I would hope that the open rule would provide us a way of coming to grips with some of the disagreements that are still in place.

If any government agency belongs to the American people, surely it is NASA. I am committed to NASA's programs and policies, to make sure that they are reflecting the priorities of the people in the United States as reflected here in the House of Representatives, the people's House.

Even so, I believe this piece of legislation is a solid piece of legislation because it sends three messages which are supported by the overwhelming majority of the Committee on Science and I believe the House itself.

First, we tell the President and the appropriators that America's civil space agency should be rewarded for the sacrifices and reforms that it has made over the past several years by providing it a steady increase of 1 percent a year, if you take into account the information technology program that we are authorizing separately.

Secondly, H.R. 1654 sets realistic overall funding levels and real priorities to guide appropriators. We focus additional resources on areas that our hearing record shows are underfunded and which have bipartisan support, including life and microgravity research, advanced space transportation technology, space science, and education.

Third, H.R. 1654 pushes NASA to stay on the road to reform, especially on space privatization and commercialization. We do not want to destabilize the International Space Station or set up programs just to keep people busy. This bill does not micromanage NASA, but it does set clear goals and guides NASA towards them.

Mr. Chairman, in closing let me just say that the other body has already marked up a NASA authorization bill and it should be reported to the floor for consideration soon. So after we complete our business today, I hope we can aggressively move forward to negotiate compromises with the Senate and, for the first time since 1992, enact a NASA authorization into law this year.

Mr. GORDON. Mr. Chairman, I yield 5 minutes to the gentleman from North Carolina (Mr. ETHERIDGE), a leader in education in this body.

□ 1100

Mr. ETHERIDGE. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I rise today to discuss an exciting opportunity I think that this NASA authorization bill provides our Nation's schools to promote math and science education.

However, first I would like to say how disappointed I am that this bill has fallen victim I think to some partisan wrangling because it really did start out as a bipartisan bill. It is my hope that, as we go forward to an eventual conference that will take place with the other body, which will pass a bipartisan bill out of their committee, hopefully, very soon, that we can once again act in a bipartisan way and send a bill to the President that he will sign.

With the exception of the conflict over Triana and some other issues, the committee I think has put together a pretty decent bill. I appreciate the majority's willingness to work with me on my concerns in the area of education and to accept the amendments in those areas that I offered in committee, and I want to thank the chairman and the ranking member for their help.

I will vote for H.R. 1654, with the hope and faith that a bipartisan conference report can be brought back before this body before this year is out.

I am proud to discuss an important education initiative contained in this legislation. This bill directs NASA to develop an educational initiative for our Nation's schools in recognition of the 100th anniversary of the first powered flight, which will take place on December 17, 2003.

On that date in 1903, Orville and Wilbur Wright took their dream of powered flight from the drawing board of their Ohio bicycle shop to the Crystal Coast of North Carolina. It was there at a place called Kitty Hawk that the Wright brothers' dream took flight. On that day, our world was changed forever.

The anniversary of this historic accomplishment provides an excellent opportunity for our Nation's schools to promote the importance of math and science education. And as a North Carolinian and a former educator, I am proud to bring recognition to the Wright brothers and their fantastic accomplishment.

As a former North Carolina superintendent of schools, I worked for many years to help improve math and science education in our State. America's future will be determined by the ability of our citizens to adapt to the changes in technology that would dominate life in the 21st century.

Recent studies show, unfortunately, that America's students are falling behind their counterparts around the world in the areas of math and science. As we watch the sun rise on the dawn of a new millennium, it has never been more important to encourage our children to excel in these important areas. It is no longer good enough for our children to simply be able to read, write, add, and subtract. If today's students are going to succeed in tomorrow's jobs, a firm foundation in math and science is required and it is an imperative.

The Committee on Science has taken a leading role in starting a national dialogue on math and science education. One of the most difficult challenges we face has been to interest students in participating in the most challenging math and science courses. That is not unique. It happens in every State. Such a lack of interest could spell doom down the road as fewer students enter the teaching profession in these important areas. And even fewer are prepared for the jobs of the 21st century.

The 100th anniversary of Flight Educational Initiative is intended to use the history of flight, the benefit of flight on society, and the math and science principles used in flight to generate interest among students in math and science education.

As a young boy, like most Americans, the space program captured my imagination. Unfortunately, today video games and other distractions are more likely to occupy the time of our young people than the space program. However, the 100th anniversary of flight and NASA's plans to send a plane to Mars to coincide with that date provides an excellent springboard to recapture our young people's interest in the space program and in math and science education.

Mr. Chairman, I commend the chairman for bringing this bill, authorizing our Nation's space program, to the floor on the same day that the new Star Wars trilogy has opened in our Nation's theaters. Just as the Star Wars movie has captured the imagination of a generation of Americans, NASA and the 100th anniversary of Flight Educational Initiative will help our students sore in math and science education.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. EHLERS), the vice chairman of the committee.

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

Mr. EHLERS. Mr. Chairman, I thank the gentleman for yielding me the time.

I am very pleased to rise to speak in favor of the bill as presented to the House. The Committee on Science has done a very careful job of analyzing the needs of the NASA program and has come up with a workable allocation of funds.

There are two areas in particular I want to mention. One relates to the work that I put into the science policy study (Unlocking Our Future: Toward a New Science Policy; published by GPO) last year under the auspices of the Science Committee and which has been adopted by the committee and by the House of Representatives. In that study, we emphasized the importance of basic research to the future of this Nation. And I am pleased to say that NASA continues, under this bill, to maintain a strong basic research program.

There has been some criticism that the Space Station has decimated the basic research program at NASA. That is not true. They are continuing with their basic research efforts and they continue to make important discoveries both in space and on this planet.

One of the important parts of this issue, of course, is to make sure that the results of basic research are available to the public, to companies who may make use of it and, that this may benefit the general public in many ways.

The second point I want to make is that I believe NASA has done an excellent job of adding to the education of our students in this Nation regarding math and science. That is an area of great need. We must improve our math and science programs in elementary and secondary schools. It has to be done in a coordinated, thoughtful, careful way as we work toward that goal.

But in the meantime NASA, through its supplementary programs, has aided greatly in the education of students of this Nation. In particular, they have developed experiments that students can do at home or in their schoolroom by accessing NASA data on the Internet and using the results of NASA's satellite research, or data from their Mars Rover, to use in their experiments. This has provided a meaningful, lifetime experience for kids in the elementary and secondary schools. They learn from the Internet what has happened, and they can then use this directly to come to the same scientific conclusion that the NASA scientists operating the experiment have reached.

I rise today in support of H.R. 1654, the NASA Authorization Act. I believe it is a good bill that will continue to support NASA in its science and exploration endeavors while maintaining balance and cost-effectiveness within its priorities. This morning, I would specifically like to address the opportunity provided through this bill to continue NASA's strong and vital emphasis on education initiatives.

As we have discussed earlier this year, our Nation is at a critical juncture in its efforts to provide our children with the quality education that they will require to succeed in the technology-driven economy and culture of tomorrow. To do this, we must find innovative ways to excite and encourage young students about the possibilities open to them through an understanding of mathematics and the sciences. I am not talking strictly about career opportunities, but as consumers, parents and citizens.

NASA has clearly demonstrated their dedication to this responsibility through the multitude of individual programs which they offer to students from grade school to grad school and, importantly, to their teachers. In FY 1998 alone, NASA reached over two million students and over a hundred thousand teachers. Of those, all but a fraction of these students and teachers were at the K–12 level. It is at this level that it is so critical to engage our young people, and it is also at this point that our education system is in need of the most assistance. NASA is offering their help, and they are doing so through the use of inquiry-based methods and real-life applications.

I would also like to highlight that, in developing their educational programs, NASA has shown insight into the complexity of their subject material and the need to balance it with state and regional agendas. To best serve its ''customers'', NASA collaborators with external organizations such as the National Science Foundation and the Department of Education, discipline-specific professional associations,

and State education coalitions to develop materials for local use ''when and where appropriate''. As another indication of their commitment to providing relevant and useful information, NASA solicits evaluations of their programs from its users, the teachers in the classroom.

In closing, it is my hope that other Federal agencies would follow the example set by NASA in its education goals. As Dan Goldin, the NASA administrator, testified at a recent Science Committee hearing on this issue, ''It is our education system that will prepare our future workforce to design and use [the tools for our future]''. By supporting this bill, you will enable the continued development and support of these crucial programs.

Mr. GORDON. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Chairman, I would like to thank my good friend from Tennessee for yielding me time to speak this morning.

NASA's mission is one of exploration, discovery, and innovation. The innovation of new technology and the continued understanding of our planet and solar system has led to many advances in science that have benefitted our country and our economy.

When we fund NASA activities, we fund our future. We fund the development of new technologies, and we push our educational limits. Because of this, NASA and their continued innovation has made us the world leader in space exploration.

I stand today, though, reluctantly in support of H.R. 1654 because I do have some serious concerns with some of the provisions and possible amendments to the bill.

First, I applaud the Committee on Science for crafting a bill that does look to increase funding for NASA. However, I am very disappointed that they removed any funding for the continued development study of the Trans-Hab program from the Johnson Space Center.

The Trans-Hab is a proposed replacement for the International Space Station habitation module and uses new inflatable structural technology to house a larger living and work space in the limited payload of the Space Shuttle. As drafted, this bill would hinder the development and eliminate the option of this new technology which would give our astronauts more space to work and to live.

One of NASA's greatest assets is their commitment to providing the private sector with technological assistance through the Technology Outreach Program. The program applies scientific and engineering innovations originally developed for space applications to technical problems experienced by other companies that are in all of our districts.

Through the support of its own research laboratories, NASA has solved technical problems of businesses of all sizes and varieties, from making ink dry faster in the manufacture of American flags to improving the fit of a prosthetic foot.

I also know that NASA provides educational assistance and leadership in math and science education and particularly at the Johnson Space Center in Houston. My district is not in that area but it is close, and over the last 2 years I have had two astronauts, Dr. Ellen Ochoa and Dr. Franklin Chang-Diaz, astronauts who took time to spend the day with me in middle schools in my district in Houston, and they motivate students to take math and science.

The schools that participated include Grantham Middle School, Woodland Acres Middle School, Edison Middle School in Houston Independent School District, Burbank in HISD, Galena Park Middle School in Galena Park School District, and Hambrick Middle School.

Watching these 7th and 8th graders, Mr. Chairman, with the astronauts is very rewarding and educational. It is my hope that when these middle school students go to high school they will then be energized to take math and science.

Again, I reluctantly support H.R. 1654. I hope we will continue to work on this legislation and make it better by providing funding for the Trans-Hab project and for the Triana satellite.

Mr. SENSENBRENNER. Mr. Chairman, I yield 3 minutes to the gentleman from Florida (Mr. WELDON) the vice chair of the subcommittee.

Mr. WELDON of Florida. Mr. Chairman, I thank the chairman for yielding me this time, and I rise in support of this bill.

I commend the chairman and the ranking member for crafting a bill that I think all Members should be able to support. In particular, I want to commend them for the funding that they have provided for authorized in this bill for ongoing improvements in the Shuttle and Shuttle upgrades. By enhancing the performance of the Shuttle, we can ultimately in the end have a manned space flight system that will perform more safely and more efficiently, clearly something that is in the interest of the American taxpayers.

I am, additionally, pleased for the additional funding for the Space Station program. We now have a large amount of Space Station hardware in the Space Station Processing Facility at Kennedy Space Center that is being tested and that is ready for launch.

I would like to clarify my position on the issue regarding the satellite Triana and why I chose to introduce the amendment in committee calling for the elimination of this program.

I certainly do not enjoy introducing partisanship into a bill that is normally considered to be a nonpartisan issue. But I want Members on both sides of the aisle to know that, in the fall of 1997, it was announced by NASA that they were going to have to lay off 600 people at Kennedy Space Center because of a $100 million funding shortfall.

These layoffs did proceed to go ahead in the winter of 1998. And it was approximately around that time I believe that the President had his dream, the vision for Triana, and NASA was very quickly able to fund tens of millions of dollars to go towards this program and is now looking for the additional funds authorized to complete it.

I personally felt to do nothing and say nothing about this, in light of what happened to the men and women who got laid off in my district, would be an insult.

Now, some people may say, ''Well, congressman, if the Shuttle can continue to fly safely and efficiently with 600 fewer people, then we ought to go ahead and let that happen.'' But I want Members on both sides of the aisle to be aware that the Shuttle managers tell me the principal reason that they are able to continue to fly safely with that many fewer people is because the launch rates are way, way down to only maybe four flights a year because of the delays. And the Shuttle managers tell me that, as we go back up to eight and nine flights a year, as is hoped as the Space Station program gets back on track, that they may need to actually go out and hire additional people to keep the program flying safely.

So I believe that, to me, it was really an insult to the working men and women out at Kennedy Space Center for the agency to be laying off hundreds of people on one day and then finding tens of millions of dollars to fulfill a vision for the vice president.

I have a chart over there that I would like to show later that clearly spells out that we can right now, using current technology, produce an image of the Earth using existing satellite images. And this program was just not necessary and, therefore, I would encourage all my colleagues to support not funding it.

Mr. GORDON. Mr. Chairman, I yield myself such time as I may consume.

Although I appreciate the comments of my friend from Florida, I think it is ironic that he is concerned about laid off NASA employees yet he is not concerned about the fact that, by his amendment, we are going to waste more money canceling the program than has already been spent and he does not seem to be concerned about those employees and those scientific projects that are going to be laid off and missing because of his amendment. It is really, I think, a disingenuous argument, totally parochial, totally partisan; and this bill and this committee deserves better.

Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. COSTELLO).

□ 1115

Mr. COSTELLO. I thank the gentleman from Tennessee for yielding me this time.

Mr. Chairman, I rise in reluctant opposition to the NASA authorization bill before us today. This bill before us today cancels the Triana spacecraft mission. Last year, this Congress approved $35 million for Triana. The

Triana project was competitively awarded and its scientific content has been peer reviewed. It offers important scientific and educational benefits.

Next, the bill prohibits funding for the high performance computing and other information technology initiatives contained in the President's request. Although the gentleman from Wisconsin has agreed to provide for those activities in a forthcoming bill, I want to make it clear that I believe that NASA needs these funds. I support their inclusion within the NASA budget.

Another area of concern in this bill is the prohibition against any funding for the ultraefficient engine technology focus program. Long-term R&D efforts in engine technology, including the construction of engineering models when appropriate, are vitally important to both our national security and to continued competitiveness in worldwide aerospace markets. We should not abandon those efforts.

In addition, I support NASA's aviation safety and system capacity research as well as research directed toward aircraft noise and emission reduction. For these reasons, Mr. Chairman, I will vote against this legislation and ask that it be sent back to the committee to address these important issues.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. GARY MILLER).

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

Mr. GARY MILLER of California. Mr. Chairman, I rise today in strong support of H.R. 1654, the National Aeronautics and Space Administration Authorization Act of 1999. I would like to thank the sponsors of this bill, the gentleman from California (Mr. ROHRABACHER), the gentleman from California (Mr. BROWN), the gentleman from Tennessee (Mr. GORDON), the gentleman from Florida (Mr. WELDON), the gentleman from Utah (Mr. COOK), the gentleman from Washington (Mr. NETHERCUTT) and the gentleman from North Carolina (Mr. ETHERIDGE) for their leadership on this issue.

As a member of the Committee on Science, I am especially pleased with H.R. 1654 because it will be the first reauthorization legislation for NASA spending since 1992. The administration has cut NASA's budget 6 years in a row, leaving the agency to do much more with much less. I commend NASA for rising to the occasion by streamlining and reforming its projects. However, this history of chipping away at NASA's budget is proving to be detrimental to our Nation's technological research and development. To reverse this trend, H.R. 1654 provides increased funding for NASA's programs critical to maintaining and advancing our leadership in space, science and technology through fiscal year 2002, for investing in science and technology today serves to create a better tomorrow for everyone.

At the same time, H.R. 1654 continues to promote the fiscal discipline in our space programs. For example, this legislation fully funds NASA's request for the International Space Station and Space Shuttle operations but it prohibits funding for Trans-Hab as a replacement for the station's habitation module because of its higher cost. H.R. 1654 also redirects funding for the controversial, untested Triana satellite program, which would transmit new pictures of the Earth to the Internet, toward cutting-edge microgravity research that will be used to support human exploration and development of space enterprise. This is a far more useful investment than the $75 million plus Triana screen saver.

A final attribute of this legislation is its commitment of NASA resources to science education. H.R. 1654 allots $20 million for the continuation of the highly successful National Space Grant College and Fellowship Program. This program uses the assets of NASA for education and public service purposes. It has been a highly innovative leader in California, bringing together community-based alliances composed of educational institutions, industry and government to work together on projects which are both related to space and are of community importance. The student-mentor process involved in this program has shown significant results in workforce preparation and science literacy. Once again I urge my colleagues to vote in favor of this bill.

Mr. GORDON. Mr. Chairman, I yield 4 minutes to my classmate, the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Chairman, I have never failed to vote for a bill from this committee of significance. I have eaten some tough votes by some neighboring politicians who have come back and talked about the pork in space, in the Space Station. I have been beat up pretty good on the votes. I am going to vote ''no'' on this bill today. It takes a new and efficient engine technology that is at the John Glenn Center in Cleveland, formerly Lewis, and takes it out of this bill, and I will oppose it.

My purpose standing here today is I am offering a couple of amendments. They are basically sense of the Congress, because, you know what? Congress does not do a whole hell of a lot here. So we are going to encourage them. The encouragement is basically this. If NASA is going to develop any new programs or facilities, do not do them at the existing bases. Take NASA to the people. When you have a supplemental like we had last night, everybody has some of the military and they feel an alignment and a personal relationship with our Pentagon and military structure. That does not exist here at NASA. NASA is a program for America, but it is located in very few facilities, and I think it is good political wisdom and common sense to open this program up to the people.

The Traficant amendment says, whenever possible, on these new facilities, look at other sites other than existing sites and look at those depressed communities that could become a part of this great national program. Look, this ivory tower business is over. These accidents have brought NASA down to earth. Now we are looking at a tough budget climate trying to carve out money.

I will say this to the gentleman from Wisconsin. He has done a remarkable job. This vote is no reflection on his efforts. I think he has done a great job and he is a great chairman of this committee. But I want this committee to look back at that engine technology at the John Glenn Center. I think it is good for the future, and I think it is something in conference you should look at very seriously.

Finally, the second amendment says, buy American wherever you can. I know the committee is working with this, but I do not know how many of my colleagues saw and heard the news from last night. A classified report says Russia is spying on America in the Balkans and sharing the fruits of their gain with Milosevic. How much more money are we going to give to the Russians? How much more technology transfers are there going to be through open, goodhearted, good-faith, spirited work with Russia? I think if these participating countries do not pay, they should be thrown out of the program. If American taxpayers are going to finance these projects, then dammit, save that technology and keep it here.

So the two amendments are straightforward. I would appreciate Members' support on them. But I would appreciate looking at that engine technology that will be taken from the John Glenn Center. Just remember that. The John Glenn Space Center in Cleveland, Ohio, that is a tremendous program up there and that is a tremendous project. I would appreciate it if you would look at that.

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

Mr. SENSENBRENNER. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, when I read the Washington Post this morning, I learned that the Vice President's spokesman had called the majority a party of troglodytes because we think it is more important to spend $32 million on medical research than on funding the Vice President's late night inspiration for a multimillion-dollar screen saver called Triana. Personally, I do not think that making medical research a higher priority is a reason to descend into name calling.

I am disappointed, however, that the minority in this Chamber has decided to transform a matter of priority-setting into a partisan political dispute. I thought better of them. That is why I have worked for the last 2½ years to mend fences and to build a sense of bipartisanship on the Committee on

Science. For the majority members of the Committee on Science, that meant compromising with the minority and trying to bridge the differences between us. I thought we had made a good-faith effort to do that.

In developing the NASA authorization bill in committee, we made 13 separate changes to accommodate the minority even before the bill was introduced. We rewrote findings on international cooperation that the committee endorsed for 4 years. But when the minority changed its mind, we changed the language at their request.

We added findings on the importance of the Deep Space Network at the request of the minority. We added findings on the Hubble space telescope at the request of the minority. We changed language authorizing upgrades to the Space Shuttle and prohibited obligation of those Shuttle funds pending a report, at the request of the minority. We added funding for space science to offset the added costs associated with an emergency repair mission for the Hubble space telescope, at the request of the minority.

We delayed implementation of the small demonstration program of space science data purchases until fiscal year 2002, at the request of the minority. We reduced the level and details of increased funding for advanced space transportation, at the request of the minority. We changed the language requiring NASA to conduct earth science data purchases, at the request of the minority.

That did not satisfy them. But they made no effort to meet us halfway. We changed the requirement that NASA consider the impact of its international missions on the competitiveness of the U.S. space industry, at the request of the minority. We removed two positions related to the consolidated space operations contract, at the request of the minority.

We rewrote a section directing NASA to begin prioritizing Shuttle upgrades, at the request of the minority. We added a new section establishing in law a White House technology program for human space flight, at the request of the minority. By the way, if we were interested in making this a partisan bill at the Vice President's expense, we never would have done any of that.

In the committee markup, we accepted an amendment increasing funding for space grant universities, by the minority. We accepted an amendment increasing funding for historically black colleges and universities, at the request of the minority. We accepted an amendment changing NASA's educational responsibilities, at the request of the minority. We accepted an amendment on report language, at the request of the minority. And for the last week, the subcommittee chairman and I have been working with other minority members to add or change report language and develop colloquies to support their goals.

How does the minority respond to all of these efforts? Its presidential candidate calls us troglodytes. Democrats withdrew their names as cosponsors of the bill and withdrew their support increasing NASA's budget over the President's request, and the minority mobilizes to defeat the bill along partisan lines, at the same time complaining that we should add more money, add more money, to some of these other programs.

Now, I would hope that we can rise above such tactics and agree to disagree on the one issue that still divides us. This bill increases NASA's funding over the level of the President's request and contains many changes requested by the minority. It should be passed on a bipartisan basis.

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

Mr. SENSENBRENNER. I yield to the gentleman from Tennessee.

Mr. GORDON. Mr. Chairman, let me first concur with the fact that the gentleman has brought a much better atmosphere to our committee. I think that we are working in a much better way. We need to since, when we think, there has not been a bill passed since 1992. Certainly there needs to be some improvements.

Let me also point out that the gentleman said, and he went through a litany, a variety of acceptances of the majority to minority position. Let us put this in perspective. There was never a subcommittee markup. The minority was given a bill 10 days in advance and said, ''Here it is.'' So I hardly think that it is a mammoth undertaking that the majority would accept some positive, I think constructive ways to make this bill better so we can get it passed in a bipartisan way.

Mr. SENSENBRENNER. Reclaiming my time, I think the gentleman from Tennessee is rewriting history a bit. We gave them a draft of the bill. Before it was introduced there were 13 separate changes made to the text of the bill at the request of the minority, as has been the policy of this chairman of the Committee on Science, to try and narrow some issues and to be as bipartisan as possible and where there is a disagreement, to be able to fight those out and to debate the issue on the merits.

□ 1130

Now we did not call anybody any names during the committee markup or afterwards, and it wrecks the bipartisan nature of dealing with NASA and supporting NASA when I pick up the Washington Post this morning and see the Vice President's spokesman calling the majority party a bunch of dinosaurs because we have a disagreement over the Triana program. Our priority is to put money that my colleagues want to go into Triana into medical research, and that was the amendment that was adopted when the Committee on Science marked this bill up. This may be a legitimate disagreement where we think we should put more money into medical research and less into Triana.

But dealing with the budget, and that is what an authorization bill is, is dealing with priorities. I will lay my priorities against my colleague's priorities, the gentleman from Tennessee, but he ought to tell his former senator and his spokesman that when we have got a disagreement in priorities let us not devolve into name calling.

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

Mr. SENSENBRENNER. I yield to the gentleman from Tennessee.

Mr. GORDON. Mr. Chairman, let me again concur that this should be about issues, not name calling, and I completely agree with the gentleman. I suspect part of this probably resulted from the fact that the chairman of the Republican National Committee had earlier released news releases condemning it and calling the Vice President names. That was wrong, and it was wrong on each side.

As my colleagues know, this is about issues. As my colleague pointed out, this is about a variety of disagreements, this is about trying to get the best bill possible, and we should rise above name calling, and I had no part in that, but I would offer my apologies for anything that goes beyond the real merits of this bill.

Mr. SENSENBRENNER. Reclaiming my time, Mr. Chairman, I would hope the gentleman from Tennessee would tap his predecessor on the shoulder and tell him to discipline his staff a little bit more, not calling people who are on the Committee on Science and dealing with the issues of setting priorities in good faith the names that appeared in the paper this morning.

Mr. GORDON. If I can just finally thank the gentleman for explaining what that term meant? I read it, but I did not know what it meant, so I thank him for that definition.

Mr. KUCINICH. Mr. Chairman, the last time the Congress sent a NASA Authorization Bill to the President was in 1992. Since then the appropriators have worked, year after year, to analyze the needs of NASA and allocate those funds necessary to maintain our nation's aeronautics and space priorities. 1999 looked like the year that the authorizers in the House Science Committee would step up to the plate. In this regard I would like to commend Chairman JAMES SENSENBRENNER and Subcommittee Chairman DANA ROHRABACHER for putting together H.R. 1654 and presenting it to this body.

This original bill eliminated funding for the Ultra-Efficient Engine Technology Program, a focused program by NASA that will set the stage for the development of revolutionary new aircraft engines. The UEET continues the aeronautics research that NASA has pursued for many years, and it deserves widespread support.

First, the UEET is important to the environment. The advanced engines being developed will produce less emissions that are harmful to the environment, and this goal is essential to allow US aircraft to compete with those manufactured in Europe. The next generation of engines will also be quieter, a big step forward for neighborhoods located around airports.

The UEET is also important to consumers and the flying public. Advanced engines will use fuel more efficiently, helping to keep down ticket prices.

The UEET is also important to the competitive position of major American firms. The aerospace and aeronautics industry is one of the few American industries still dominated by US firms in the global marketplace. But that leadership is threatened by foreign manufacturers, working hand-in-glove with foreign governments that provide huge subsidies. We must compete and survive on the basis of high technology and the most sophisticated research available. We must develop the aircraft engines that will allow US airplanes to fly into European airports. This is a major sector of our economy, and hundreds of thousands of high skill jobs hang in the balance.

Finally, Mr. Chairman, the UEET is closely related to our national security and the future of military aircraft. Since its development several years ago, the UEET has been coordinated with the Department of Defense and its High Performance Turbine Engine Program. By supporting the UEET, this Congress is supporting the sort of advanced aircraft that foster our national defense. I join with Representative JAMES TRAFICANT and Representative STEVEN C. LATOURETTE in supporting an amendment to remove the language from the bill that cut funding for this program.

Originally, the bill also cut funding for NASA's Aircraft Noise Research Program. The results of this research are essential to protecting people who live near airports nationwide. Continued funding of the UEET and the Aircraft Noise Reduction programs will ensure that new aircraft will be quieter and less disruptive for people who live near airports.

Air travel is increasing at a dramatic rate across the country. The economy is good; airline ticket prices are affordable; airlines are serving more and more airports. Cleveland Hopkins International Airport, which is in my congressional district, is expected to experience an increase of 200 daily flights this summer. 200 more flights means that the residents and schools surrounding the airport will experience 200 times the aircraft noise. The current level of aircraft noise is already very disruptive to these people's lives, and an increase will cause them even more suffering.

I joined with Representative ANTHONY WEINER in supporting an amendment to restore NASA's Aircraft Noise Research program to last year's funding level by adding $11 million in FY 2000, $10 million in 2001 and $8.5 million in 2002. NASA has set a goal of reducing aircraft noise by one-half over the next ten years. Without full funding, this goal will not be attained. Great strides have already been made in making aircraft engines quieter and more efficient. By maintaining funding for the Noise Research program, we can ensure that the next phase of engines, State IV, will soon be able to provide relief to neighborhoods and schools surrounding airports.

Mr. NETHERCUTT. Mr. Chairman, I submit the following letters for the RECORD:

DEAR CONGRESSMAN NETHERCUTT: Without support for life science research, the investment in the Space Station won't pay off. Just as the National Institutes of Health long-term commitment to basic research has revolutionized medicine, NASA can do the same for maintaining people in space. As president-elect of the American Society for Gravitational and Space Biology, I encourage you to support the $32 million increase in the life science research budget (HR 1654). We strongly oppose any amendment to strike those funds.

Life science research at NASA benefits more than our space program. The problems seen during and after spaceflight—trouble with balance, muscle loss, bone loss, low blood pressure and radiation damage to cells—affect millions on the ground too. The basic research on how the body senses and adapts to gravity will pay off in the long run against problems like osteoporosis and balance disorders.

Recently, I flew in space on the Neurolab Space Shuttle mission (STS–90). This dedicated life sciences mission demonstrated the quality and importance of the science that NASA can do in space. The results from this mission's experiments on balance, sleep, blood pressure and nervous system development are changing how we understand the brain and nervous system.

NASA's and the United States' goal is to keep people in space for longer periods of time and we need to learn how to do it effectively. The key to this is a strong research program that (1) maintains an active ground-based research program with a 9–10/1 ground to flight experiment ratio, (2) supports new students and fellows (I personally started my career with a NASA-supported fellowship program), (3) increases the percentage of high-scoring scientific proposals that can be funded (the current level is quite low).

We appreciate the support life science research has received in the past and encourage you to vote to increase funding for research that will be the foundation for success on the International Space Station.

Sincerely,

JAY C. BUCKEY, JR., M.D.,
President-Elect, American Society for Gravitational and Space Biology.

JUVENILE DIABETES FOUNDATION INTERNATIONAL, THE DIABETES RESEARCH FOUNDATION,

May 19, 1999.

Hon. GEORGE R. NETHERCUTT, Jr.,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN NETHERCUTT: On behalf of the Juvenile Diabetes Foundation International (JDF), I wish to express our support for increased funding for NASA's Office of Life and Microgravity Science.

As you know, JDF enjoys a mutually beneficial relationship with NASA to conduct diabetes research. The JDF–NASA partnership has successfully led to research projects exploring diabetes-related eye disease, noninvasive blood glucose sensors, islet cell transplantation and other areas of research that may benefit people with diabetes. Your role as Co-Chairman of the Congressional Diabetes Caucus has continued to reinforce this essential partnership,

I applaud your championing of sound and scientific medical research policies. I hope that your work to increase funding for Life and Microgravity science research will speed the path to a cure for diabetes and its complications. I realize that funding decisions are difficult because many of the programs are meritorious and promising. However, the JDF and I are thankful that you have made finding cures for disease and saving lives your priority in Congress.

Sincerely,

LEAH MULLIN,
Chair, Government Relations Committee.

Mr. HOYER. Mr. Chairman, I rise today in opposition to H.R. 1654, the NASA Authorization Bill. Although the bill authorizes funding for NASA's priorities including the International Space Station, the Space Shuttle Program and the Hubble Space Telescope, I am concerned with the bill's provision barring funding for the Triana Satellite, a project directed by the Scripps Institution of Oceanography in La Jolla, California in conjunction with the Goddard Space Flight Center in Greenbelt, Maryland.

The Triana Mission, named for the sailor on Columbus' voyage who first spotted the New World, will provide not only a real-time view of the Earth for distribution on the internet, but will also include instruments to study solar influences on climate, ultraviolet radiation, space weather, the microphysical properties of clouds, and the measurement of vegetation canopies. $35 million is already being spent on this project in FY'99 and researchers and scientists at Goddard Space Flight Center are working hard on the design of the spacecraft and the ground system for the satellite as well as providing program integration and support.

I am disappointed that this important project has become mired in a partisan debate over the Vice President's involvement.

Despite the absence of the Triana program, the bill does support many worthwhile programs important to NASA and to the Goddard Space Flight Center. With continued funding of projects in the fields of earth and space science like funding for the Earth Orbiting System (EOS) and an additional $30 million in FY'00 for the Hubble Space Telescope servicing mission, the bill authorizes funding crucial to these programs' continued success.

The bill also authorizes funding to repair an aging infrastructure at Goddard. The $2.9 million for repair of the steam distribution network and $3.9 million for chilled water distribution are key construction projects for maintaining the Space Flight Center's status as one of NASA's premier facilities.

Despite the many beneficial projects in this authorization bill, I cannot support a bill that puts politics before programs intended to provide a better understanding of our last true frontier.

Mr. STEARNS. Mr. Chairman, in 1803, President Thomas Jefferson successfully gained approval from Congress for a truly visionary project. This project was to become one of America's greatest explorations. Congress appropriated funds for the small U.S. Army unit, led by Lewis and Clark, to explore the Missouri and Columbia rivers. From this exploration, we gained invaluable information for future settlement.

Exploration is as engrained into American heritage as freedom is. America is a nation that has been supportive of exploration from our earliest years. Congress is again challenged to appropriate funding for America's continued exploration. The return we receive from every dollar we invest in space exploration is an average of 9 dollars. Space exploration is an extraordinary investment.

For the last ten years, I have had the privilege of aiding in the continuation of American exploration. The Space Program is one of the most important areas of exploration that we can support. The benefits of the space program to improving human life are innumerable.

Two of the more important results to me personally are in the health field—pacemakers and laser eye surgery. Pacemakers have saved thousands of lives, including the life of one of my staff's father. The technology gained by electronics testing during space

flights is priceless. The innovations implemented after space testing has revolutionized life for thousands with pacemakers.

Another life improving benefit is laser eye surgery. Lasers being developed by NASA would aid in the early detection of eye disease and spot cataracts before they are severe enough to require surgery. Cataracts in Florida, especially among the elderly are a constant threat, but thanks to a NASA-developed laser light, opthamologists are beginning clinical trials on investigating the early formation, detection and treatment of cataracts.

These examples barely scratch the surface. I could continue listing benefits, but time will simply not allow it. The technology created from the space program will improve the lives of all Americans—in many ways—and will be the basis for profound technological advances for generations to come.

The space program deserves our continued support.

Mr. GOODLING. Mr. Chairman, I rise to address provisions added to H.R. 1654, which are in the jurisdiction of the Committee on Education and the Workforce, specifically Section 219, the ''100th Anniversary of Flight Educational Initiative.''

I wish to thank the Chairman of the Science Committee and the Chairman of the Subcommittee on Space and Aeronautics, Mr. ROHRABACHER, for working with me to modify this section. The provision, as originally adopted by the Committee on Science, would have called for federal curriculum development regarding a specific subject matter. As I have been an opponent of federal involvement in curriculum development and as Section 438 of the General Education Provisions Act currently prohibits such federal activity, I am pleased that these provisions have been modified to recognize the importance of educating our nation's children regarding the 100th Anniversary of Powered Flight, without the intrusion of oppressive federal authority. Again, I wish to thank the gentleman for working with me and the Committee on Education and the Workforce and I look forward to working with you in conference negotiations with the other body.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill is considered as an original bill for the purpose of amendment and is considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 1654

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 ''National Aeronautics and Space Administration Authorization Act of 1999''.

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Definitions.

TITLE I—AUTHORIZATION OF APPROPRIATIONS

Subtitle A—Authorizations

Sec. 101. International Space Station.
Sec. 102. Launch Vehicle and Payload Operations.
Sec. 103. Science, Aeronautics, and Technology.
Sec. 104. Mission Support.
Sec. 105. Inspector General.
Sec. 106. Total authorization.
Sec. 107. Aviation systems capacity.

Subtitle B—Limitations and Special Authority

Sec. 121. Use of funds for construction.
Sec. 122. Availability of appropriated amounts.
Sec. 123. Reprogramming for construction of facilities.
Sec. 124. Limitation on obligation of unauthorized appropriations.
Sec. 125. Use of funds for scientific consultations or extraordinary expenses.
Sec. 126. Earth science limitation.
Sec. 127. Competitiveness and international cooperation.
Sec. 128. Trans-hab.
Sec. 129. Consolidated Space Operations Contract.
Sec. 130. Triana funding prohibition.

TITLE II—MISCELLANEOUS PROVISIONS

Sec. 201. Requirement for independent cost analysis.
Sec. 202. National Aeronautics and Space Act of 1958 amendments.
Sec. 203. Commercial space goods and services.
Sec. 204. Cost effectiveness calculations.
Sec. 205. Foreign contract limitation.
Sec. 206. Authority to reduce or suspend contract payments based on substantial evidence of fraud.
Sec. 207. Space Shuttle upgrade study.
Sec. 208. Aero-space transportation technology integration.
Sec. 209. Definitions of commercial space policy terms.
Sec. 210. External tank opportunities study.
Sec. 211. Eligibility for awards.
Sec. 212. Notice.
Sec. 213. Unitary Wind Tunnel Plan Act of 1949 amendments.
Sec. 214. Innovative technologies for human space flight.
Sec. 215. Life in the universe.
Sec. 216. Research on International Space Station.
Sec. 217. Remote sensing for agricultural and resource management.
Sec. 218. Integrated safety research plan.
Sec. 219. 100th anniversary of flight educational initiative.
Sec. 220. Internet availability of information.

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) The National Aeronautics and Space Administration should continue to pursue actions and reforms directed at reducing institutional costs, including management restructuring, facility consolidation, procurement reform, and convergence with defense and commercial sector systems.

(2) The National Aeronautics and Space Administration must continue on its current course of returning to its proud history as the Nation's leader in basic scientific, air, and space research.

(3) The overwhelming preponderance of the Federal Government's requirements for routine, unmanned space transportation can be met most effectively, efficiently, and economically by a free and competitive market in privately developed and operated space transportation services.

(4) In formulating a national space transportation service policy, the National Aeronautics and Space Administration should aggressively promote the pursuit by commercial providers of development of advanced space transportation technologies including reusable space vehicles, and human space systems.

(5) The Federal Government should invest in the types of research and innovative technology in which United States commercial providers do not invest, while avoiding competition with the activities in which United States commercial providers do invest.

(6) International cooperation in space exploration and science activities serves the United States national interest—

(A) when it—

(i) reduces the cost of undertaking missions the United States Government would pursue unilaterally;

(ii) enables the United States to pursue missions that it could not otherwise afford to pursue unilaterally; or

(iii) enhances United States capabilities to use and develop space for the benefit of United States citizens; and

(B) when it—

(i) is undertaken in a manner that is sensitive to the desire of United States commercial providers to develop or explore space commercially;

(ii) is consistent with the need for Federal agencies to use space to complete their missions; and

(iii) is carried out in a manner consistent with United States export control laws.

(7) The National Aeronautics and Space Administration and the Department of Defense can cooperate more effectively in leveraging their mutual capabilities to conduct joint space missions that improve United States space capabilities and reduce the cost of conducting space missions.

(8) The Deep Space Network will continue to be a critically important part of the Nation's scientific and exploration infrastructure in the coming decades, and the National Aeronautics and Space Administration should ensure that the Network is adequately maintained and that upgrades required to support future missions are undertaken in a timely manner.

(9) The Hubble Space Telescope has proven to be an important national astronomical research facility that is revolutionizing our understanding of the universe and should be kept productive, and its capabilities should be maintained and enhanced as appropriate to serve as a scientific bridge to the next generation of space-based observatories.

SEC. 3. DEFINITIONS.

For purposes of this Act—

(1) the term ''Administrator'' means the Administrator of the National Aeronautics and Space Administration;

(2) the term ''commercial provider'' means any person providing space transportation services or other space-related activities, primary control of which is held by persons other than Federal, State, local, and foreign governments;

(3) the term ''institution of higher education'' has the meaning given such term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a));

(4) the term ''State'' means each of the several States of the Union, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other commonwealth, territory, or possession of the United States; and

(5) the term ''United States commercial provider'' means a commercial provider, organized under the laws of the United States or of a State, which is—

(A) more than 50 percent owned by United States nationals; or

(B) a subsidiary of a foreign company and the Secretary of Commerce finds that—

(i) such subsidiary has in the past evidenced a substantial commitment to the United States market through—

(I) investments in the United States in long-term research, development, and manufacturing (including the manufacture of major components and subassemblies); and

(II) significant contributions to employment in the United States; and

(ii) the country or countries in which such foreign company is incorporated or organized, and, if appropriate, in which it principally conducts its business, affords reciprocal treatment to companies described in subparagraph (A) comparable to that afforded to such foreign company's subsidiary in the United States, as evidenced by—

(I) providing comparable opportunities for companies described in subparagraph (A) to participate in Government sponsored research and development similar to that authorized under this Act;

(II) providing no barriers to companies described in subparagraph (A) with respect to local investment opportunities that are not provided to foreign companies in the United States; and

(III) providing adequate and effective protection for the intellectual property rights of companies described in subparagraph (A).

TITLE I—AUTHORIZATION OF APPROPRIATIONS

Subtitle A—Authorizations

SEC. 101. INTERNATIONAL SPACE STATION.

There are authorized to be appropriated to the National Aeronautics and Space Administration for International Space Station—

(1) for fiscal year 2000, $2,482,700,000, of which $394,400,000, notwithstanding section 121(a)—

(A) shall only be for Space Station research or for the purposes described in section 103(2); and

(B) shall be administered by the Office of Life and Microgravity Sciences and Applications;

(2) for fiscal year 2001, $2,328,000,000, of which $465,400,000, notwithstanding section 121(a)—

(A) shall only be for Space Station research or for the purposes described in section 103(2); and

(B) shall be administered by the Office of Life and Microgravity Sciences and Applications; and

(3) for fiscal year 2002, $2,091,000,000, of which $469,200,000, notwithstanding section 121(a)—

(A) shall only be for Space Station research or for the purposes described in section 103(2); and

(B) shall be administered by the Office of Life and Microgravity Sciences and Applications.

SEC. 102. LAUNCH VEHICLE AND PAYLOAD OPERATIONS.

There are authorized to be appropriated to the National Aeronautics and Space Administration for Launch Vehicle and Payload Operations the following amounts:

(1) For Space Shuttle Operations—

(A) for fiscal year 2000, $2,547,400,000;

(B) for fiscal year 2001, $2,649,900,000; and

(C) for fiscal year 2002, $2,629,000,000.

(2) For Space Shuttle Safety and Performance Upgrades—

(A) for fiscal year 2000, $456,800,000, of which $18,000,000 shall not be obligated until 45 days after the report required by section 207 has been submitted to the Congress;

(B) for fiscal year 2001, $407,200,000; and

(C) for fiscal year 2002, $414,000,000.

(3) For Payload and Utilization Operations—

(A) for fiscal year 2000, $169,100,000;

(B) for fiscal year 2001, $182,900,000; and

(C) for fiscal year 2002, $184,500,000.

SEC. 103. SCIENCE, AERONAUTICS, AND TECHNOLOGY.

There are authorized to be appropriated to the National Aeronautics and Space Administration for Science, Aeronautics, and Technology the following amounts:

(1) For Space Science—

(A) for fiscal year 2000, $2,202,400,000, of which—

(i) $10,500,000 shall be for the Near Earth Object Survey;

(ii) $472,000,000 shall be for the Research Program;

(iii) $12,000,000 shall be for Space Solar Power technology; and

(iv) $170,400,000 shall be for Hubble Space Telescope (Development);

(B) for fiscal year 2001, $2,315,200,000, of which—

(i) $10,500,000 shall be for the Near Earth Object Survey;

(ii) $475,800,000 shall be for the Research Program; and

(iii) $12,000,000 shall be for Space Solar Power technology; and

(C) for fiscal year 2002, $2,411,800,000, of which—

(i) $10,500,000 shall be for the Near Earth Object Survey;

(ii) $511,100,000 shall be for the Research Program;

(iii) $12,000,000 shall be for Space Solar Power technology; and

(iv) $5,000,000 shall be for space science data buy.

(2) For Life and Microgravity Sciences and Applications—

(A) for fiscal year 2000, $333,600,000, of which $2,000,000 shall be for research and early detection systems for breast and ovarian cancer and other women's health issues, and $5,000,000 shall be for sounding rocket vouchers;

(B) for fiscal year 2001, $335,200,000, of which $2,000,000 shall be for research and early detection systems for breast and ovarian cancer and other women's health issues; and

(C) for fiscal year 2002, $344,000,000, of which $2,000,000 shall be for research and early detection systems for breast and ovarian cancer and other women's health issues.

(3) For Earth Science, subject to the limitations set forth in sections 126 and 130—

(A) for fiscal year 2000, $1,382,500,000;

(B) for fiscal year 2001, $1,413,300,000; and

(C) for fiscal year 2002, $1,365,300,000.

(4) For Aero-Space Technology—

(A) for fiscal year 2000, $999,300,000, of which—

(i) $532,800,000 shall be for Aeronautical Research and Technology, with no funds to be used for the Ultra-Efficient Engine, and with $412,800,000 to be for the Research and Technology Base;

(ii) $334,000,000 shall be for Advanced Space Transportation Technology, including—

(I) $61,300,000 for the Future-X Demonstration Program; and

(II) $105,600,000 for Advanced Space Transportation Program; and

(iii) $132,500,000 shall be for Commercial Technology;

(B) for fiscal year 2001, $908,400,000, of which—

(i) $524,000,000 shall be for Aeronautical Research and Technology, with no funds to be used for the Ultra-Efficient Engine, and with $399,800,000 to be for the Research and Technology Base, and with $54,200,000 to be for Aviation System Capacity;

(ii) $249,400,000 shall be for Advanced Space Transportation Technology, including—

(I) $109,000,000 for the Future-X Demonstration Program; and

(II) $134,400,000 for Advanced Space Transportation Program; and

(iii) $135,000,000 shall be for Commercial Technology; and

(C) for fiscal year 2002, $994,800,000, of which—

(i) $519,200,000 shall be for Aeronautical Research and Technology, with no funds to be used for the Ultra-Efficient Engine, and with $381,600,000 to be for the Research and Technology Base, and with $67,600,000 to be for Aviation System Capacity;

(ii) $340,000,000 shall be for Advanced Space Transportation Technology; and

(iii) $135,600,000 shall be for Commercial Technology.

(5) For Mission Communication Services—

(A) for fiscal year 2000, $406,300,000;

(B) for fiscal year 2001, $382,100,000; and

(C) for fiscal year 2002, $296,600,000.

(6) For Academic Programs—

(A) for fiscal year 2000, $128,600,000, of which $11,600,000 shall be for Higher Education within the Teacher/Faculty Preparation and Enhancement Programs, of which $20,000,000 shall be for the National Space Grant College and Fellowship Program, and of which $62,100,000 shall be for minority university research and education, including $33,600,000 for Historically Black Colleges and Universities;

(B) for fiscal year 2001, $128,600,000, of which $62,100,000 shall be for minority university research and education, including $33,600,000 for Historically Black Colleges and Universities; and

(C) for fiscal year 2002, $130,600,000, of which $62,800,000 shall be for minority university research and education, including $34,000,000 for Historically Black Colleges and Universities.

(7) For Future Planning (Space Launch)—

(A) for fiscal year 2001, $144,000,000; and

(B) for fiscal year 2002, $280,000,000.

SEC. 104. MISSION SUPPORT.

There are authorized to be appropriated to the National Aeronautics and Space Administration for Mission Support the following amounts:

(1) For Safety, Reliability, and Quality Assurance—

(A) for fiscal year 2000, $43,000,000;

(B) for fiscal year 2001, $45,000,000; and

(C) for fiscal year 2002, $49,000,000.

(2) For Space Communication Services—

(A) for fiscal year 2000, $89,700,000;

(B) for fiscal year 2001, $109,300,000; and

(C) for fiscal year 2002, $174,200,000.

(3) For Construction of Facilities, including land acquisition—

(A) for fiscal year 2000, $181,000,000, including—

(i) Restore Electrical Distribution System (ARC), $2,700,000;

(ii) Rehabilitate Main Hangar Building 4802 (Dryden Flight Research Center (DFRC)), $2,900,000;

(iii) Rehabilitate High Voltage System (Glenn Research Center), $7,600,000;

(iv) Repair Site Steam Distribution System (GSFC), $2,900,000;

(v) Restore Chilled Water Distribution System (GSFC), $3,900,000;

(vi) Rehabilitate Hydrostatic Bearing Runner, 70 meter Antenna, Goldstone (JPL), $1,700,000;

(vii) Upgrade 70 meter Antenna Servo Drive, 70 meter Antenna Subnet (JPL), $3,400,000;

(viii) Rehabilitate Utility Tunnel Structure and Systems (Johnson Space Center (JSC)), $5,600,000;

(ix) Connect KSC to CCAS Wastewater Treatment Plant (KSC), $2,500,000;

(x) Repair and Modernize HVAC System, Central Instrument Facility (KSC), $3,000,000;

(xi) Replace High Voltage Load Break Switches (KSC), $2,700,000;

(xii) Repair and Modernize HVAC and Electrical systems, Building 4201 (Marshall Space Flight Center (MSFC)), $2,300,000;

(xiii) Repair Roofs, Vehicle Component Supply buildings (MAF), $2,000,000;

(xiv) Minor Revitalization of Facilities at Various Locations, not in excess of $1,500,000 per project, $65,500,000;

(xv) Minor Construction of New Facilities and Additions to Existing Facilities at Various Locations, not in excess of $1,500,000 per project, $5,000,000;

(xvi) Facility Planning and Design, $19,200,000;

(xvii) Deferred Major Maintenance, $8,000,000;

(xviii) Environmental Compliance and Restoration, $40,100,000;

(B) for fiscal year 2001, $181,000,000; and

(C) for fiscal year 2002, $191,000,000.

(4) For Research and Program Management, including personnel and related costs, travel, and research operations support—

(A) for fiscal year 2000, $2,181,200,000;

(B) for fiscal year 2001, $2,195,000,000; and

(C) for fiscal year 2002, $2,261,600,000.

SEC. 105. INSPECTOR GENERAL.

There are authorized to be appropriated to the National Aeronautics and Space Administration for Inspector General—

(1) for fiscal year 2000, $22,000,000;

(2) for fiscal year 2001, $22,000,000; and

(3) for fiscal year 2002, $22,000,000.

SEC. 106. TOTAL AUTHORIZATION.

Notwithstanding any other provision of this title, the total amount authorized to be appropriated to the National Aeronautics and Space

Administration under this Act shall not exceed—

(1) for fiscal year 2000, $13,625,600,000;

(2) for fiscal year 2001, $13,747,100,000; and

(3) for fiscal year 2002, $13,839,400,000.

SEC. 107. AVIATION SYSTEMS CAPACITY.

In addition to amounts otherwise authorized, there are authorized to be appropriated to the Administrator of the Federal Aviation Administration $5,000,000 for fiscal year 2001 for aviation systems capacity.

Subtitle B—Limitations and Special Authority

SEC. 121. USE OF FUNDS FOR CONSTRUCTION.

(a) AUTHORIZED USES.—Funds appropriated under sections 101, 102, 103, and 104(1) and (2), and funds appropriated for research operations support under section 104(4), may be used for the construction of new facilities and additions to, repair of, rehabilitation of, or modification of existing facilities at any location in support of the purposes for which such funds are authorized.

(b) LIMITATION.—No funds may be expended pursuant to subsection (a) for a project, the estimated cost of which to the National Aeronautics and Space Administration, including collateral equipment, exceeds $1,000,000, until 30 days have passed after the Administrator has notified the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate of the nature, location, and estimated cost to the National Aeronautics and Space Administration of such project.

(c) TITLE TO FACILITIES.—If funds are used pursuant to subsection (a) for grants to institutions of higher education, or to nonprofit organizations whose primary purpose is the conduct of scientific research, for purchase or construction of additional research facilities, title to such facilities shall be vested in the United States unless the Administrator determines that the national program of aeronautical and space activities will best be served by vesting title in the grantee institution or organization. Each such grant shall be made under such conditions as the Administrator shall determine to be required to ensure that the United States will receive therefrom benefits adequate to justify the making of that grant.

SEC. 122. AVAILABILITY OF APPROPRIATED AMOUNTS.

To the extent provided in appropriations Acts, appropriations authorized under subtitle A may remain available without fiscal year limitation.

SEC. 123. REPROGRAMMING FOR CONSTRUCTION OF FACILITIES.

(a) IN GENERAL.—Appropriations authorized for construction of facilities under section 104(3)—

(1) may be varied upward by 10 percent in the discretion of the Administrator; or

(2) may be varied upward by 25 percent, to meet unusual cost variations, after the expiration of 15 days following a report on the circumstances of such action by the Administrator to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

The aggregate amount authorized to be appropriated for construction of facilities under section 104(3) shall not be increased as a result of actions authorized under paragraphs (1) and (2) of this subsection.

(b) SPECIAL RULE.—Where the Administrator determines that new developments in the national program of aeronautical and space activities have occurred; and that such developments require the use of additional funds for the purposes of construction, expansion, or modification of facilities at any location; and that deferral of such action until the enactment of the next National Aeronautics and Space Administration authorization Act would be inconsistent with the interest of the Nation in aeronautical and space activities, the Administrator may use up to $10,000,000 of the amounts authorized under section 104(3) for each fiscal year for such purposes. No such funds may be obligated until a period of 30 days has passed after the Administrator has transmitted to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives a written report describing the nature of the construction, its costs, and the reasons therefor.

SEC. 124. LIMITATION ON OBLIGATION OF UNAUTHORIZED APPROPRIATIONS.

(a) REPORTS TO CONGRESS.—

(1) REQUIREMENT.—Not later than—

(A) 30 days after the later of the date of the enactment of an Act making appropriations to the National Aeronautics and Space Administration for fiscal year 2000 and the date of the enactment of this Act; and

(B) 30 days after the date of the enactment of an Act making appropriations to the National Aeronautics and Space Administration for fiscal year 2001 or 2002,

the Administrator shall submit a report to Congress and to the Comptroller General.

(2) CONTENTS.—The reports required by paragraph (1) shall specify—

(A) the portion of such appropriations which are for programs, projects, or activities not authorized under subtitle A of this title, or which are in excess of amounts authorized for the relevant program, project, or activity under this Act; and

(B) the portion of such appropriations which are authorized under this Act.

(b) FEDERAL REGISTER NOTICE.—The Administrator shall, coincident with the submission of each report required by subsection (a), publish in the Federal Register a notice of all programs, projects, or activities for which funds are appropriated but which were not authorized under this Act, and solicit public comment thereon regarding the impact of such programs, projects, or activities on the conduct and effectiveness of the national aeronautics and space program.

(c) LIMITATION.—Notwithstanding any other provision of law, no funds may be obligated for any programs, projects, or activities of the National Aeronautics and Space Administration for fiscal year 2000, 2001, or 2002 not authorized under this Act until 30 days have passed after the close of the public comment period contained in a notice required by subsection (b).

SEC. 125. USE OF FUNDS FOR SCIENTIFIC CONSULTATIONS OR EXTRAORDINARY EXPENSES.

Not more than $30,000 of the funds appropriated under section 103 may be used for scientific consultations or extraordinary expenses, upon the authority of the Administrator.

SEC. 126. EARTH SCIENCE LIMITATION.

Of the funds authorized to be appropriated for Earth Science under section 103(3) for each of fiscal years 2001 and 2002, $50,000,000 shall be for the Commercial Remote Sensing Program at Stennis Space Center for commercial data purchases, unless the National Aeronautics and Space Administration has integrated data purchases into the procurement process for Earth science research by obligating at least 5 percent of the aggregate amount appropriated for that fiscal year for Earth Observing System and Earth Probes for the purchase of Earth science data from the private sector.

SEC. 127. COMPETITIVENESS AND INTERNATIONAL COOPERATION.

(a) LIMITATION.—As part of the evaluation of the costs and benefits of entering into an obligation to conduct a space mission in which a foreign entity will participate as a supplier of the spacecraft, spacecraft system, or launch system, the Administrator shall solicit comment on the potential impact of such participation through notice published in Commerce Business Daily at least 45 days before entering into such an obligation.

(b) NATIONAL INTERESTS.—Before entering into an obligation described in subsection (a), the Administrator shall consider the national interests of the United States described in section 2(6).

SEC. 128. TRANS-HAB.

(a) REPLACEMENT STRUCTURE.—No funds authorized by this Act shall be obligated for the definition, design, or development of an inflatable space structure to replace any International Space Station components scheduled for launch in the Assembly Sequence released by the National Aeronautics and Space Administration on February 22, 1999.

(b) GENERAL LIMITATION.—No funds authorized by this Act for fiscal year 2000 shall be obligated for the definition, design, or development of an inflatable space structure capable of accommodating humans in space.

SEC. 129. CONSOLIDATED SPACE OPERATIONS CONTRACT.

No funds authorized by this Act shall be used to create a Government-owned corporation to perform the functions that are the subject of the Consolidated Space Operations Contract.

SEC. 130. TRIANA FUNDING PROHIBITION.

None of the funds authorized by this Act may be used for the Triana program, except that $2,500,000 of the amount authorized under section 103(3)(A) for fiscal year 2000 shall be available for termination costs.

TITLE II—MISCELLANEOUS PROVISIONS

SEC. 201. REQUIREMENT FOR INDEPENDENT COST ANALYSIS.

Before any funds may be obligated for Phase B of a project that is projected to cost more than $100,000,000 in total project costs, the Chief Financial Officer for the National Aeronautics and Space Administration shall conduct an independent cost analysis of such project and shall report the results to Congress. In developing cost accounting and reporting standards for carrying out this section, the Chief Financial Officer shall, to the extent practicable and consistent with other laws, solicit the advice of expertise outside of the National Aeronautics and Space Administration.

SEC. 202. NATIONAL AERONAUTICS AND SPACE ACT OF 1958 AMENDMENTS.

(a) DECLARATION OF POLICY AND PURPOSE.—Section 102 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2451) is amended—

(1) by striking subsection (f) and redesignating subsections (g) and (h) as subsections (f) and (g), respectively; and

(2) in subsection (g), as so redesignated by paragraph (1) of this subsection, by striking ''(f), and (g)'' and inserting in lieu thereof ''and (f)''.

(b) REPORTS TO THE CONGRESS.—Section 206(a) of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2476(a)) is amended—

(1) by striking ''January'' and inserting in lieu thereof ''May''; and

(2) by striking ''calendar'' and inserting in lieu thereof ''fiscal''.

SEC. 203. COMMERCIAL SPACE GOODS AND SERVICES.

The National Aeronautics and Space Administration shall purchase commercially available space goods and services to the fullest extent feasible, and shall not conduct activities that preclude or deter commercial space activities except for reasons of national security or public safety. A space good or service shall be deemed commercially available if it is offered by a United States commercial provider, or if it could be supplied by a United States commercial provider in response to a Government procurement request. For purposes of this section, a purchase is feasible if it meets mission requirements in a cost-effective manner.

SEC. 204. COST EFFECTIVENESS CALCULATIONS.

In calculating the cost effectiveness of the cost of the National Aeronautics and Space Administration engaging in an activity as compared to

a commercial provider, the Administrator shall compare the cost of the National Aeronautics and Space Administration engaging in the activity using full cost accounting principles with the price the commercial provider will charge for such activity.

SEC. 205. FOREIGN CONTRACT LIMITATION.

The National Aeronautics and Space Administration shall not enter into any agreement or contract with a foreign government that grants the foreign government the right to recover profit in the event that the agreement or contract is terminated.

SEC. 206. AUTHORITY TO REDUCE OR SUSPEND CONTRACT PAYMENTS BASED ON SUBSTANTIAL EVIDENCE OF FRAUD.

Section 2307(i)(8) of title 10, United States Code, is amended by striking ''and (4)'' and inserting in lieu thereof ''(4), and (6)''.

SEC. 207. SPACE SHUTTLE UPGRADE STUDY.

(a) STUDY.—The Administrator shall enter into appropriate arrangements for the conduct of an independent study to reassess the priority of all Phase III and Phase IV Space Shuttle upgrades.

(b) PRIORITIES.—The study described in subsection (a) shall establish relative priorities of the upgrades within each of the following categories:

(1) Upgrades that are safety related.

(2) Upgrades that may have functional or technological applicability to reusable launch vehicles.

(3) Upgrades that have a payback period within the next 12 years.

(c) COMPLETION DATE.—The results of the study described in subsection (a) shall be transmitted to the Congress not later than 180 days after the date of the enactment of this Act.

SEC. 208. AERO-SPACE TRANSPORTATION TECHNOLOGY INTEGRATION.

(a) INTEGRATION PLAN.—The Administrator shall develop a plan for the integration of research, development, and experimental demonstration activities in the aeronautics transportation technology and space transportation technology areas. The plan shall ensure that integration is accomplished without losing unique capabilities which support the National Aeronautics and Space Administration's defined missions. The plan shall also include appropriate strategies for using aeronautics centers in integration efforts.

(b) REPORTS TO CONGRESS.—Not later than 90 days after the date of the enactment of this Act, the Administrator shall transmit to the Congress a report containing the plan developed under subsection (a). The Administrator shall transmit to the Congress annually thereafter for 5 years a report on progress in achieving such plan, to be transmitted with the annual budget request.

SEC. 209. DEFINITIONS OF COMMERCIAL SPACE POLICY TERMS.

The Administrator shall ensure that the usage of terminology in National Aeronautics and Space Administration policies and programs is consistent with the following definitions:

(1) The term ''commercialization'' means the process of private entities conducting privatized space activities to expand their customer base beyond the Federal Government to address existing or potential commercial markets, investing private resources to meet those commercial market requirements.

(2) The term ''commercial purchase'' means a purchase by the Federal Government of space goods and services at a market price from a private entity which has invested private resources to meet commercial requirements.

(3) The term ''commercial use of Federal assets'' means the use by a service contractor or other private entity of the capability of Federal assets to deliver services to commercial customers, with or without putting private capital at risk.

(4) The term ''contract consolidation'' means the combining of two or more Government service contracts for related space activities into one larger Government service contract.

(5) The term ''privatization'' means the process of transferring—

(A) control and ownership of Federal space-related assets, along with the responsibility for operating, maintaining, and upgrading those assets; or

(B) control and responsibility for space-related functions,

from the Federal Government to the private sector.

SEC. 210. EXTERNAL TANK OPPORTUNITIES STUDY.

(a) APPLICATIONS.—the Administrator shall enter into appropriate arrangements for an independent study to identify, and evaluate the potential benefits and costs of, the broadest possible range of commercial and scientific applications which are enabled by the launch of Space Shuttle external tanks into Earth orbit and retention in space, including—

(1) the use of privately owned external tanks as a venue for commercial advertising on the ground, during ascent, and in Earth orbit, except that such study shall not consider advertising that while in orbit is observable from the ground with the unaided human eye;

(2) the use of external tanks to achieve scientific or technology demonstration missions in Earth orbit, on the Moon, or elsewhere in space; and

(3) the use of external tanks as low-cost infrastructure in Earth orbit or on the Moon, including as an augmentation to the International Space Station.

A final report on the results of such study shall be delivered to the Congress not later than 90 days after the date of enactment of this Act. Such report shall include recommendations as to Government and industry-funded improvements to the external tank which would maximize its cost-effectiveness for the scientific and commercial applications identified.

(b) REQUIRED IMPROVEMENTS.—The Administrator shall conduct an internal agency study, based on the conclusions of the study required by subsection (a), of what—

(1) improvements to the current Space Shuttle external tank; and

(2) other in-space transportation or infrastructure capability developments,

would be required for the safe and economical use of the Space Shuttle external tank for any or all of the applications identified by the study required by subsection (a), a report on which shall be delivered to Congress not later than 45 days after receipt of the final report required by subsection (a).

(c) CHANGES IN LAW OR POLICY.—Upon receipt of the final report required by subsection (a), the Administrator shall solicit comment from industry on what, if any, changes in law or policy would be required to achieve the applications identified in that final report. Not later than 90 days after receipt of such final report, the Administrator shall transmit to the Congress the comments received along with the recommendations of the Administrator as to changes in law or policy that may be required for those purposes.

SEC. 211. ELIGIBILITY FOR AWARDS.

(a) IN GENERAL.—The Administrator shall exclude from consideration for grant agreements made by the National Aeronautics and Space Administration after fiscal year 1999 any person who received funds, other than those described in subsection (b), appropriated for a fiscal year after fiscal year 1999, under a grant agreement from any Federal funding source for a project that was not subjected to a competitive, merit-based award process, except as specifically authorized by this Act. Any exclusion from consideration pursuant to this section shall be effective for a period of 5 years after the person receives such Federal funds.

(b) EXCEPTION.—Subsection (a) shall not apply to the receipt of Federal funds by a person due to the membership of that person in a class specified by law for which assistance is awarded to members of the class according to a formula provided by law.

(c) DEFINITION.—For purposes of this section, the term ''grant agreement'' means a legal instrument whose principal purpose is to transfer a thing of value to the recipient to carry out a public purpose of support or stimulation authorized by a law of the United States, and does not include the acquisition (by purchase, lease, or barter) of property or services for the direct benefit or use of the United States Government. Such term does not include a cooperative agreement (as such term is used in section 6305 of title 31, United States Code) or a cooperative research and development agreement (as such term is defined in section 12(d)(1) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d)(1))).

SEC. 212. NOTICE.

(a) NOTICE OF REPROGRAMMING.—If any funds authorized by this Act are subject to a reprogramming action that requires notice to be provided to the Appropriations Committees of the House of Representatives and the Senate, notice of such action shall concurrently be provided to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(b) NOTICE OF REORGANIZATION.—The Administrator shall provide notice to the Committees on Science and Appropriations of the House of Representatives, and the Committees on Commerce, Science, and Transportation and Appropriations of the Senate, not later than 15 days before any major reorganization of any program, project, or activity of the National Aeronautics and Space Administration.

SEC. 213. UNITARY WIND TUNNEL PLAN ACT OF 1949 AMENDMENTS.

The Unitary Wind Tunnel Plan Act of 1949 is amended—

(1) in section 101 (50 U.S.C. 511) by striking ''transsonic and supersonic'' and inserting in lieu thereof ''transsonic, supersonic, and hypersonic''; and

(2) in section 103 (50 U.S.C. 513)—

(A) by striking ''laboratories'' in subsection (a) and inserting in lieu thereof ''laboratories and centers'';

(B) by striking ''supersonic'' in subsection (a) and inserting in lieu thereof ''transsonic, supersonic, and hypersonic''; and

(C) by striking ''laboratory'' in subsection (c) and inserting in lieu thereof ''facility''.

SEC. 214. INNOVATIVE TECHNOLOGIES FOR HUMAN SPACE FLIGHT.

(a) ESTABLISHMENT OF PROGRAM.—In order to promote a ''faster, cheaper, better'' approach to the human exploration and development of space, the Administrator shall establish a Human Space Flight Commercialization/Technology program of ground-based and space-based research and development in innovative technologies.

(b) AWARDS.—At least 75 percent of the amount appropriated for the program established under subsection (a) for any fiscal year shall be awarded through broadly distributed announcements of opportunity that solicit proposals from educational institutions, industry, nonprofit institutions, National Aeronautics and Space Administration Centers, the Jet Propulsion Laboratory, other Federal agencies, and other interested organizations, and that allow partnerships among any combination of those entities, with evaluation, prioritization, and recommendations made by external peer review panels.

(c) PLAN.—The Administrator shall include as part of the National Aeronautics and Space Administration's budget request to the Congress for fiscal year 2001 a plan for the implementation of the program established under subsection (a).

SEC. 215. LIFE IN THE UNIVERSE.

(a) REVIEW.—The Administrator shall enter into appropriate arrangements with the National Academy of Sciences for the conduct of a review of—

(1) international efforts to determine the extent of life in the universe; and

(2) enhancements that can be made to the National Aeronautics and Space Administration's efforts to determine the extent of life in the universe.

(b) ELEMENTS.—The review required by subsection (a) shall include—

(1) an assessment of the direction of the National Aeronautics and Space Administration's astrobiology initiatives within the Origins program;

(2) an assessment of the direction of other initiatives carried out by entities other than the National Aeronautics and Space Administration to determine the extent of life in the universe, including other Federal agencies, foreign space agencies, and private groups such as the Search for Extraterrestrial Intelligence Institute;

(3) recommendations about scientific and technological enhancements that could be made to the National Aeronautics and Space Administration's astrobiology initiatives to effectively utilize the initiatives of the scientific and technical communities; and

(4) recommendations for possible coordination or integration of National Aeronautics and Space Administration initiatives with initiatives of other entities described in paragraph (2).

(c) REPORT TO CONGRESS.—Not later than 18 months after the date of the enactment of this Act, the Administrator shall transmit to the Congress a report on the results of the review carried out under this section.

SEC. 216. RESEARCH ON INTERNATIONAL SPACE STATION.

(a) STUDY.—The Administrator shall enter into a contract with the National Research Council and the National Academy of Public Administration to jointly conduct a study of the status of life and microgravity research as it relates to the International Space Station. The study shall include—

(1) an assessment of the United States scientific community's readiness to use the International Space Station for life and microgravity research;

(2) an assessment of the current and projected factors limiting the United States scientific community's ability to maximize the research potential of the International Space Station, including, but not limited to, the past and present availability of resources in the life and microgravity research accounts within the Office of Human Spaceflight and the Office of Life and Microgravity Sciences and Applications, and the past, present, and projected access to space of the scientific community; and

(3) recommendations for improving the United States scientific community's ability to maximize the research potential of the International Space Station, including an assessment of the relative costs and benefits of—

(A) dedicating an annual mission of the Space Shuttle to life and microgravity research during assembly of the International Space Station; and

(B) maintaining the schedule for assembly in place at the time of enactment.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Administrator shall transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study conducted under this section.

SEC. 217. REMOTE SENSING FOR AGRICULTURAL AND RESOURCE MANAGEMENT.

The Administrator shall—

(1) consult with the Secretary of Agriculture to determine data product types that are of use to farmers which can be remotely sensed from air or space;

(2) consider useful commercial data products related to agriculture as identified by the focused research program between the National Aeronautics and Space Administration's Stennis Space Center and the Department of Agriculture; and

(3) examine other data sources, including commercial sources, LightSAR, RADARSAT I, and RADARSAT II, which can provide domestic and international agricultural information relating to crop conditions, fertilization and irrigation needs, pest infiltration, soil conditions, projected food, feed, and fiber production, and other related subjects.

SEC. 218. INTEGRATED SAFETY RESEARCH PLAN.

(a) REQUIREMENT.—Not later than March 1, 2000, the Administrator and the Administrator of the Federal Aviation Administration shall jointly prepare and transmit to the Congress an integrated civil aviation safety research and development plan.

(b) CONTENTS.—The plan required by subsection (a) shall include—

(1) an identification of the respective research and development requirements, roles, and responsibilities of the National Aeronautics and Space Administration and the Federal Aviation Administration;

(2) formal mechanisms for the timely sharing of information between the National Aeronautics and Space Administration and the Federal Aviation Administration, including a requirement that the FAA-NASA Coordinating Committee established in 1980 meet at least twice a year; and

(3) procedures for increased communication and coordination between the Federal Aviation Administration research advisory committee established under section 44508 of title 49, United States Code, and the NASA Aeronautics and Space Transportation Technology Advisory Committee, including a proposal for greater cross-membership between those 2 advisory committees.

SEC. 219. 100TH ANNIVERSARY OF FLIGHT EDUCATIONAL INITIATIVE.

(a) EDUCATION CURRICULUM.—In recognition of the 100th anniversary of the first powered flight, the Administrator, in coordination with the Secretary of Education, shall develop and provide for the distribution, for use in the 2000–2001 academic year and thereafter, of an age-appropriate educational curriculum, for use at the kindergarten, elementary, and secondary levels, on the history of flight, the contribution of flight to global development in the 20th century, the practical benefits of aeronautics and space flight to society, the scientific and mathematical principles used in flight, and any other topics the Administrator considers appropriate. The Administrator shall integrate into the educational curriculum plans for the development and flight of the Mars plane.

(b) REPORT TO CONGRESS.—Not later than May 1, 2000, the Administrator shall transmit a report to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on activities undertaken pursuant to this section.

SEC. 220. INTERNET AVAILABILITY OF INFORMATION.

The Administrator shall make available through the Internet home page of the National Aeronautics and Space Administration the abstracts relating to all research grants and awards made with funds authorized by this Act. Nothing in this section shall be construed to require or permit the release of any information prohibited by law or regulation from being released to the public.

The CHAIRMAN. During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

Are there any amendments to the bill?

AMENDMENT NO. 6 OFFERED BY MR. ROHRABACHER

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. ROHRABACHER:

In section 103(2)—

(1) in subparagraph (A), insert ", and of which $77,400,000 may be used for activities associated with International Space Station research" after "rocket vouchers";

(2) in subparagraph (B), insert ", and of which $70,000,000 may be used for activities associated with International Space Station research" after "health issues"; and

(3) in subparagraph (C), insert ", and of which $80,800,000 may be used for activities associated with International Space Station research" after "health issues".

In section 103(4)(A)(i), insert "focused program" after "Ultra-Efficient Engine".

In section 103(4)(A)(ii)(I), insert ", including $30,000,000 for Pathfinder Operability Demonstrations" after "Demonstration Program".

In section 103(4)(B)(i), insert "focused program" after "Ultra-Efficient Engine."

In section 103(4)(C)(i), insert "focused program" after "Ultra-Efficient Engine."

In section 209(1), insert "encouraging" after "process of".

In section 219—

(1) in subsection (a)—

(A) strike "EDUCATION CURRICULUM.—" and insert "EDUCATIONAL INITIATIVE.—";

(B) strike "an age-appropriate educational curriculum" and insert "age-appropriate educational materials";

(C) insert "related" after "and any other"; and

(D) strike "the educational curriculum plans" and insert "the educational materials plans"; and

(2) in subsection (b), strike "Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate" and insert "Congress".

Mr. ROHRABACHER. Mr. Chairman, my amendment makes five minor changes to the language of H.R. 1654, most of which are clarifications rather than substantive changes.

One substantive change is that I specify that the bill's increase of $30 million for Future-X in Fiscal Year 2000 should go toward fast Pathfinder class operability demonstrations. My purpose here is to tell NASA that they should not only fund Future-X concepts which demonstrate advanced component technology but which are innovative in using existing technology to prove out the all important issue of

flexibility, reliability and low cost operations. So we are talking about money that would go for full-scale prototypes and operational systems and an overall system rather than just on a small segment of that development.

My amendment then makes four different clarifying changes to H.R. 1654, the first three of which I will briefly summarize.

It makes clear that the additional funding the bill provides for life and microgravity research would be available to fund research experiments to go on to the International Space Station.

It adds the word ''encourage'' to the definition of space commercialization to make it clear that we expect government to take affirmative steps to encourage the private sector to commercially develop space.

Third, we clarify the language describing an educational initiative on the centennial flight that is 1903, which we have heard about already this morning, so that the provisions address concerns raised by another committee of the House.

Finally, my amendment clarifies H.R. 1645's limitation on the Ultra Efficient Engine Technology program, and I would like to spend the remainder of this statement on that item, which I included in this address specifically to deal with the concerns of the gentleman from Connecticut (Mr. LARSON), who has put out a tremendous effort dealing with this specific issue.

First and foremost, let me say there is no prohibition, and I heard earlier a statement on the floor suggesting that there is a prohibition in this bill on the use of funds for the ultra efficient technology engine. That analysis does Mr. LARSON a great disservice, and I would hope that the Members on the other side of the aisle realize that when they are making that argument, it is going into the RECORD, that is not an accurate portrayal of what we are doing at all.

In Fiscal Year 2000 NASA proposed the creation of a new 5-year focused program out of the remnants of two other focused astronautic programs in which NASA had abruptly canceled. The committee is concerned that frequently NASA will defend focused aeronautics program to the death even as they grow in cost and scope and then suddenly cancel them when the priorities of the agency changes.

My goal with this amendment is to make it clear that NASA has the discretion whether or not to spend these resources and these funds on this project and that it is encouraged to pursue this engine in question and that the requested funding of $50 million per year will be spent within the aeronautics research and technology base.

What we are then doing is providing NASA with the discretion, but in no way are we prohibiting NASA from moving forward with this engine project. The resulting language only prohibits a focused program. The bill and report language are not prejudicial in any way regarding using these funds to build or demonstrate this model engine.

In short, we have not eliminated, as my colleagues know, we have not eliminated this program. What we have eliminated is the mandate that NASA spend its funds on this project, but in no way do we prohibit these funds from being spent in developing this engine or showing or building a prototype of this ultra efficient jet engine.

I would hope that the NASA Administrator uses this discretion, which is the purpose of why we put this change in, and uses fully the funds requested for these next 3 years to obtain industry cost sharing. We are trying to encourage industry to get in by giving NASA some discretion here, because this will make this whole project a much better deal for the taxpayers, and in the end it will be better for the engine project to make sure the private sector is putting some money in.

So finally I would like to thank the gentleman from Connecticut (Mr. LARSON) because had he not put so much time and energy in, we would not be just making sure that we have clarified this position, and it would not be as good as it is today. But please do not, and there should be no interpretation of this, that this is some type of eliminating these funds. We are actually giving more discretion to NASA, trying to attract public sector investment.

Mr. Chairman, I believe that none of the changes are controversial, and I believe that all of them improve the base of the bill, and I respectfully request the adoption of this manager's amendment.

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

Mr. Chairman, I am not opposed to this amendment, but I will take time since the chairman discussed the ultra efficient engine technology so belaboredly to see if I am right in my assessment of this bill, and if there is some staff that might give me that information, I would appreciate it because around here what they say is, as my colleagues know, red is white or white is blue.

The information I have says H.R. 1654, the NASA authorization bill reported out of the Committee on Science, specifically eliminates funding. I want to use the terms again: specifically eliminates funding for the ultra efficient engine technology as a focused NASA program.

Now I want someone to, if they could answer that question, am I right or am I wrong?

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

Mr. TRAFICANT. I yield to the gentleman from California.

Mr. ROHRABACHER. Yes, that is correct.

Mr. TRAFICANT. Mr. Chairman, I thank the gentleman, and I reclaim my time.

We give these administrators all kinds of discretion, and we get screwed too. We are the policymakers. We have foreign manufacturers subsidizing their aviation industries, their space industries completely, their aircraft engine technology, putting strict environmental restrictions and regulations in their country on American craft, knocking out our business and economic infrastructure, and we are going to let someone have discretion.

Where is the analytical data to support that this program deserves to be taken off the focus program list? What data, what studies, what conclusions, what empirical evidence has been brought forward, what oversight body has made the decision to throw out this ultra efficient technology engine and let some bureaucrat at NASA make the decision?

I do not think that is the way to govern here, Mr. Chairman. That happens to be in northeast Ohio. That is not my district. But that is a great space center up there, and that is a great program, and it speaks to the core, the economic core, of some of the beating up we are getting overseas.

So I am not going to oppose the gentleman's amendment, but I will say this to him:

We are going to start having some rough and tumble times here with this space program if we do not come to some oversight agreements, and I have never taken exception.

Finally, in closing my little comments, just very briefly here:

The luster and the glory of space has all Americans cheering, but they are now starting to come down to earth, and they are starting to look at the budget and line items, and they better not just do that. Congress better start providing very, very stringent oversight.

I think the joy ride at NASA is over, and I think the time for some monitoring and oversight is at hand.

I will again leave by making this statement:

I am going to ask the chairman to change that language in conference, but that language cannot be changed today, and I will look and see if that language can be inserted in the form of amendment.

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

Mr. TRAFICANT. I yield to the gentleman from California.

Mr. ROHRABACHER. Does the gentleman realize that this is being done in an effort to save the taxpayers money, to put more so that we can attract more money into the project by an investment from the private sector rather than having the focus program?

Mr. TRAFICANT. Reclaiming my time, Mr. Chairman, if it is the intent to save taxpayer money and to leverage participation with the private sector, maybe that should have been listed in the bill as a priority in this regard, but not take it out as a focus program.

Mr. ROHRABACHER. It is in the report language.

Mr. SENSENBRENNER. Mr. Chairman, I rise in support of the amendment offered by the gentleman from California (Mr. ROHRABACHER).

Mr. Chairman, there has been a lot of confusion relative to what the bill does in this area, and I would like to dwell on two points.

First of all, the manager's amendment that the gentleman from California (Mr. ROHRABACHER) has introduced makes it clear that NASA will be able to continue research in the ultra efficient engine.

□ 1145

There is $50 million a year that is authorized for that. I think that that is a very wise move, because I do not think we should back away from this program altogether.

The second misconception that I am afraid is floating around here is that if NASA designates a program as a focus program, then that program is protected against raids by NASA or OMB or the Congress or anybody else to take the money away from a focus program and put it into something else. That is not the case.

OMB in the past has canceled focus programs and stuck the money into other NASA programs, and there have been reprogramming requests that have come up from the administrator and which have been approved either by the Congress by not acting or have been in transfer authority in appropriation bills.

The one that immediately comes to mind is the high speed research and advanced subsonic focus program which was in the aeronautics budget that NASA canceled and put the money in the International Space Station when the International Space Station ran short.

So I think that what is being done here is to continue the research but not to make it a focus program, and thus not to have what effectively is an earmark but an earmark without teeth.

Now having said all of that, one of the things that the science policy study attempts to do, which received overwhelming support on both sides of the aisle when it was approved last year, is to leverage government dollars with private sector dollars and dollars from other sources so that we have a bigger research pot, and that is what the gentleman from California (Mr. ROHRABACHER) is trying to do in this program.

We do not have enough government money to do everything that we want to do, and the NASA administrator has criticized this bill for being above the President's request. What we would like to do is we would like to bring the private sector in, and it is the private sector that is going to be able to reap the financial rewards of a successful development of an ultra-efficient engine. To have the taxpayers pay for the entire cost of developing the ultra-efficient engine is going to give the private sector a free ride, let us face it.

So this is a way to bring about cost sharing, to bring about the fact that the private sector has to put their money where their benefits will flow, and I think is a very, very constructive step in the right direction to start this program out.

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

Mr. Chairman, I do not intend to oppose the amendment of the gentleman from California (Mr. ROHRABACHER), and I want to compliment him for trying to provide some wiggle room for the ultra-efficient energy technology program. However, I think it simply falls short, in that NASA has pointed out that anything less than a focused effort on the ultra-efficient energy technology would not be as efficient or effective a program.

So although the gentleman from California (Mr. ROHRABACHER) has good intentions, I am afraid his intention falls short; yet it certainly does no harm and, if anything, can be more good than bad. So I would support his amendment.

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

Mr. GORDON. I yield to the gentleman from California.

Mr. ROHRABACHER. Mr. Chairman, I think we can both compliment the gentleman from Connecticut (Mr. LARSON) on the hard work that he has put into this. We would not be having this discussion right now if it was not for the diligence on the part of the gentleman from Connecticut (Mr. LARSON) to oversee this project. We want to make sure that we are on the record knowing that although the designation has changed, the Congress certainly wants this project to move forward.

Mr. GORDON. I agree, the gentleman from Connecticut (Mr. LARSON) has done yeoman's work in trying to educate us to really the benefits of this program. Hopefully that education will continue as we go through conference and as we try to bring a final bill to this floor.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. ROHRABACHER).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. TRAFICANT

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

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT:

In § 103(4)(A)(i) strike out '', with no funds to be used for the Ultra-Efficient Engine''.

Mr. TRAFICANT. Mr. Chairman, the amendment strictly strikes and simply strikes the sentence from the bill that takes out the ultra-efficient technology engine and it would, in fact, put it back in to focus and leave the project as it was last year. The amendment strictly says that the project would continue; it would be and continue to be a focus project. It would not be at the discretion of the administrator. Copies of the amendment can be delivered from the desk.

The language in the bill says, starting on line 4, section (i), it says $532 million shall be for Aeronautical Research and Technology, with no funds to be used for the Ultra-Efficient Engine, comma.

The Traficant amendment says $532-plus million shall be for Aeronautical Research and Technology, and with $412 million to be for the Research and Technology Base. It simply removes the sentence that says, and I quote, ''with no funds to be used for the Ultra-Efficient Engine.'' It would strictly take the sentence from the bill. It would leave it as a focus program, and the gentleman should support it.

Lastly, I would like to say for the Members, because we may have a vote on this but I would hope not, and I would hope that the wisdom of the Chair would very carefully review it, I want to read a quote from the aviation industry.

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

Mr. TRAFICANT. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, let me ask a couple of questions, if I could, and I thank the gentleman for yielding.

The amendment that the gentleman has offered, if it is adopted, would not increase the total amount of money that was authorized for NASA; am I correct in that?

Mr. TRAFICANT. That is correct. That is correct.

Mr. SENSENBRENNER. It would give the NASA administrator the authority to use some of the aerospace technology funds, which is almost a billion dollars, for the ultra-efficient engine at the discretion of the NASA administrator?

Mr. TRAFICANT. What the amendment specifically states is this: That the language, ''with no funds to be used for the Ultra-Efficient Engine,'' would be stricken from the bill and the engine would thus be a part of the focus program of the administrator.

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

Mr. TRAFICANT. I yield to the gentleman from California, the subcommittee Chair.

Mr. ROHRABACHER. Mr. Chairman, is that last part in the amendment of the gentleman or is that what the gentleman is explaining to us?

Mr. TRAFICANT. The amendment is very simple.

Mr. ROHRABACHER. Mr. Chairman, we need to see a copy of the amendment.

Mr. TRAFICANT. A removal of this sentence, and I want the gentleman to listen, there is a sentence in here that says, quote, and this is the language verbatim to be stricken, ''with no funds to be used for the Ultra-Efficient Engine.'' The Traficant language removes that sentence.

Mr. ROHRABACHER. Okay. That is it.

Mr. TRAFICANT. The intent of the Traficant language would thus be to

place the discretion with the administrator as it was focused under last year, and to remain with the same priority that it was in the past year's bill.

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

Mr. TRAFICANT. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, with that understanding, I am prepared to accept the amendment.

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

Mr. TRAFICANT. I yield to the gentleman from California.

MR. ROHRABACHER. Mr. Chairman, I just want to say that the report language already, we tried to discuss earlier and put this on the record.

Mr. TRAFICANT. Mr. Chairman, reclaiming my time, there is report language and there is bill language. If the intention of the gentleman is to do it in the report, then certainly this language that is so specific, there should be no problem about it being removed.

The CHAIRMAN. The time of the gentleman from Ohio (Mr. TRAFICANT) has expired.

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

Mr. TRAFICANT. Mr. Chairman, finally, let me say this: There would have to be a reduction for the R&T base, and I believe that reduction would have to be in the amount of $362,800,000 from $412 million. As the chairman had asked, those would be the figures.

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

Mr. TRAFICANT. I yield to the gentleman from California.

Mr. ROHRABACHER. Mr. Chairman, we need to see the language of this amendment. The gentleman just stated a couple of things that we did not know were in his amendment. Could we have a copy of this amendment, please?

Mr. TRAFICANT. Absolutely. It is at the desk.

Mr. ROHRABACHER. Could the Clerk reread the amendment?

The CHAIRMAN. The Chair would announce that the Clerk is preparing copies for the majority and for distribution.

Mr. TRAFICANT. Mr. Chairman, while the gentleman is looking at the amendment, the gentleman had stricken the language for the ultra-efficient engine and put in $50 million for these new participatory private sector types of agreements. What the Traficant language says is we do not need to spend the additional $50 million, but if it be the decision of the committee that they want to retain the money in there and just strike the language for the engine, this Member will accept that.

Mr. ROHRABACHER. Could the gentleman please repeat that?

Mr. TRAFICANT. There was an increase and $50 million was put into the Research and Technology Base fund in this bill.

Mr. ROHRABACHER. That is correct.

Mr. TRAFICANT. What I am doing is just simply wanting to strike that sentence that says ''with no funds to be used for the Ultra-Efficient Engine.'' My amendment would take that out.

Actually, the additional $50 million that was put in should be either taken out or the legislative history should show that my colleagues want to leave it in for their purposes. That is fine with me.

Mr. ROHRABACHER. That is acceptable.

Mr. TRAFICANT. That is acceptable to the gentleman?

Mr. ROHRABACHER. That is acceptable.

Mr. Chairman, I move to strike the last word, and I will be very happy to yield to the gentleman from Ohio (Mr. TRAFICANT) after I make a point.

Mr. TRAFICANT. Mr. Chairman, if the gentleman will yield, I just wanted to say that is acceptable.

So the amendment would strictly be with no funds to be used for ultra-efficient engine. That would be removed; nothing to deal with the funds.

Mr. ROHRABACHER. Mr. Chairman, I think this is a very acceptable amendment because it actually goes to the purpose of the bill originally.

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

Mr. ROHRABACHER. I yield to the gentleman from Ohio.

Mr. TRAFICANT. It is understood that that would be for all 3 years of the bill as well? It would be for all 3 years, a 3-year bill?

Mr. ROHRABACHER. Well, it eliminates that language for the bill for all 3 years, sure, it does.

Mr. TRAFICANT. Fine.

Mr. ROHRABACHER. Reclaiming my time, the purpose of this segment of the bill and the purpose of the changes that we have made was aimed not at prohibiting funds from being used for this ultra-efficient jet engine. That, in fact, is not the purpose at all and that is why the gentleman's suggestion is accepted.

However, with the gentleman's amendment being accepted, this in no way suggests this program is becoming a focus program or that we are mandating that the money be spent.

□ 1200

What the purpose of this whole enterprise was all about was to try to give discretion to the people over at NASA to attract not just government money, but to attract private sector money into this project.

This is not the first time that this method has been used. Let me mention that we had a project, the EELV project, and, I might add, a lot of it would be built in my district, and I opposed it for the very reason that there was not any incentive to get the private sector involved and to get some extra money from the private companies involved in the development of this new rocket system. That project was changed and we managed to save the taxpayers $500 million and to get a better rocket as a result, because we brought the private sector in.

The purpose of our changes here were to try to save the taxpayers some money by getting the private sector to invest into a project from which those companies would benefit. To the point that the gentleman from Ohio (Mr. TRAFICANT) eliminates some language that might suggest that there is some sort of prohibition on spending funds for this engine, we accept that language, but it in no way suggests that this will be a focus program and that NASA must spend the money on the program.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT).

The amendment was agreed to.

AMENDMENT NO. 8 OFFERED BY MR. SMITH OF MICHIGAN

Mr. SMITH of Michigan. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. SMITH of Michigan:

In section 217—

(1) insert ''(a) INFORMATION DEVELOPMENT.—'' before ''The Administrator shall''; and

(2) add at the end the following new subsections:

(b) PLAN.—After performing the activities described in subsection (a) the Administrator and the Secretary of Agriculture shall develop a plan to inform farmers and other prospective users about the use of availability of remote sensing products that may assist with agricultural and forestry applications identified in subsection (a). The Administrator shall transmit such plan to the Congress not later than 180 days after the date of the enactment of this Act.

(c) IMPLEMENTATION.—Not later than 90 days after the plan has been transmitted under subsection (b), the Administrator and the Secretary of Agriculture shall implement the plan.

Mr. SMITH of Michigan. Mr. Chairman, my amendment to help farmer and ranchers is in the bill before us. It provides that the Administrator of NASA shall discover and catalog the kind of remote sensing information, commercial and otherwise, that might be usable to help farmers and others determine potential crop shortages and surpluses and ultimately how much of what crop to plant in this country.

We have advanced tremendously over the last 30 years in our ability to discover what yields to expect from crop production around the world by means of satellite and other remote sensing monitoring. We are now able to estimate yields of some of the major crops within a plus or minus 10 percent deviation, up to sixty days before harvest. This information could be of great use to farmers.

The amendment now before us simply provides a way to disseminate this information to farmers.

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

Mr. SMITH of Michigan. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, part of this amendment is in the jurisdiction of the Committee on Agriculture.

Has the gentleman from Michigan obtained the consent of the chairman of that committee to offer this amendment today?

Mr. SMITH of Michigan. Mr. Chairman, we have obtained the consent of the gentleman from Texas (Mr. COMBEST), the chairman of the Committee on Agriculture, and the gentleman from Texas (Mr. STENHOLM), the ranking member, who support this amendment, as well as the gentleman from California (Mr. ROHRABACHER), a member of the subcommittee.

Mr. SENSENBRENNER. Mr. Chairman, if the gentleman will yield further, with that understanding, I am prepared to accept the amendment as well. It is a constructive addition.

Mr. SMITH of Michigan. Mr. Chairman, reclaiming my time, I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. SMITH).

The amendment was agreed to.

AMENDMENT NO. 10 AND AMENDMENT NO. 11 OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer two amendments, and I ask unanimous consent that both amendments be taken together.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The CHAIRMAN. The Clerk will designate the amendments.

The text of the amendments is as follows:

Amendment No. 10 and amendment No. 11 offered by Mr. TRAFICANT:

AMENDMENT NO. 10: At the end of the bill, insert the following new section:

SEC. 221. SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.

(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the Administrator shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

In the table of contents, after the item relating to section 220, insert the following new item:

Sec. 221. Sense of Congress; requirement regarding notice.

AMENDMENT NO. 11: At the end of the bill, insert the following new section:

SEC. 221. USE OF ABANDONED AND UNDERUTILIZED BUILDINGS, GROUNDS, AND FACILITIES.

(a) IN GENERAL.—In meeting the needs of the National Aeronautics and Space Administration for additional facilities, the Administrator shall select abandoned and underutilized buildings, grounds, and facilities in depressed communities that can be converted to National Aeronautics and Space Administration facilities at a reasonable cost, as determined by the Administrator.

(b) DEFINITIONS.—For purposes of this section, the term ''depressed communities'' means rural and urban communities that are relatively depressed, in terms of age of housing, extent of poverty, growth per capita income, extent of unemployment, job lag, or surplus labor.

In the table of contents, after the item relating to section 220, insert the following new item:

Sec. 221. Use of abandoned and underutilized buildings, grounds, and facilities.

Mr. TRAFICANT. Mr. Chairman, I appreciate the gentleman from Wisconsin (Mr. SENSENBRENNER) working with me on the language of the previous amendment. I appreciate that very much. The gentleman has been very fair and thankful, and I will vote for final passage of the bill.

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

Mr. TRAFICANT. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, I thank the gentleman from Ohio for yielding.

This is kind of a tough act to follow, but this is going to be an easier sell than the last amendment that the gentleman from Ohio sold to us. It is my understanding that these amendments relate to a buy-American provision and a utilization of abandoned buildings provision in the bill. Am I correct in that assumption?

Mr. TRAFICANT. Mr. Chairman, that is correct.

Mr. SENSENBRENNER. Mr. Chairman, if the gentleman will yield further, these are also two very constructive additions and we are prepared to accept them as well.

Mr. TRAFICANT. Mr. Chairman, I thank the gentleman.

In meeting the needs of NASA, the Administrator shall, whenever feasible, select abandoned and under-utilized buildings, grounds and facilities for projects not at existing facilities. In other words, he does not have to, but wherever possible. We do not want some existing base to come in and say we are in a depressed community, which is the legislative history here, and say, therefore, send the business here. So wherever feasible and possible, select sites outside of the existing structure where there are economic hardships and give them an opportunity and a shot.

Mr. Chairman, I appreciate the support of the gentleman from Wisconsin (Mr. SENSENBRENNER).

The CHAIRMAN. The question is on the amendments offered by the gentleman from Ohio.

The amendments were agreed to.

AMENDMENT NO. 2 OFFERED BY MR. COOK

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. COOK:

At the end of the bill, insert the following new section:

SEC. 221. SPACE STATION COMMERCIALIZATION.

In order to promote commercialization of the International Space Station, the Administrator shall—

(1) allocate sufficient resources as appropriate to accelerate the National Aeronautics and Space Administration's initiatives promoting commercial participation in the International Space Station;

(2) instruct all National Aeronautics and Space Administration staff that they should consider the potential impact on commercial participation in the International Space Station in developing policies or program priorities not directly related to crew safety; and

(3) publish a list, not later than 90 days after the date of the enactment of this Act, and annually thereafter with the annual budget request of the National Aeronautics and Space Administration, of the opportunities for commercial participation in the International Space Station consistent with safety and mission assurance.

In the table of contents, after the item relating to section 220, insert the following new item:

Sec. 221. Space Station commercialization.

Mr. COOK. Mr. Chairman, the space program has brought enormous growth to our economy and has created many high-wage, high-tech jobs for American workers. Throughout the world, commercial spending on space activity is booming. NASA and the taxpayers can both benefit from this trend through increased commercialization of the new International Space Station.

My amendment directs the NASA Administrator to commit appropriate resources to accelerate its International Space Station commercialization activities. It directs NASA staff to consider the commercial impact of their management decisions unrelated to safety. Finally, it requires NASA to publish within 90 days of enactment of this act a list of commercial opportunities to participate in the space station during 2000 and every year afterwards.

Primarily, the space program has brought high-tech jobs to the American aerospace and communications industry. To keep our American economy healthy and strong, we need to expand these benefits of space exploration to other areas of the private sector. NASA has made a good start in determining how to commercialize the ISS with the release of its draft plan last fall, but we need to push NASA to follow through on its successful planning efforts so that we do not lose the momentum on station commercialization.

By requiring NASA to publish its list of commercial opportunities to use the International Space Station consistent with safety and mission assurance, this amendment will reduce the cost of the space program to the American people by making the private sector a much larger partner.

ADAM SMITH taught us that we need competition to keep costs down and quality up. This amendment will help ensure that competition keeps our

space program the best and the most competitive in the world. Dan Goldin has done an excellent job managing NASA, but we need to get the private sector more involved. By doing this, we can use the benefits of competition to make our space program even better.

This amendment will ensure that our economic boom will continue into the next century by bringing home the benefits of space research to the American people. My amendment is supported by NASA.

I want to thank the gentleman from Wisconsin (Mr. SENSENBRENNER) for allowing me to offer this amendment and commend him for his hard work in bringing this bill to the floor today.

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

Mr. COOK. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, the gentleman's amendment is a very good one. Again, it is supported by NASA. I would hope that the committee would approve it.

Mr. COOK. Mr. Chairman, reclaiming my time, I thank the gentleman from Wisconsin, and I urge my colleagues to support this amendment.

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

Mr. Chairman, I am prepared to support the amendment of the gentleman from Utah (Mr. COOK), with some qualifications.

First, I want the legislative record to be clear that I do not regard this language as a blank check for NASA to spend as much as it wants on open-ended initiatives to promote commercial participation in the space station. We have a duty to protect the taxpayers' pocketbook and vague language can be dangerous in that regard.

Second, I read paragraph two to simply mean that NASA will also consider impacts on commercial participation in the space station when it makes policies, along with all other impacts it may consider. These other impacts include the impact of the station's research capabilities on the utilization of the station, on international agreements and so forth. It is my understanding that this amendment makes commercial participation neither the only consideration when making station policies, nor the highest priority consideration.

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

Mr. Chairman, I rise in strong support of this amendment and congratulate the gentleman from Utah for putting it forward and also for laying down a marker. I think that what we are talking about here is a fundamental consciousness that we are trying to instill, not only in America's space program, but in most government activities.

Mr. Chairman, the time has passed when we could look at projects just as a bureaucratic endeavor or just something that would be taxpayer-funded totally. If there is any challenge that we have in maintaining a balanced budget and making sure that we put taxpayer dollars to the best use, it is that we have to attract dollars from the private sector into these endeavors to make sure that they are done efficiently, so that they are done in a way that will be beneficial not only to the people who work in the government, but the people who work in the private sector, so that there can be a multiplier effect in terms of the jobs that are created.

So for making an investment on the one hand into things such as the space station, we must always be conscious that that space station did not just mean the jobs that were created in building the space station, but it also means the jobs that will be created by economic activity in the private sector that will result from the space station's existence. The gentleman from Utah (Mr. COOK) is making sure that we put these dollars to maximum use, so I applaud him for it.

Mr. Chairman, I will be, in the near future, proposing a revolutionary new tax concept called Zero Gravity, Zero Tax. It has not been actually introduced as yet, but it is along this same principle, and that is what we would like to do, is to make sure that there is the maximum incentive for private investment in America's space program. As I say, it creates jobs not only in the projects, but it serves as a multiplier effect to create even more jobs once the project is in operation.

So again, I commend the gentleman from Utah (Mr. COOK).

The CHAIRMAN. The question is on the amendment offered by the gentleman from Utah (Mr. COOK).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. WEINER

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

The Clerk read as follows:

Amendment offered by Mr. WEINER:

In section 103(4)(A), strike ''$999,300,000'' and insert ''$1,010,300,000''.

In section 103(4)(A)(i), strike ''$532,800,000'' and insert ''$543,800,000''.

In section 103(4)(A)(i), strike ''$412,800,000 to be for the Research and Technology Base'' and insert ''$423,800,000 to be for the Research and Technology Base, including $36,000,000 for aircraft noise reduction technology''.

In section 103(4)(B), strike ''$908,400,000'' and insert ''$918,400,000''.

In section 103(4)(B)(i), strike ''$524,000,000'' and insert ''$534,000,000''.

In section 103(4)(B)(i), strike ''$399,800,000 to be for the Research and Technology Base'' and insert ''$409,800,000 to be for the Research and Technology Base, including $36,000,000 for aircraft noise reduction technology''.

In section 103(4)(C), strike ''$994,800,000'' and insert ''$1,003,300,000''.

In section 103(4)(C)(i), strike ''$519,200,000'' and insert ''$527,700,000''.

In section 103(4)(C)(i), strike ''$381,600,000 to be for the Research and Technology Base'' and insert ''$390,100,000 to be for the Research and Technology Base, including $27,500,000 for aircraft noise reduction technology''.

In section 106(1), strike ''$13,625,600,000'' and insert ''$13,636,600,000''.

In section 106(2), strike ''$13,747,100,000'' and insert ''$13,757,100,000''.

In section 106(3), strike ''$13,839,400,000'' and insert ''$13,847,900,000''.

Mr. WEINER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

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

Mr. WEINER. Mr. Chairman, first I want to thank the chairman of the full committee and the chairman of the subcommittee for their great help and efforts that they have committed themselves to to try to make this bill as good as it can be, and while there are some areas of contention, they have at all times, in consideration of this bill, been cordial and decent about trying to deal with these concerns.

At this time I am going to be offering an amendment with some of my colleagues, the gentleman from Ohio (Mr. KUCINICH); the gentleman from Colorado (Mr. UDALL); the gentlewoman from Michigan (Ms. RIVERS); the gentleman from New York (Mr. CROWLEY); the gentleman from New Jersey (Mr. PALLONE) and others, to try to deal in a timely fashion with the very important and pressing matter that has emerged in recent years and shows no signs of abating, and that is the problem of noise emanating from our airports.

As we have increased almost exponentially the amount of air traffic that there has been, we have also similarly increased the burden that is created to those of us who represent areas around airports, large and small.

What my amendment would do, it would take the very valuable research that is done by NASA on noise research and bring it back up to last year's level and ensure that it stays there for at least the duration of this authorization.

There was some concern raised in the full committee about whether we were taking from one program to add to another, and what we would do here is in fiscal year 2000 simply add $11 million for these programs that wind up being funded in this way.

□ 1215

Mr. Chairman, this amendment does not in any level bust the budget. In fact, it restores last year's level for noise reduction. The overall aggregate number of the NASA authorization would again be the same as it was last year, but what this will do is allow us at this important time to continue research on the next generation of the most quiet aircraft that we can have.

We are now, by the end of this year, going to be phasing in the Phase III aircraft, which are the most modern, the most quiet aircraft, but still are akin to having a thunderclap over one's head whenever they take off. This will allow us to do the research for

Stage IV. This will allow us to have even more quiet aircraft in the years to come.

The research that is being done by NASA may some day help us strike the delicate balance that we have been trying to reach in this House between the rights of air travelers, the rights of those who depend on air traffic for commerce, and those of us, and there are dozens of us in this House, who have areas that are nearby airports.

We are in negotiations now with the European community, we are in negotiations now with the private sector to encourage the development of this quieter aircraft. Now is not the time for us to weaken that research by reducing the funding that this authorization does.

This is an opportunity for us to send a message also to the private sector that we seek to have their participation as well. We send entirely the wrong message if we in our budget say, we are going to ratchet back our research into these important matters when we are trying to bring the private sector along.

The chairman of the subcommittee has done great work in trying to encourage the private sector to do their research. I consider these funds to be leveraging those, and I think it would be helpful for us to do that now.

This is an opportunity, and perhaps our last opportunity this year. We are going to be passing an FAA reauthorization bill that I believe is going to, regardless of how it emerges, increase air traffic. There are proposals to almost entirely deregulate all of our airports.

That is going to mean another increase in air noise. This is, I would remind my colleagues, perhaps the last opportunity for us to go on record as being in support of whatever technological advantages we can support to bring about the quietest aircraft possible.

Mr. SENSENBRENNER. Mr. Chairman, I rise in reluctant opposition to this amendment.

Mr. Chairman, the heart of gentleman from New York (Mr. WEINER) is in the right place on this amendment, but this is not a fiscally responsible way of going about addressing this problem, since the amendment is an add-on of approximately $10 million additional authorization for each of the next 3 years.

NASA is committed to spending $25 million for aircraft noise reduction in fiscal year 2000. So it is not a question of whether we spend nothing on aircraft noise reduction research or some money, because NASA has got that money allocated within one of their accounts.

The bulk of NASA's aeronautic research into aircraft noise reduction technology was conducted within the research and technology base of the advanced subsonic technology program. The administration, and I emphasize the administration, decided to terminate the advanced subsonic technology program when a determination was made that NASA needed additional funding for the International Space Station.

That was budget discipline. That was setting priorities. That was something that the administration decided that it had to do in terms of meeting its obligations.

For us to turn and go around and say we should forget about budget priorities, we should simply add to the authorization, I think diminishes the credibility of the efforts of the Committee on Science to figure out how we will be able to give NASA the money that is available for this year to the highest and best effect.

NASA has already testified before Congress that they are meeting their goals on aircraft noise reduction technology research within the money that is available. Because of this, we should accept the fact that they know how much they can spend on it. We should not be dealing with this problem simply by throwing more money at it.

I would love to be able to meet everyone's desires, but that is not the way life is in the real world and in the budget climate we are facing. We have to be responsible. This amendment is not fiscally responsible. It runs counter to NASA's expert opinion on their requirements. It breaks our obligations to the taxpayers, and I would ask the committee to reject it.

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

Mr. Chairman, I rise today in support of the Weiner-Udall-Crowley, et al., amendment to increase funding for airport noise reduction research and technology in the research and technology base of the NASA authorization bill.

Mr. Chairman, airport noise is perhaps the single most important local quality of life issue to my constituents. Every day my district office receives calls from people living near LaGuardia Airport who complain about the noise from planes landing and taking off. In fact, along with my colleague, the gentleman from New York (Mr. WEINER), I have worked hard to preserve the high-density rule and mitigate airport noise in Queens County.

Mr. Chairman, NASA has listed airport noise reduction as one of its top 10 goals. They want to reduce perceived aircraft noise by 50 percent over a 10-year period, beginning in 1997. Under current funding this goal will not be realized.

The Weiner amendment would restore funding for aircraft noise reduction research to roughly fiscal year 1999 levels. It would bring NASA's overall budget to a 13.655 billion, which is exactly the same dollar amount that it was appropriated at in fiscal year 1999.

I applaud my colleague, the gentleman from New York (Mr. WEINER) for bringing this important issue to the floor of the House. The people who invented the rocket engine are the best people to study aircraft noise and ways to reduce it.

I urge my fellow Members of Congress to support this increase in funding for airport noise reduction, research, and technology. Their constituents who live near airports will appreciate their vote to make their homes, schools, parks, and neighborhoods quieter. The Weiner amendment would do just that.

I would just like to add, taking away the high-density ruling will increase air traffic in high-density airports like LaGuardia, Kennedy Airport, O'Hare Airport in Chicago. Unless we are moving realistically towards a Stage IV engine and unless there is real effort on the part of NASA to develop new technologies to reduce aircraft engines' jet noise, what we are doing to inner cities like New York City is unconscionable. It really, truly is unconscionable, to be increasing air traffic.

Putting aside for the moment the air traffic safety issues and focusing simply on the level of noise that is created by these engines taking off and landing at airports like LaGuardia Airport in my district, it is unconscionable to be standing here at the same time and supporting a bill that will reduce the effort to bring about technology to reduce the level of noise emitting from those jet airplanes.

I cannot support a bill that will gut and take away monies from that very needed project, and leaving it in the hands of NASA to develop that needed technology.

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

When we are looking at the arguments on this amendment, Mr. Chairman, let us take a look. We are not talking about gutting money for research into jet engine noise.

Again, this has often been the case in the past where people on the other side of the aisle have taken a look at money that was projected to be spent, increases that were projected, and then when the increase is reduced, that is portrayed as some kind of gutting of a program. That is just not the case.

In fact, NASA documents provided to Congress suggest that there would be a $46 million figure spent for this type of research from fiscal year 2000 to 2002. However, updated documents from that agency suggest that NASA will now be spending $71.3 million for noise reduction, which means even without the amendment offered by the gentleman from New York (Mr. WEINER), NASA is planning to spend $25 million more than what it was on this particular issue.

So while I believe that the amendment is well-intended, I do believe that, number one, it is an inaccurate portrayal to suggest that we are reducing the spending; but number two, it is irresponsible in an overall budgetary sense.

What we have here is an attempt by the administration to set priorities.

The money is necessary for the International Space Station, so it decided to reduce the increase in spending, so the administration was trying to act responsibly. Now we have an amendment here to undercut the administration when they have tried to set priorities with a limited budget.

I have one more point to make in regard to that. The administration has had to set priorities because it is trying not to bust the budget, not to put us back on this road to irresponsibility that led to such massive deficits in the past.

Instead, what is happening here, and again, we have amendments similar to this in the full committee, we find that we cannot just spend money. It just does not come out of nowhere. In this particular case, the gentleman now has decided to try to add on money, rather than take it out of other research areas in the science budget.

But then, where does that extra $11 million come from? It comes from what we have designated, we have tried to hold off and protect, not as the social security trust fund, but social security surplus money. We have said we are going to try to keep all the money we do not spend and put it back into social security as a protection of that system.

This $11 million is just one example of, yes, it is just a little bit of money, but everybody here has a little bit of money here, a little bit of money there, and eventually we have that surplus that we hope to spend on social security and to solidify social security just being whittled away to nothing again. I do not think that would be responsible.

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

Mr. ROHRABACHER. I yield to the gentleman from New York.

Mr. WEINER. Mr. Chairman, I thank the gentleman for yielding to me. Just so we do not lose perspective here, I agree, we should keep things in mind. We should keep in mind that the bill the gentleman is bringing forward is above the President's request, so the outrage that I hear about we are changing the President's priorities, I think perhaps the chairman doth protest too much.

I also want to point out exactly the parameters we are talking about. I am talking about restoring to last year's level, not above, to last year's level of roughly $10 million in the context of a bill in the aggregate that is $42 billion. It is $14 billion this year.

What we are saying is, look, at the same time that we are taking this technology and devoting a significant portion of it to thinking about the problems we are going to be encountering in the future, ought we not to be thinking of the problems we are going to be encountering in a couple of months when we pass the FAA reauthorization, which is something NASA admits they did not take into their calculation when they estimated whether or not the funds provided for noise reduction were sufficient? This is a relatively small amount of money.

I would just respond to one other point that the gentleman made. In this research and technology base, which, just to keep perspective, is about $362 million, there was criticism, and legitimate criticism, raised in the committee consideration of this bill about whether we were taking from one pocket to fund this program.

I accepted that criticism as valid, so now I am saying, in the aggregate, let us do this one-one thousandth increase for this purpose.

Mr. ROHRABACHER. Reclaiming my time, Mr. Chairman, the gentleman was responsive to the debates that we had, and I applaud him for this. This is a learning process around here. But then again, the money, by plussing it up in the way the gentleman now is suggesting, it does again come from another source. That source is money that we had hopefully to protect social security.

The CHAIRMAN. The time of the gentleman from California (Mr. ROHRABACHER) has expired.

(By unanimous consent, Mr. ROHRABACHER was allowed to proceed for 1 additional minute.)

Mr. ROHRABACHER. One last point, Mr. Chairman. NASA has listened to the gentleman, and people have been listening to the gentleman's arguments, because NASA has already agreed to a plus-up or an increase in their spending, in their prioritized spending, of $25 million in this area. I would believe it probably is in reaction to the arguments that the gentleman has been presenting. So in a way the gentleman has won this fight. Adding another $11 million I think is not necessarily the right way to go. I appreciate very much the gentleman's sincerity, but I would have to oppose this amendment.

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

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

□ 1230

Mr. ROEMER. Mr. Chairman, I rise in strong support of the amendment of the gentleman from New York (Mr. WEINER), the gentleman from Colorado (Mr. UDALL), and the gentleman from New York (Mr. CROWLEY), and do so because their amendment is about quality of life, quality of life not just in space but here on Earth, not just for six astronauts housed in an International Space Station but for people in inner city conditions, in poor areas.

This amendment is about balance and perspective and fairness. It is also fiscally responsible. It merely takes us back up to last year's level. It is a concern about noise reduction for aircraft, especially in big airports, that fly over inner city areas.

Mr. Chairman, if we are not careful and if we do not come back and abide by the concerns expressed by the gentleman from New York in the aeronautics area of this bill, this bill is soon going to be called not the NASA bill, ''aeronautics'' is going to be dropped out, it is just going to be the National Space Administration. We are not going to be able to help our aeronautics industries in this country, where they are competing more and more every day with Airbus and the fledgling industries in Japan and Korea and the southeast countries of Asia.

It used to be, when I got on the Committee on Science 8 years ago, that we provided a $30 million or a $40 million or a $50 million plus-up for the aeronautics. Now we cannot seem to find any money to help.

The gentleman from New York (Mr. WEINER) is simply saying let us take us back to last year's level. Let us increase this slowly, $10 million a year. Let us make sure that money in the NASA budget goes in a fair and qualified and quality of life manner.

The gentleman from Wisconsin (Mr. SENSENBRENNER) said that the administration made the decision to take the money away from aeronautics because of the Space Station. That is one of my concerns, that the Space Station continues to eat up more and more and more of the available funds to do wonderfully enriching scientific and space-oriented and aeronautics programs.

So we are going to have the opportunity later today to cap funding on the Space Station, that is one option; to get the Russians out of the critical path, that is a second option; or to kill the Space Station, the third option. We will see if this body wants to go along with any of those options.

Finally, I say, Mr. Chairman, that the administration has issued a statement of administration policy. In that the President has said the authorization levels in the bill do not conform to the President's request, which is based on a balanced and affordable space and aeronautics program.

That is exactly the point of the amendment of the gentleman from New York (Mr. WEINER). We are losing that balance for aeronautics. We are losing that support for our aircraft industry in this country. Boeing competes more and more on the cutting edge every day with Airbus.

We have people living in inner city conditions with loud aircraft flying over their homes every single day, hour upon hour upon hour. We want to provide some more research monies to help alleviate the noise of those engines. I think that is a fair request. I think that we should be able to find $10 million this year. The gentleman from New York (Mr. WEINER) did not propose it, but I would propose take that $10 million away from the International Space Station that has gone from $8 billion in costs to $98 billion in life cycle costs.

So with that, Mr. Chairman, I encourage my colleagues to support the responsible, balanced quality of life

amendment of the gentleman from New York (Mr. WEINER), and let us keep the aeronautics portion of this bill in the bill.

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

Mr. Chairman, I yield to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Chairman, the gentleman from Indiana (Mr. ROEMER) is very articulate, and he is a very responsible Member of this House and has kept our feet to the fire on the Space Station program for many years. I might add that his focus on the Space Station has, I think, improved the Space Station in the end, because people have known that he has been there and watching very closely.

However, this money does not come from Space Station. As designed, it is coming out of money that, again, would come right off the top of the bat, which we were hoping to secure for Social Security. So the points the gentleman from Indiana made are very valid, but that is not why the money is coming.

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

Mr. ROEMER. Mr. Chairman, I thank the gentleman from Arizona for yielding to me. I just want to respond to the gentleman from California (Mr. ROHRABACHER).

First of all, I appreciate his comments about our efforts to control the costs on the Space Station, try to make sure that it can do what it was supposed to do scientifically.

But, secondly, Mr. Chairman, I think that the NASA budget, which has gone between about $13.4 billion and slightly over $14 billion, has had more and more erosion in that budget from now the Space Station growing from in previous years $2.1 billion being allocated, to $2.4 billion being allocated this year for it.

So that is where I am saying the growth is coming in the Space Station, and good programs like what the gentleman from New York (Mr. WEINER) is trying to accomplish with noise reduction are falling by the wayside.

Shuttle safety we are concerned about. Education grants we are concerned about. Science programs and space science we are concerned about. So those are some of the things we are talking about.

I share the gentleman's concern for Social Security and the trust fund, and I hope he will work with us to put as much of the budget surplus as possible back in that surplus.

Mr. SALMON. Mr. Chairman, I yield to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Chairman, I think that the arguments that the gentleman from Indiana (Mr. ROEMER) are making are certainly valid arguments. When we decided to move forward, and this body has decided on many occasions to move forward with the International Space Station, all of us who were voting on that should very well have remembered that we were prioritizing our spending and that it was going to have an impact in other areas just like the areas the gentleman is suggesting and I might add just like the areas that the gentleman from New York (Mr. WEINER) is bringing up today.

We are foregoing spending in certain areas in order to be responsible and not suck up money that should be going into bolstering Social Security. The gentleman is absolutely right. This is part of the cost of the Space Station. The amendment of the gentleman from New York (Mr. WEINER) does not, however, take this out of Space Station.

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

Mr. SALMON. I am happy to yield to the gentleman from New York.

Mr. WEINER. Mr. Chairman, if I could just respond to the chairman of the subcommittee, my good friend, would he then not object to an amendment which took the money out of the research and technology base?

Mr. SALMON. Mr. Chairman, I yield to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Chairman, I do not support taking it out of Space Station. But we have to realize what the gentleman's amendment is actually doing. It is not taking it out of Space Station. It is adding to that. The money does not come from anywhere. The gentleman from New York is doing a diligent job in trying to meet those objections.

Mr. WEINER. Mr. Chairman, if the gentleman from Arizona (Mr. SALMON) would further yield, I will gladly change my amendment and take it from that huge pot of money that is Research and Technology Base. If he will support that, I will be glad to do it. But it seems like I have a moving target here. We cannot take money from a $400 million Research and Technology Base because then any numbers of projects could fall from the sky. But, on the other hand, if I say let us plus it up just to last year's level and no higher, then that, too, raises an objection.

It seems to me that what we are trying to say here, and I will try to do anything that I can to meet the objections of the subcommittee Chair, is to try to say, look, all we want to do is take the level that we had last year in this important program and meet it this year. I will do it the gentleman's way, and I stand ready here to amend my amendment in any way necessary.

Mr. SALMON. Mr. Chairman, I yield to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Chairman, again I compliment the gentleman from New York (Mr. WEINER) for showing due diligence to the arguments that were offered in committee and trying to find another funding level.

I would just suggest that he come forward with a specific suggestion. It is not, as has been implied by the gentleman from Indiana (Mr. ROEMER) that this is not being funded out of Space Station. His arguments about Space Station are valid, in that it is eating money up from programs like the one the gentleman were offering.

The CHAIRMAN. The time of the gentleman from Arizona (Mr. SALMON) has expired.

(On request of Mr. WEINER, and by unanimous consent, Mr. SALMON was allowed to proceed for 1 additional minute.)

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

Mr. SALMON. I yield to the gentleman from New York.

Mr. WEINER. Mr. Chairman, I am willing and able, and I think my colleagues who are cosponsoring this amendment would be more than willing. The gentleman said where shall it come from. The gentleman from California (Mr. ROHRABACHER) said I have not proposed it comes from the Space Station, although I will be glad to accept that proposal as well. I understand from the gentleman's concerns that he would accept it if I took that $10 million from the existing Research and Technology Base.

Mr. SALMON. Mr. Chairman, I yield to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Chairman, let me put it this way: I will seriously consider any proposal that the gentleman from New York (Mr. WEINER) has that takes money specifically from something that I believe has lower priority than what he is suggesting, but it is up to the gentleman to come up with a specific.

Mr. WEINER. Mr. Chairman, if the gentleman from Arizona (Mr. SALMON) would further yield, I just did.

Mr. ROHRABACHER. Mr. Chairman, if the gentleman from Arizona (Mr. SALMON) would further yield, let me put it this way: Taking from the overall research and develop budget is not acceptable because it is not specific. It would not be specific, for example, that money would have to come from another research project. Maybe the project of the gentleman from Connecticut (Mr. LARSON) then would be defunded by what the gentleman from New York is proposing, if we went the route that he is suggesting. Unless the gentleman from New York can be more specific than that, I could not.

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

Mr. Chairman, I rise in strong support of the Weiner-Udall-Crowley-Kucinich-Rivers amendment. I would like to talk on two points of the amendment. One is just the fiscal issues that we have been discussing here. I would also like to speak to the point of the gentleman from Indiana (Mr. ROEMER) about the discussion about the quality of life issues that are at stake.

Let us again remind ourselves that the Weiner amendment would restore funding for aircraft noise reduction research to fiscal 1999 levels in the NASA budget. If we look out a little further, it would increase in fiscal year 2000 by $11 million; fiscal 2001, $10 million; and fiscal 2002, $8.5 million for aircraft noise reduction research and technology.

Now, in 1999, this noise reduction technology was funded at a level of $36 million. In fiscal year 2000, it is scheduled only for $25 million; in fiscal year 2001 for $26 million; and fiscal year 2002, $19 million.

The amendment of the gentleman from New York (Mr. WEINER) would restore the funding for aircraft noise reduction to levels that are commensurate with 1999. The Weiner amendment would bring us back up to NASA's overall budget levels of $13.655 billion, which is exactly the same amount of money that was appropriated in fiscal year 1999.

So with all due respect, this is not a budget buster. This is in fact being fiscally responsible. In the long run, we are going to save money by making sure that we put these monies into investing in reducing noise at our airports.

The Department of Transportation estimates that over 3 million Americans are affected by airport noise every day. This FAA authorization bill that we are facing later on in our session is likely to increase traffic at our Nation's busiest airports. By supporting this amendment, we are going to provide some relief for the people that live around those airports.

I want to talk briefly about my State. We have Denver International Airport, known as DIA. It is the jewel of our Nation's airport system at this point. But we want to build a sixth runway. We cannot do that right now because increased noise has become an issue, not only for urban residents but for farmers, for business people, and for all the people that live in the mountains of Colorado.

We ought to be doing all we can to solve that problem now so that people all over the country who use Denver International Airport know that that airport is going to be open in all kinds of weather conditions.

Historically, the FAA has been great at running the trains, if you will, running the airports in our country, but NASA has done the important research and development. We ought to be encouraging that combination, and this amendment will do that.

If we want to reduce opposition to airport operations and expansion, we ought to pass this amendment now. This is going to be our only chance this session to reduce the din around our cities and airports. Rather than create more delay and litigation over our airports, let us encourage the development of quieter engines so our air transportation system can help us meet the challenges and the opportunities facing us in this next century.

□ 1245

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

Mr. Chairman, I am pleased to join the gentleman from New York (Mr. WEINER), the gentleman from Colorado (Mr. UDALL), the gentleman from New York (Mr. CROWLEY), and the gentleman from Ohio (Mr. KUCINICH) in sponsoring this amendment, and I rise in support of its passage here today.

I think anyone who is interested in economic development in this country should give very close consideration to this particular proposal. I am convinced that progress in noise reduction is imperative to continued economic growth in this country.

The tension exists today between growth in traffic in the air and concerns about quality of life on the ground, and this tension represents a formidable barrier to economic expansion all across the country.

We all know that increased air traffic is inevitable, whether it is through legislation of this body or through simple population increase over the next several years. We know that we have a problem and it is going to get bigger.

The FAA currently puts monies towards abatement and remediation efforts but, in fact, they have not been adequate, and those efforts may end up being negated to some extent as the FAA moves to change traffic patterns and navigation methodology into the future. And we may see traffic movement from the existing contours and this problem spread to more and more families.

The NASA bill that we are talking about is about researching new technologies, not about abating problems that currently exist but dealing with the future. And, of course, we need both. We need remediation of existing problems, and we must eliminate any future problems before they start.

What we are hoping to see developed here is next-stage aircrafts, necessary, absolutely necessary, if we hope to support both quality of life for the families who are affected by this problem, as we just heard 3 million and growing, as well as the economic needs of communities, regions of the country, and indeed the country as a whole.

If my colleagues are interested in economic development, if they are interested in protecting both the growth of air travel and the economic growth that is incumbent with that, as well as the quality of life for people on the ground, this is a very good place to spend a vote today.

I urge that my colleagues support it.

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

Mr. Chairman, I yield to the gentleman from New York (Mr. WEINER).

Mr. WEINER. Mr. Chairman, I just want to summarize here what we have had a chance to learn. We have learned that there is virtual consensus in this body, even on those that are opposed to my amendment, that aircraft noise has reached almost chronic proportions. We have agreed that we need to do more about it. We have agreed in the years to come there will be even more aircraft taking off, more people living in those paths, and more people being harmed every day several times an hour by that air traffic.

But what we have heard is that my amendment to add $10 million this year to a package that includes $42 billion of spending, including $14 billion just this year alone, is somehow too rich. And we found out that instead of offering this amendment in the way that I have to bring it up to last year's level, no higher, that instead I should identify places in the budget and seek to have this funded from those areas.

Well, perhaps I can have it funded from the Advanced Space Transportation Technology section of this bill. $80 million plus-up, an $80 million additional allocation is in this bill, above and beyond what the President proposed. Perhaps it can come from that research and technology base that I had a brief colloquy with my chairman about, which is a $362 million pot of money that is essentially fungible that we are saying, as this Congress, we want to give the authority to NASA to decide how that should be spent.

But if we agree on the fundamental premise that we need to do more research, that we need to ensure that when the stage-four aircraft are ready that we in the United States are able to put them on our aircraft as quickly as possible, then perhaps this is the place to start.

There is concern, and it is legitimate concern, that we not bust the budget. Well, we are not busting the budget by restoring this to last year's level. We are not busting the budget if we are going to be approving a bill with this amendment, which is exactly at the same level as it was this year. And all of the protest about us not paying enough diligence, not paying enough respect to the request that the President submitted I believe is a false concern.

I believe that there are many areas in this budget where we exceed the President's request. This is an opportunity for us to touch people's lives all over this country. It might be our last chance this year to say, in addition to trying to foster greater air commerce, in addition to trying to foster growth at airports, in addition to trying to track new jobs, we should do a little bit, a very little bit, to add to the amount of research that we do that, perhaps with the great assets that we have in this country, intellectual and otherwise, in years to come we might be able to look back at this bill and say give us the extra push to get even quieter aircraft flying over our country.

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

Mr. LAMPSON. I yield to the gentleman from California.

Mr. ROHRABACHER. Mr. Chairman, is the gentleman from New York (Mr. WEINER) now amending his amendment or proposing a new amendment that suggests that the $11 million come from the Advanced Space Transportation Technology section?

Mr. WEINER. Mr. Chairman, I ask the gentleman, would he support that amendment if I did?

Mr. ROHRABACHER. Mr. Chairman, if the gentleman would yield, is that the proposal of the gentleman?

Mr. WEINER. Well, I am always guided by the wisdom of my subcommittee chair. Would the chairman support that amendment if I crafted it in that manner?

Mr. ROHRABACHER. Well, let me suggest this, if the gentleman would continue to yield:

I had extensive meetings on this budget with Mr. Goldin, who, of course, is the head of NASA. And I know that we have a big budget and I know $10 million or $11 million seems like it is a small portion, but believe it or not, the people in government who have to deal with this budget actually have ideas of how this money should be spent and have ideas and know that if it is not spent in another way it will come out of these other priorities.

Mr. Goldin has emphasized to me, as the chairman of the subcommittee, that the Advanced Space Technology portion is third highest priority. And frankly, this is something that we should have been discussing and going through for the last two or three weeks rather than here on the floor of trying to find an area.

So I would imagine Dan Goldin and the administration would oppose it coming out of that themselves. It is something that, and I agree with the gentleman, I mean, I think that he has hit an area that needs research. In fact, as I mentioned earlier, NASA has already decided to increase, due to probably some of the arguments he has provided, by $25 million.

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

Mr. LAMPSON. I yield to the gentleman from New York.

Mr. WEINER. Mr. Chairman, first of all, as the chairman is aware, we did not mark this up in the subcommittee so we did not have an opportunity to fully vet it. And when we did offer a similar amendment, the type that my colleague seems to be supporting, I won on a tie vote, a moral victory perhaps; and that is why I chose to draft it this way using the guidance of the gentleman.

And I am comfortable with the idea of a $14 billion NASA budget this year, having an additional $10 million that does not exceed last year's level. I am comfortable with that amendment and I would urge my colleagues to support it.

Mr. PALLONE. Mr. Chairman, I rise today in support of the Weiner/Kucinich/Udall/Rivers amendment. I have been actively working to ameliorate aircraft noise and pollution problems affecting my district and the New Jersey/New York Region for many years.

Recently, I helped secure language in the FAA reauthorization act to urge the FAA to complete its redesign of the New York/New Jersey airspace as expeditiously as possible. I also joined other Members in signing a letter to the Transportation Appropriations Subcommittee urging full funding for the airport improvement program.

Recently, too, I have met with NASA representatives to better understand their ongoing research efforts that would help reduce aircraft noise. These efforts are leading to the next phase of quieter aircraft, often referred to as ''state IV''. However, NASA is many years away from deploying this technology. To increase their ability to develop this technology more rapidly, I urge my colleagues on both sides of the aisle to support the Weiner amendment. The amendment would restore funding for NASA's aircraft noise research program to last year's appropriated level, and would only do so over the next three years. This funding is critical to providing noise relief to our citizens, improving air quality and reducing greenhouse gas emissions, and increasing safety of residents and flight passengers nationwide.

This amendment is important not only for residents in the New Jersey/New York region, but for our entire nation. And I commend my freshman colleague from New York for initiating this important amendment that will improve the quality of life for people across the U.S. Help begin the new millennium with greater noise and pollution relief for our constituents by voting ''Yes'' today on the Weiner/Kucinich/Udall/Rivers amendment.

Mr. ACKERMAN. Mr. Chairman, I rise today in strong support of the amendment offered by Mr. WEINER to the FY 2000 NASA Authorization bill. This measure would restore funding for NASA's Aircraft Noise Research Program to last year's level. The research conducted by this program would be of great benefit for all those who live, work, or travel near airports throughout the country.

The New York metropolitan area air space is the busiest in the nation. While many people enjoy the benefits of frequent flights into and out of New York, my constituents are forced to endure the noise of a plane landing or taking off every 30 seconds at LaGuardia Airport. Moreover, the FY 2000 FAA Re-Authorization bill which the House will be considering in the next few weeks, may well increase this flight activity. The issue of airplane noise is a quality of life issue for the people who live, work, and go to school in the areas surrounding our nation's airports. The least we can do is work to make these planes quieter, and lessen the burden on those who reside near airports in my district, as well as throughout the country.

I want to thank the gentleman from New York, Mr. WEINER, for his initiative and leadership on this critical issue for so many New Yorkers and others throughout the country. I urge my colleagues to support this critical issue and vote ''yes'' on the Weiner amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. WEINER).

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

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

The CHAIRMAN. Pursuant to House Resolution 174, further proceedings on the amendment offered by the gentleman from New York (Mr. WEINER) will be postponed.

AMENDMENT NO. 7 OFFERED BY MR. SALMON

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. SALMON:

At the end of the bill, insert the following new section:

SEC. 221. ANTI-DRUG MESSAGE ON INTERNET SITES.

Not later than 90 days after the date of the enactment of this Act, the Administrator, in consultation with the Director of the Office of National Drug Control Policy, shall place anti-drug messages on Internet sites controlled by the National Aeronautics and Space Administration.

In the table of contents, after the item relating to section 220, insert the following new item:

Sec. 221. Anti-drug message on Internet sites.

Mr. SALMON. Mr. Chairman, my amendment is very straightforward. It requires the NASA Administrator to consult with the Director of the Office of National Drug Control Policy to place antidrug messages on NASA Internet sites.

The NASA Internet site is the most popular Government Web site, receiving hundreds of millions of hits. For example, the Mars Pathfinder Web site logged roughly 750 million hits during its mission to Mars. John Glenn's return to space generated 732,000 Web pages being downloaded from NASA's server, and each week about 250,000 Web pages are downloaded from NASA's server.

Many of these hits on the NASA site are from children, our young people. Thousands of schools around the country have incorporated the NASA Web site into their science curriculum. Furthermore, NASA has targeted students with interactive Web sites designed to engage young minds.

In an era where our children are constantly bombarded and surrounded by the influence of drugs and where more than half of all high school students are found to have dabbled with illicit drugs by the time they have graduated, now is the time to step up our prevention efforts to protect our children from the scourge of drugs. The NASA Web site is an excellent and cost-free way to send these antidrug messages to our young children.

I urge all of my colleagues to support this amendment.

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

Mr. SALMON. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, the amendment of the gentleman from Arizona is a very constructive one and I am happy to accept it.

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

Mr. SALMON. I yield to the gentleman from Tennessee.

Mr. GORDON. Mr. Chairman, I also recommend accepting the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. SALMON).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. ROEMER

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. ROEMER:

After section 130, insert the following new section:

SEC. 131. COST LIMITATION FOR THE INTERNATIONAL SPACE STATION.

(a) LIMITATION OF COSTS.—Except as provided in subsection (c), the total amount appropriated for—

(1) costs of the International Space Station through completion of assembly may not exceed $21,900,000,000; and

(2) space shuttle launch costs in connection with the assembly of the International Space Station through completion of assembly may not exceed $17,700,000,000 (determined at the rate of $380,000,000 per space shuttle flight).

(b) COSTS TO WHICH LIMITATION APPLIES.—

(1) DEVELOPMENT COSTS.—The limitation imposed by subsection (a)(1) does not apply to funding for operations, research, and crew return activities subsequent to substantial completion of the International Space Station.

(2) LAUNCH COSTS.—The limitation imposed by subsection (a)(2) does not apply to space shuttle launch costs in connection with operations, research, and crew return activities subsequent to substantial completion of the International Space Station.

(3) SUBSTANTIAL COMPLETION.—For purposes of this subsection, the International Space Station is considered to be substantially completed when the development costs comprise 5 percent or less of the total International Space Station costs for the fiscal year.

(c) AUTOMATIC INCREASE OF LIMITATION AMOUNT.—The amounts set forth in subsection (a) shall each be increased to reflect any increase in costs attributable to—

(1) economic inflation;

(2) compliance with changes in Federal, State, or local laws enacted after the date of enactment of this Act;

(3) the lack of performance or the termination of participation of any of the International countries participating in the International Space Station; and

(4) new technologies to improve safety, reliability, maintainability, availability, or utilization of the International Space Station, or to reduce costs after completion of assembly, including increases in costs for on-orbit assembly sequence problems, increased ground testing, verification and integration activities, contingency responses to on-orbit failures, and design improvements to reduce the risk of on-orbit failures.

(d) NOTICE OF CHANGES.—The Administrator shall provide with each annual budget request a written notice and analysis of any changes under subsection (c) to the amounts set forth in subsection (a) to the Senate Committees on Appropriations and on Commerce, Science, and Transportation and to the House of Representatives Committees on Appropriations and on Science. The written notice shall include—

(1) an explanation of the basis for the change, including the costs associated with the change and the expected benefit to the program to be derived from the change; and

(2) an analysis of the impact on the assembly schedule and annual funding estimates of not receiving the requested increases.

(e) REPORTING AND REVIEW.—

(1) IDENTIFICATION OF COSTS.—

(A) SPACE SHUTTLE.—As part of the overall space shuttle program budget request for each fiscal year, the Administrator shall identify separately the amounts of the requested funding that are to be used for completion of the assembly of the International Space Station.

(B) INTERNATIONAL SPACE STATION.—As part of the overall International Space Station budget request for each fiscal year, the Administrator shall identify the amount to be used for development of the International Space Station.

(2) ACCOUNTING FOR COST LIMITATIONS.—As part of the annual budget request to the Congress, the Administrator shall account for the cost limitations imposed by subsection (a).

(3) VERIFICATION OF ACCOUNTING.—The Administrator shall arrange for a verification, by the General Accounting Office, of the accounting submitted to the Congress within 60 days after the date on which the budget request is transmitted to the Congress.

(4) INSPECTOR GENERAL.—Within 60 days after the Administrator provides a notice and analysis to the Congress under subsection (d), the Inspector General of the National Aeronautics and Space Administration shall review the notice and analysis and report the results of the review to the committees to which the notice and analysis was provided.

In the table of contents, after the item relating to section 130, insert the following new item:

Sec. 131. Cost limitation for the International Space Station.

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

Mr. ROEMER. Mr. Chairman, there is a quote from Justice Louis Brandeis and it goes like this: ''Publicity is justly commended as a remedy for social and industrial diseases. Sunlight is said to be the best of disinfectants, electric light the most efficient policeman.''

Sunlight, policing, publicity, how can we be against that? This amendment is about all three of those things. This is not my annual amendment to kill the Space Station. This is an amendment to responsibly cap the costs of the Space Station.

Mr. Chairman, we need to do something about the Space Station; and this body, in its eminent wisdom and sense of fair play, has a number of options today. We can cap the costs of the Space Station for the assembly at $21.9 billion. We can cap the Shuttle costs in connection with the assembly at $17.7 billion and follow the lead of the other body.

The other body put these caps into their bill. Senator MCCAIN, a Republican, who I believe supports the Space Station, put this language into the Senate bill. I do not think that it was even contested. I think it was voice voted. And probably people that support the Space Station, although I do not, I admit it, I do not support the Space Station, this simply tries to get a fencing and a cap and some accountability and some sunshine on the rising and escalating inefficiencies and cost overruns in the Space Station.

Now, we just had a debate on a reasonable amendment offered by the gentleman from New York (Mr. WEINER) to try to plus up to last year's level an aeronautic account to try to do more research on noise and its impact from engines, commercial engines, on inner city people.

Both the respected chairman, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the respected subcommittee chairman, the gentleman from California (Mr. ROHRABACHER) have, in effect, said that we must prioritize the Space Station. And it has gone from $2.1 billion in this bill to $2.4 billion in this bill. So, naturally, when the bill is only $13.4 billion, lots of other things are going to fall by the wayside.

So this amendment that I respectfully offer simply says let us fence this money, let us cap this money, let us make NASA accountable for this money.

□ 1300

I remind my colleagues, I gently remind my colleagues that this is the same Space Station that was supposed to cost $8 billion when it was first designed in 1984. Now the General Accounting Office says the total cost for launching and construction assembly are going to be $98 billion. Mr. Chairman, we have had cost overruns in the last couple of years equal to the entire cost that the Space Station was originally designed to cost the American taxpayer.

This amendment simply says, if you are going to build it, be accountable to the taxpayer. Do not continue to have a program replete with inefficiencies and infected with cost overruns. Let us make sure that NASA does it the way they have done so many other things so efficiently, with the hope and the glory and the promise of the Pathfinder that went to Mars recently for $263 million on the dot.

Are we going to be able to do those anymore if the Space Station continues to escalate in cost and eats up the rest of the $13.4 billion that we have for NASA? I ask my colleagues, will we even have a NASA that has an aeronautics component? Maybe we should just rename the bill the National Space Administration and not help out our aeronautics companies anymore. That is where we are moving. That is what happened to the gentleman from New York's amendment. Let us make sure we prioritize accountability and disinfectant and fairness in this budget.

Mr. SENSENBRENNER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this is one of the rites of spring that occurs in our Nation's

capital city every year. The cherry blossoms come up, there are a lot of tourists, particularly schoolchildren, that come to see our Nation's capital, and the gentleman from Indiana starts to kill the Space Station again.

First, there is a cap for the next 3 years contained in the bill that is before us. That cap is contained in the authorization amounts of $2,482,700,000 for fiscal year 2000, $2.328 billion for fiscal year 2001 and $2.91 billion for fiscal year 2002. That cap is there. That fully funds the administration's request on this subject. We are being very bipartisan on that.

Secondly, the amendment that the gentleman is proposing now will be directly in conflict with the next amendment that the gentleman intends to propose which gets the Russian government out of the critical path, because the budgets that NASA has put together assume that the Russians will be able to fulfill their obligations under the Space Station agreement. The gentleman from Indiana and I happen to agree that the Russians have not done that. But if he removes the Russians from the program, it is going to cost more money.

So the cap that he puts on will prevent NASA from spending more money which will be caused by the next amendment that the gentleman from Indiana intends to propose. Really, I think the gentleman ought to go to his third amendment which kills the Space Station altogether, because that implements what he wants to do. What he wants to do there is wrong and has been rejected overwhelmingly by the House of Representatives in the past, and I would hope would be rejected again in the future.

The conflicting messages that are being sent by the different caps that are being discussed here is not going to do NASA any good, is not going to do the program any good, and it is just going to confuse everyone in terms of responsible budgeting. I hope that that is not what the gentleman from Indiana has in mind.

Because in determining how much the Space Station costs, an essential element is going to be the economic and political direction that Russia takes and how the United States of America, which includes the President, the Congress and the American people, respond to it. I just would hope that NASA's hands would not be tied through the adoption of the amendment that the gentleman from Indiana is proposing at the present time, that NASA be able to have the flexibility in dealing with Russian contingencies head-on.

For that reason, I would urge the committee to reject the amendment that he has proposed.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the last word.

Let me thank the gentleman from Wisconsin (Mr. SENSENBRENNER) as well as the chairman and ranking member of our Subcommittee on Space and Aeronautics. Let me also acknowledge the gentleman from California (Mr. BROWN) and wish him a speedy recovery and thank him for his leadership.

I enjoy the friendship of the gentleman from Indiana, and of course I enjoy his constant reminder that we must be vigilant and diligent in the use of the people's money. I vigorously rise, Mr. Chairman, to oppose his amendment on the capping of development funds and launching funds for the Space Station, and prospectively rise to oppose what might be an amendment to eliminate the Space Station, and ask my colleagues to consider where we are.

In committee, someone made a very important note that the gentleman from Indiana's eloquence was missed in the Committee on Science, and they thought because of his leadership of past years he had gotten promoted to another committee. Maybe we should not say it on the floor, but I know he misses us and he knows the good work that this committee does, and that is why he is back with us again.

But I would share with my colleagues that we went through this even before I came to Congress, when we in essence did not support the continuation of the super collider, of course, costing a lot of dollars. But yet there is much evidence that suggests superconductivity research, which is now international, would have generated into many, many jobs and as well would have brought us a large amount of research and input.

I say that this is the same thing that we have with the Space Station. I support the NASA reauthorization, with certainly a number of concerns. But I would think at this point in the furtherance of what we have done, where we have gotten the Space Station, the efficiency, the effectiveness, the tight budget.

I just happened to visit one of our contractors a couple of weeks or so ago. I walked through their plant, I watched their employees, saw the fine line of the budgeting process that they watch, the around-the-clock workers that they have there at USA, United Space Alliance, and saw that they had an attention to detail with respect to doing this job right.

The research that we are getting out of the Space Station on diabetes, HIV, heart disease, the fact that the NASA Johnson Space Center, in fact, using International Space Station as an umbrella, is able to solve some of the problems that impact individuals. For example, there is sort of a connection between the small business community where there are outreach members who go to the small business community and say, ''Do you have a problem? If you have a problem, let's see if we can solve it through the umbrella of the Johnson Space Center and the umbrella of the International Space Station.''

One of those had to do with a gentleman that had a surgery on his arm and had to have various tubes. He could not take a clean bath. This is one of our hospitals. He could not take a shower because infections would start up. We have been able to, under the umbrella of all the research that is done under the Space Station, to be able to solve that individual problem. And so I think it is important. I think, however, that to gut the Space Station, we would be in trouble.

The bill fully funds the Space Shuttle at $2.5 billion. Included in the package is an additional $456 million for the Shuttle. Furthermore, this bill contains a substantial increase from the administration's request for NASA's academic program. I was able to secure further participation for our minority universities, minority-serving universities, Hispanic and African American. The overall bill responds to our concerns about fiscal responsibility.

Yet let me comment, Mr. Chairman, that this bill is not altogether perfect. It steals from Administrator Dan Goldin by prohibiting him from pursuing programs that have the potential to bring great rewards to the United States. The Triana program, Mr. Chairman, I hope, which is a 2-year program which was funded last year in the amount of $40 million, snatched out of the jaws of success, I hope that when we get into conference we can realize the importance of this. Taking away NASA's authority to follow through on this program merely because it was an initiative of the Vice President is certainly irresponsible and a waste of taxpayer dollars. It reminds me of the big hole in north Texas because of opposition to the super collider. Section 126 of the bill also contains a limitation on NASA's earth science program.

So we have many problems, Mr. Chairman, but I would say to you, we do not have a problem with the International Space Station. I would ask my colleagues to defeat this amendment, prospectively to defeat the amendment to eliminate the Space Station, and pass the bill, and work on supporting the Triana project.

Mr. Chairman, I rise in support of this bill, which authorizes the National Aeronautics and Space Administration (NASA) for the next three years.

This bill authorizes one of our proudest institutions, NASA. It is an agency that spearheads our search for an understanding about our universe, an agency dedicated to quench our insatiable thirst for knowledge. It is an agency that has done more with less over the past decade, and done so convincingly well. I wish that Congress could perform for them as they have for us, and pass a bill that does not micro-manage, and that does not place new obstacles in the path to achievement.

Thankfully, however, this bill maintains or increases funding for several projects that have consistently been performing well despite yearly budget cutbacks, namely the International Space Station and the Space Shuttle. Up until now, it has been fairly easy to criticize our progress on the station because NASA remained in stages of planning and preparation—but all of that has changed in the past

few months we finally have two pieces of the ISS in orbit—*Zariya* and *Unity.* Under this bill, the funding for the Space Station is set at $1.4 billion for FY2000, of which $394 million is specifically earmarked for microgravity research—which is at the core of station research that will benefit the health of humankind.

This bill also fully funds the Space Shuttle program at $2.5 billion in FY2000, with a slight increase in FY2001. Included in this package is an additional $456 million for shuttle upgrades, which seek to improve the safety of the shuttle, and which can increase efficiency. These upgrades will guarantee that the space shuttle will be more-than-capable in its duties for the next 10 years, while at the same time reduce operating costs and decrease flight turnaround time. These are important in an era where we want to increase access to space while at the same time lowering cost, so that we can better complete worldwide for launch dollars. We should be promoting the use of U.S. launch facilities whenever possible, so as to further develop our launch industry and make our economy more robust than ever.

Furthermore, this bill contains a substantial increase from the Administration's request in the funding for NASA's Academic programs. Although the $128 million is slightly below the appropriated amount last year, it still represents an overall increase in those academic programs when looking at our overall spending pattern over the past five years.

I was also thankful to pass an amendment during Full Committee markup that set aside a proportional amount of funding for minority academic programs. These programs are extremely important, especially when you look at the numbers. African-Americans only represent 6% of the students enrolled in graduate-level science and engineering programs, and Hispanics only 4%. In the workforce, both of those groups together represent less than 6% of those working in the science and engineering fields even though they represent more than 20% of all our workers combined.

My amendment ensured that NASA would spend at least $62 million on minority education efforts, of which $33.6 million would go to Historically Black Colleges and Universities. This is especially important in my district, which lies just outside of the Johnson Space Center and which contains Texas Southern University and the University of Houston, both of which serve minority youth from all over the country. NASA can have a significant impact on these children's lives—most of you have seen the reaction of the children who were lucky enough to attend the preview of the new ''Star Wars'' movie last night—now imagine NASA being able to dazzle them with real-life possibilities and technology.

This bill is far from perfect, however. NASA has always been an agency about research, setting goals, and solving problems. This bill, however, steals authority from Administrator Dan Goldin by prohibiting him from pursuing programs that have the potential to bring great rewards to the United States.

The first program that is cut by this program is the Triana program, which is a two-year program which was funded last year in the amount of $40 million. By taking away NASA's authority to follow through on this program, merely because it was in some way an initiative of the Vice President is more than irresponsible, it is a waste of taxpayer dollars.

Section 126 of this bill also contains a limitation on NASA's Earth Science program, who is in charge of leveraging our space technology to give us a better understanding of the Earth. The limitation places hard requirements on NASA to commercialize portions of its remote sensing data, but the reality is that the market has not developed to the point where data buys are commonplace. As a result, the entire Earth Science program's future will be in serious jeopardy in Section 126 is not stricken from the bill.

The bill as currently written also contains prohibitions on the development of TransHab, a new technology that has direct application to the Space Station and future space technologies. TransHab is essentially an expandable construct that can be used in outer space to house astronauts or other equipment. Because it is expandable, its capacity for use is greater than conventionally built modules, and at the same time it saves us precious payload space when put into orbit. TransHab technology opens many options for NASA, and makes the lives of astronauts far more bearable. While we should make sure that this technology does not jeopardize our current space station construction timeline or cause cost overruns, this House should not preempt the sound reasoning of our best-trained scientists by prohibiting the development of TransHab.

NASA is an important tile on the American quilt. It permeates the consciousness of a whole generation that watched Neil Armstrong walk on the moon and dreamed they were there with him. NASA continues in the American traditions of exploration and ingenuity—and we should not abandon those traditions by placing limits on our best and our brightest. I urge my colleagues to support NASA, but to do so responsibly and without undue interference.

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

Mr. Chairman, I rise in strong support of all three Roemer amendments. Every year, as the gentleman from Wisconsin has pointed out, we come to the floor and debate this issue.

I urge my colleagues to vote down additional funds for the International Space Station. I realize we are going to be facing three amendments today. One is to cap funding, one is to end our partnership with Russia in this program, and the third is to end funding for the Space Station altogether.

But we continue to shovel money into this growing black hole of taxpayer dollars. Two modules have already been launched, but where is the next module? The launch of the third segment, Russia's service module, has been delayed again and again because of Russia's funding problems.

Should we throw more U.S. taxpayer dollars to the Russians to finish their work? I fear that such assistance may become lost, like the $4.8 billion in IMF funds which were squandered by Russian officials. The Clinton administration's ill-fated decision to bring Russia aboard, a decision which they claimed would result in accelerating the Space Station completion by 2 years and reducing costs by $4 billion, has backfired badly. Instead, costs have accelerated and delays have increased.

In the fiscal year 1994 VA-HUD bill which passed the House overwhelmingly, there was report language which said, and I stress this point, Congress stated that Russian participation, and this is where I am quoting, ''should enhance, not enable, the Space Station.'' Despite our best intentions, Russian participation has caused huge U.S. cost overruns and has in effect disabled the program, which is now dependent on Russia.

Will the American taxpayer get their money's worth out of this project? I doubt it. The original scientific justifications for building the station have eroded. The presidents of 10 different scientific societies have called the Space Station a project of little scientific or technical merit that threatens valuable space-related projects and drains the scientific vitality of nations.

I believe the $75 billion not yet spent on the Space Station could provide an enormous benefit to other programs within NASA and other earth-based scientific research. How many more delays, cost overrun and unfulfilled promises must we endure? I continue to support NASA and space exploration, but we must recognize the cost of this particular project far exceeds the potential benefits. I urge my colleagues to support the Roemer amendments and restore common sense to our space program.

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

Mr. Chairman, I want to compliment the gentleman from Indiana's scrutiny of the Space Station over the past few years. I think because of that that we have a better Space Station program, that NASA is more accountable.

But I do have concerns with this amendment, in that, as has been pointed out, two segments of the Space Station have already been launched and placed in orbit. This particular cap would result in a 12 percent approximate reduction in the budget for the projected completion of the Space Station. I think to take 12 percent out really raises questions of safety and efficiency. For those reasons, I think this is just too big a cut and would oppose the amendment.

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

Mr. Chairman, as we all know, the gentleman from Indiana has been a strong opponent of the Space Station program for years, and for many years traditionally introduced the amendment to kill the funding for the Space Station. He was consistently defeated by the will of this body.

The people of the United States, through the expressed will of the Congress, have chosen to proceed with the construction of the Space Station. Now, today, as we speak, we do have two elements on orbit. We have much

of the construction cost already expended, and most of the hardware is at the Space Station processing facility at Kennedy Space Center and ready to be launched.

□ 1315

Now what was correctly pointed out by the gentleman from Michigan is that we do have significant delays caused by the Russians, and that has been something that I have been very, very concerned about, as have been many Members of this body. We are very, very close to obtaining the delivery of the service module. NASA has worked out a very, very successful program to work around any further Russian delays in the outyears of the program and to ultimately get them out of the critical pathway.

I strongly encourage my colleagues to oppose this amendment because of what it really is, and what it is is an attempt on the part of those who have tried to kill the space station for years to instead put forward an amendment that does not appear to do that but what in reality will do that. By putting this cap in place it would require very significant cuts in funding, and I can tell my colleagues as a Member who represents an area of the country where a lot of this work is done, this program is pretty much cut to the bone. They have really done a tremendous job, I believe, in getting it completed with the funding that has been available and that this particular amendment will essentially kill the space station program.

I am told that there is nothing that motivates our kids more to study math and science in our schools than our manned space flight program, and I would encourage our colleagues to defeat this amendment.

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

Mr. Chairman, I have before me here the official House of Representatives dictionary, and I have turned to page 240 and looked up the word ''boondoggle.''

Boondoggle: work of little or no value done merely to keep or look busy; a project funded by the Federal Government out of political favoritism that is of no real value to the community or the Nation.

Boondoggle, Mr. Chairman, that is what we are talking about here in the three amendments offered by the gentleman from Indiana (Mr. ROEMER) to kill, cut or sever the relationship with the Russians in work performed by the Russians on the space station.

Mr. Chairman, I will tell my colleagues I was a member of the Committee on Science back in 1994. We began talking about the space station. The work was already under way at that time. I was told at that time that the work to be done, to be completed, was going to run a cost of $20 billion to complete the space station. That was in 1995, when I first came to Congress. Today we have just received a study by GAO with revised estimates saying that the space station will cost U.S. taxpayers $95.6 billion over its lifetime, a fourfold increase in 4 years, Mr. Chairman.

This, I believe, should be an added definition for boondoggle in this dictionary that I have before me.

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

Mr. LARGENT. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, I am afraid the gentleman is kind of confusing apples with oranges because the earlier figure was the construction cost. The later figure that the gentleman from Oklahoma is using is the construction cost plus the operations cost over the full 15 to 20-year life cycle of the station.

I will be the first to concede that as a result of the Russian failures to do what they agreed to the construction costs to the U.S. taxpayers have gone up, but the 1994 figures that the gentleman from Oklahoma gave did not include any operations cost whatsoever.

So there has not been a fourfold increase.

Mr. LARGENT. But is it true that the taxpayers will be spending $95.6 billion over the next 15 years or over the lifetime of the space station?

Mr. SENSENBRENNER. That is the current estimate, but to say that the cost has gone up by four times, as my colleagues know, uses a figure in the beginning that did not include any operational cost and the figure in the end that does. So it is not a comparable comparison between the current cost estimate and the cost estimate that was utilized in 1994.

Mr. LARGENT. Then in 1994 what were the costs plus operational expenses projected to be?

Mr. SENSENBRENNER. I do not know.

Mr. LARGENT. I can assure the gentleman it was not $95.6 billion of the taxpayers' money.

I can also tell him that one of the reasons that was given for building the space station was that we could do all these elaborate experiments on crystal formation in a weightless environment, and so the reason for that is that we would be able to develop all these cures for cancer and so forth, and so what I did is I just kind of on my own began calling a number of the drug manufacturing companies in this country and asking them: ''How important is it for you to be able to conduct these experiments to develop these chemicals and these different crystalline formations that are going to cure cancer?''

Their response, all of them across the board, was: ''We could care less. That is not what we are into. We could care less about space station funding.''

So I would just say, Mr. Chairman, that I am rising in support of all the Roemer amendments, and I would ask my colleagues to consider the ramifications of continuing to spend nearly $100 billion of taxpayers' money on a project that is overdue, overfunded and not needed.

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

Mr. Chairman, I rise this afternoon to voice my very strong opposition to all of the amendments offered by the gentleman from Indiana (Mr. ROEMER) to H.R. 1654, and I will talk about all of them right now in one fell swoop.

With all due respect to my colleague from Indiana, cancelling or capping the International Space Station, whether it is dealing with the partnership with Russia, killing funding authorization for the space station or setting caps on development of and launch of costs associated with the station is wrongheaded. It is wrongheaded domestic and foreign policy.

When we began the International Space Station, we knew it would be a challenging project, to say the least. To stop now would be sort of like halting the construction of the transcontinental railroad shortly after the engineering survey work had begun and the first few miles of track had been laid in the 1860s.

Mr. Chairman, it would be shortsighted and even foolish to terminate the program now that we are on the verge of realizing its many rewards. We have launched Zarya and Unity, the initial elements of the space station, into orbit where they are now operating, and moreover, shipment of the service module, the permanent crew quarters, will be placed in orbit next year. It is presently under way. NASA experts predict that the space station will be completed and can serve as an outpost for humans to develop, use and explore the last frontier within 5 years.

Mr. Chairman, think about the advances that can positively affect the lives of all Americans that would be prematurely halted. For example, the new space life sciences doctoral program at the University of Texas medical branch in Galveston, my district, could be terminated, and the chances of improving telemedicine and even better access for health care for all Americans would be slowed down. Cutting space station funding would adversely affect Joe Valentine's Alliance for Technology access in San Rafael, California, which is in the district of the gentlewoman from California (Ms. WOOLSEY), and she is going to speak in a few minutes. The alliance which has 40 resource centers around the country provides assistance to the disabled through a variety of high-tech resources, many of which have been developed through manned space exploration and all of which stand to benefit greatly from current telemedicine-telemedical research.

Mr. Chairman, capping or eliminating space station funding also could stymie progress at the University of Notre Dame's bioscience core facility. At this laboratory in the district of the gentleman from Indiana (Mr. ROEMER)

scientists and researchers are dedicated to providing technical and instrumental support for biological and biochemical research. I do not believe either of these Congress persons wish to do something that would harm the hopes and dreams of what these people are trying to accomplish in their districts, and our Nation's drive to improve the lives of humans and the health of our planet would be waylaid if Congress votes to terminate funding for the International Space Station. It would be a shame to throw away one of the best financial investments our Nation can make, and I have said it several times. For every Federal dollar we spend in space we get a $9 return here on Earth. Nine dollars has created tens of thousands of good jobs for Americans.

Well, Mr. Chairman, I urge all of my colleagues to think about their children and their grandchildren when casting their vote on any of these three dangerous amendments. Do we really want to deprive our children and grandchildren the benefits of future improvements and discoveries in medicine, meteorology, microbiology by voting against continued funding of the International Space Station?

Well, I do not want the 106th Congress to go down in history as one of the most myopic in history by endorsing these amendments. Therefore, I urge all of my colleagues to vote no on the amendments to NASA's budget authorization bill.

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

Mr. Chairman, I rise in respectful but still opposition to at least two of the amendments offered by the gentleman from California (Mr. ROEMER). Perhaps we will talk about the third, but let me just say that now is not the time for us to undermine the space station program.

The gentleman from Indiana (Mr. ROEMER) has made his position very clear. He believes the space station is wasteful, and he believes that it takes away from other priorities. He has made his arguments, and some of his arguments have certainly a flavor of legitimacy to them, not to say that we can agree with him at this time. Perhaps 10 years ago when we were facing this same situation, perhaps when I first came to Congress, would have been a better idea just to go along with Mr. Roemer at that time, but we have gone forward now, and we have reached a point that it would be a tremendously destructive factor to America's space program to try to end the space station project at this time.

If we end the space station project, we follow the lead of the gentleman from Indiana (Mr. ROEMER), it will be a death knell to space cooperation throughout the world. We have made agreements with our allies. We also made an agreement and a covenant with the American people. We spent so many billions of their dollars already on this project, it is incumbent now upon us here at the last moments, in the last 2 years of this project, to get the project done.

And I agree with Mr. Goldin. Mr. Goldin, I think, has been a breath of fresh air to the space program, that his number one priority is to get this project done, get on with it, so then we can go on to other things. If we instead decide to cancel this project to go on to other things, as the gentleman from Indiana (Mr. ROEMER) would like us to do, it will lead to just the opposite. We will not be cancelling to go into other things, we will be undermining public confidence and any other major space programs and commitments in the future.

So, while I sympathize with his responsible efforts to prioritize and to talk about, as my colleagues know, drawbacks in this budget, I simply cannot support, and I do not think it is responsible for us now to pull back at this last moment.

Now let me just say a few words about space station and what it will be and why it is worth moving forward at this time.

The space station, once complete, will be one of the great and historic engineering feats of all times. We are demonstrating that our engineers, and with a combined and cooperative effort with other countries of the world, can build a great edifice in space, a structure that can be used for, yes, scientific research, but also a structure that can be expanded and used for other things in the future that we perhaps cannot foresee now. Just the engineering experience that we get from building space station and the experience we have working with this cooperative relationship with others will educate us and permit us to accomplish other great things in space, perhaps a moon base, perhaps something that I envisioned, a space grid, an electric grid in space that will help us once our oil resources dwindle to provide clean electricity from space to be beamed down from solar collectors onto the Earth.

These are great dreams, but these are dreams that have to start with engineering capabilities that the space station now will enable us to do because it will teach us those techniques and enhance those capabilities.

So, I would respectfully request my colleagues to reject Mr. ROEMER's amendments, at least two of them dealing with the space station, and to support the space station, not to quit and call it off right here at the last moment.

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

Mr. Speaker, I will not take my full 5 minutes. In fact, I will condense it to Mr. ROEMER's pending three amendments. I will rise in opposition to all three, but I will only speak once.

□ 1330

I want to speak to the cutting of the funding, to the striking of the funding, or even to the reducing of the international effort in the International Space Station. The gentleman from Indiana (Mr. ROEMER) is a fine Member. I would say to the gentleman from Indiana (Mr. ROEMER) that I hope I do not give the same speech every year because his amendments obviously I oppose.

The International Space Station represents the future of space exploration in our country, and it represents a high tech lab whose innovations have countless applications in the daily lives of all Americans. It represents an era of international cooperation that everyone can benefit from.

To date, the International Space Station has been a model of international cooperation and responsible management. If Congress does undermine the funding for the Space Station with an unexpected reduction, it would represent a major reversal and a commitment made to the program's stability over the past few years and it would be a betrayal to our international partners.

Critics have said that the cost for the life cycle of the Space Station has drastically risen. It is just not true, Mr. Chairman. In fact, the cost for the life cycle of the station has only gone up 2 percent in the last 3 years. So that is pretty good compared to even our low inflation rate.

We have also said that funding the Space Station would push out any smaller space exploration endeavors like the Mars Pathfinder Mission, the Hubble Space Telescope, that have enormous success. Again, this is not true. NASA, with the development of the Space Station, will have a platform from which future space exploration and research can be continued.

We are standing on the brink of the 21st century and I hope that we will not look back to the last century by cutting the funding for the Space Station, the NASA scientists, researchers and astronauts. We do not want to lose the foothold our country has into the future. So I ask a ''no'' vote on all three of the Roemer amendments.

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

Mr. Chairman, I want to support the amendment of the gentleman from Indiana (Mr. ROEMER) to put caps on the Space Station spending, and I want to urge my colleagues to support his amendment and my amendment to cut our losses on the Space Station and to cancel that project.

In fact, on this issue, to cut our losses and cancel the Space Station, I am very proud to be recognized, since the gentleman from Indiana (Mr. ROEMER) is no longer in attendance at the Committee on Science meetings, I am proud to be recognized as ROEMER in a skirt.

First, though, it is important to point out the valuable work of NASA, the work that NASA does to push the envelope of technology in reaching out

to space. But one project in particular, the Space Station, has cost us far too much, casting too large a shadow over our budget.

Speaking of throwing money at a problem, when the Space Station was proposed in 1984 the estimated price tag was about $8 billion. That is a lot of money. Now that price has risen more than a dozen times to almost $100 billion over the life of the project. This is truly unacceptable.

Let us see what we can do with that much money, Mr. Chairman. We could provide low income heating assistance for thousands of families. We could fund child immunization programs, clean up our Superfund sites, fund drug prevention programs, and pay our debt to the United Nations.

To sway some of my colleagues, I would say that for the same amount they could buy three nuclear aircraft carriers, five Seawolf submarines and 30 B–2 bombers, although I would not recommend it nor would I vote for it.

Mr. Chairman, with the immediate savings from this amendment, $2.4 billion in the year 2000, we could offer college education, including tuition fees and books, to over 500,000 students who could not otherwise afford college, right here on Earth.

With $2.4 billion, we could provide prenatal care to pregnant women who do not have access to routine health care, right here on Earth.

With $2.4 billion, we could expand the WIC program so that all eligible pregnant and nursing mothers can get food supplements, and still we would have money left over.

Supporters of the Space Station claim that research in space will advance health research. Well, with $2.4 billion, we could fully fund the National Heart, Lung and Blood Institute, right here on Earth. And with $2.4 billion, we could make Medicare more affordable to nearly 3 million elderly women living in poverty.

I do not question the ability of our outstanding engineers, Mr. Chairman, and our scientists who would bring this project to reality. However, I believe this is a case of misplaced priorities. With the many needs here on Earth, the Space Station is just too expensive.

With limited funds available for programs right here on Earth, we must focus our resources on our Nation's most urgent needs in order to ensure a bright future for our children. Let us not send our tax dollars out in space when we have unmet needs right here. Let us cancel the Space Station program. I urge my colleagues to support the Roemer amendments.

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

Mr. Chairman, I would like to associate myself with the remarks of the gentlewoman from California (Ms. WOOLSEY) and just add one other category of where $100 billion might come in handy for a useful down payment, and that is the $5.5 trillion national debt that still hangs over this Nation, that affects us and is definitely going to be affecting the future of our children.

I do rise in strong support of the three amendments the gentleman from Indiana (Mr. ROEMER) is offering to kill, cut or control this fiscal irresponsibility known as the International Space Station, although I do so with a great deal of sadness, Mr. Chairman. I commend the gentleman from Indiana (Mr. ROEMER) for the courage that he has displayed year in and year out to bring these amendments to the floor to highlight this issue, to force the Congress to have to make some tough fiscal decisions and just to remind the American people of what is going on with this program.

But I do so sadly, Mr. Chairman. As a representative of western Wisconsin, the home of such outstanding astronauts such as one of the original Mercury astronauts, Deke Slayton, who hails from a small town called Leon in the Sparta area of Wisconsin, and current Shuttle astronaut Mark Lee, I have always been and will always remain a strong proponent of space exploration and our national space program.

I, like many Americans, am very supportive of NASA's efforts to explore the universe and expand human knowledge, but I am not willing to support this cause at the expense of fiscal sanity. The Space Station program, initiated back in 1984 at an estimated cost of roughly $8 billion, has become a budgetary black hole. The GAO estimates, even with its scope and size reduced, it will now cost nearly $100 billion over its life span.

At a time when Congress is trying to abide by the 1997 balanced budget agreement and live within the spending caps that exist, how can we support a Federal program that now is estimated over 1,000 percent over budget?

With this authorization, the space program will consume one-sixth of NASA's entire budget over the next 3 years, a large amount considering the agency will essentially be level funded during that. As the Station's cost has grown, it has crowded out other scientific priorities. Any further slips in construction and schedule will only add to the pressure on other space priorities.

We must know, as an institution, when to say enough. Since its inception, our national space program has represented what is best about our Nation, Mr. Chairman: our ingenuity, our technological skill, our desire for knowledge about our universe and about ourselves. When confronted with seemingly insurmountable odds, the fine men and women in our space program have risen to the occasion time and time again.

Who will forget that memorable moment back in 1961 when Yuri Gagarin was the first Russian and first person to be launched in space and the shock waves that reverberated across our country from that event. And then a mere 23 days later Alan Shepard, sitting courageously on top of the Mercury Redstone rocket, not knowing whether or not when it ignited it was going to blow up from underneath him, was the first American to finally reach outer space. And then 20 days after that a young President by the name of John F. Kennedy challenged our Nation to send a man to the moon and safely return him to Earth by the end of the decade.

For almost 40 years the achievements of our space program have raised the hopes and dreams of people of all ages. Alan Shepard and Deke Slayton were childhood heroes of mine. I had a model of Freedom 7 on my dresser growing up as a child during the 1960s. All who have been involved in our Nation's space program are American heroes, no question about it.

I want to do what I can to extend this fine legacy but I will not do so at any price. The space program is a wonderful program, Mr. Chairman, that there is no question about.

What has to be questioned is the tremendous cost that the American taxpayers are facing today to perpetuate a Space Station that many in the scientific community, outside of the NASA community, believe has limited or no value.

I would encourage my colleagues to seriously consider supporting these amendments which will hopefully restore some fiscal discipline and some fiscal sanity around a program that is sucking up more and more tax dollars every year as we continue to slide down this slope. I commend my friend from Indiana (Mr. ROEMER) for bringing these amendments again this year.

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

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

Mr. BENTSEN. Mr. Chairman, I rise in strong opposition to all three of the Roemer amendments dealing with funding for NASA's International Space Station. As well intentioned as they might be, I think they are very misguided, and I think that is apparent by the actions taken by previous Houses on this issue.

Some of these amendments are the same old items in new packages. All of them would be destructive and detrimental to the program.

Some of our colleagues have argued that it would be fiscally prudent to eliminate the Space Station in this year's budget, as the previous speaker just mentioned. In my opinion, nothing could be further from the truth. In fact, it would be terribly imprudent to kill the program.

We have already invested more than $20 billion in the Space Station. Our 12 international partners have spent more than $5 billion; 250 tons of hardware has been built and two elements are currently in orbit. To eliminate the program now, after so much has been

invested and so much work has been done, would be the height of irresponsibility by allowing our investment to be completely wasted.

The International Space Station is a worthwhile investment in exploration and science, an investment in jobs and economic growth and, most of all, an investment in improving life for all of us here on Earth. The space program and experiments conducted on the Space Shuttle have made remarkable contributions to medical research and the study of life on Earth. The Space Station is the next logical step, a permanent orbiting laboratory.

Let me highlight some of the Station's potential for contributing to medical advancements. For example, Space Station researchers will use the low gravity environment of the Space Station to expand our understanding of cell culture, which could revolutionize the treatment for joint diseases and injuries. The Space Station will provide a unique environment for research on the growth of protein crystal, which aids in determining the structure and function of proteins. Crystals grown in space are far superior to those grown here on Earth.

Such information will greatly enhance drug design and research into cancer, diabetes, emphysema, parasitic infections and immune systems disorders.

The almost complete absence of gravity on the Space Station will allow new insights into human health and disease prevention and treatment, including heart, lung and kidney function, cardiovascular disease, bone, calcium loss and immune system function.

I also share the concern of my good friend, the gentleman from Indiana (Mr. ROEMER), that the continued Russian participation in this project needs to be carefully examined. The economic difficulties that Russia is currently experiencing have caused several unfortunate delays in their delivery of certain Space Station components and this needs to be scrutinized. This partnership deserves every chance to succeed because of the experience and expertise the Russians bring to the table and the potential foreign policy benefits of continuing this partnership.

Mr. Chairman, the International Space Station is vital to continued human man presence in space and I would urge a defeat of all three of the Roemer amendments.

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

Mr. Chairman, I wish to commend the gentleman from Indiana (Mr. ROEMER) for his tenacity on this issue and I once again join him in his efforts to cap, curtail or eliminate the International Space Station program.

I have heard all of the arguments over the years, just as many of my colleagues have, and I have to say that while I recognize the sincerity with which many of these arguments are advanced, I do not accept the validity of many of them.

For example, I do not believe that this debate should be about jobs. I do not believe that this debate should be about good money after bad. I do not think that it should be entirely about cost, though I would point out that the Roemer-Sanford amendment is supported by the National Taxpayers Union, Citizens Against Government Waste, the Concord Coalition and Citizens for a Sound Economy.

I do not believe those issues should be central to our discussion today. Our debate today should be about science.

□ 1345

It should be about whether or not the International Space Station represents good science.

Dr. Robert Park of the American Physical Society observed that no scientists not funded by NASA support this station. My experience suggests that is, in fact, true. Dr. Donald Brown, a leading biological scientist and staff member of the Carnegie Institution, says NASA plans for space-based life sciences research is costly and ineffective; ground-based research in other areas are more important.

NASA once boasted that the space station would have eight major scientific objectives. Today, after numerous redesigns and cost overruns, the station retains only two of the original eight. Many experts in space science believe the station no longer represents a worthwhile endeavor, and the science experiments now slated for the station could be conducted aboard unmanned satellites or the space shuttle at a much lower cost.

The station's costs are threatening to crowd out promising projects within NASA. Last year, NASA shifted $200 million from space shuttle safety and space education grants to pay for station overruns. NASA also asked for the authority to shift another $375 million in 1998.

Smaller, cheaper, faster missions will never share the success of other small programs like the Hubble Space Telescope and Mars Pathfinder if we do not cancel the station now. At $1 trillion in life cycle costs, the space station has sucked the air out of space-based research and space-based science that should be allowed to exist on its own.

These proposals are thoughtfully presented, they are fiscally responsible, and most importantly, they are science-based. I would urge my colleagues to support these proposals.

Mr. ROEMER. Mr. Chairman, will the gentlewoman yield?

Ms. RIVERS. I yield to the gentleman from Indiana.

Mr. ROEMER. Mr. Chairman, I thank the gentlewoman, first of all, for her ongoing support for this effort that we have put forward, not just this year, not just last year, not just the year before, but the gentlewoman from Michigan comes to the floor to articulate her strongly felt views every single year on this project, and I am grateful to her for her strong support and her words of wisdom.

I do want to say that in reading one of the Congressional Research briefings on the space station, they say on page 2 of 13 that there are no caps in this House bill. There are overall caps in the Senate bill inserted by Senator MCCAIN on the overall costs of the launch and the assembly. Mr. Chairman, $21 billion for one, $17.8 billion for the other. That is all we are asking in this first amendment. An overall $38 billion cap or a fence for disinfectant, for sunshine, for policing, for accountability, for good government so that we can control the costs of this space station.

I thank the gentlewoman for yielding.

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

I would like to state my opposition to this amendment, and I would encourage my colleagues to vote against it.

I extend my full support for the sensible NASA Authorization Act before us today and I would like to commend the hard work and leadership of the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from California (Mr. ROHRABACHER).

With their guidance and support, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from California (Mr. ROHRABACHER), as well as the gentleman from California (Mr. BROWN), the ranking member of the Committee on Science, and my good friend the gentleman from Tennessee (Mr. GORDON), a member of the Subcommittee on Space, I believe we have a sound bill that will advance scientific research, promote commercial and privatized space efforts, and ensure the United States' role as a preeminent player in the international space community.

I would like to especially commend the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from California (Mr. ROHRABACHER) for maintaining strict oversight throughout the International Space Station program and rightly criticizing the participation by the Russian Space Agency for some of the inefficiencies that certainly they have been involved in.

I am satisfied that this bill has been stripped of pet projects that would take away resources for critical scientific research and development. By increasing the total level of funding above the President's request, while at the same time ensuring that NASA continues to streamline and modernize their operations, I am confident that this bill will allow NASA to focus funding on advanced space research and activities.

I believe this bill addresses NASA's critical priorities, such as space science, life and microgravity sciences, advanced space transportation technology, space shuttle safety and performance upgrades and numerous education programs. By opposing this

amendment we are continuing the scientific integrity of this important legislation.

I urge all of my colleagues to support the NASA Authorization Act and to oppose efforts which would burden NASA by adding unnecessary and wasteful projects to this bill.

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

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

Mr. HALL of Texas. Mr. Chairman, I rise today, of course, in strong support of H.R. 1654, and I want to talk a little about the amendments. This is an annual matter, and I have such high regard for the author, the gentleman from Indiana (Mr. ROEMER). I have said so many times that this is another of those situations where one likes the author, but one cannot stand his amendment. But I am getting used to it, because we have voted on this day in and day out, year in and year out.

I really think some of these amendments are not all that bad. I would say that to the gentleman from Indiana (Mr. ROEMER). It is kind of like in gun control. I do not mind the waiting period, I do not mind registering them, but I know that the full intent is to take them away from us. Here, these amendments are steps in the direction of losing the space station. We do not want to do that. We cannot afford to do that.

I am pleased that the International Space Station and the space shuttle operations are fully authorized at the level as requested by NASA and this legislation. I think they are entitled to the respect of this committee because some time ago the chairman of the Committee on Science and I, working together, minority and majority, talked to the Administrator and told him of our desire to cut down the NASA expenditure and try to cut it by say 25 or 30 percent. It seemed like the words were used that if you do not cut the budget here, you know how to cut it because you know all of the ramifications of the budget. We know about as much as we can know, but we will either cut it with a baseball bat or you cut it with a razor and do it in the right manner so that NASA could still operate.

I am happy to say that Mr. Goldin did that and he cut that budget almost 34 percent, more than I think any other budget percent-wise has been cut on Capitol Hill.

So I would just say that NASA's space research has been cut, but they are still operating, and it results in products that improve our quality of life, such as instruments that measure bone density without penetrating the skin, cardiac pacemakers, computer readers for the vision impaired, smoke detectors, voice-controlled wheelchairs, and the list goes on and on of the accomplishments. And yes, the inspiration to the young school children all over this country. If we cancel out this space station, I would say we would have than uprising from the schools, from the intermediate schools on up to the strongest higher education levels that this Congress has never envisioned before. I say to my colleagues, they would come alive.

We need to continue the research that the space station could lead to, the medical breakthroughs of combating cancer, arthritis, diabetes, balance disorders, Alzheimer's, cardiopulmonary diseases and other afflictions that threaten our citizens.

We need this space station. We need the hope that this space station holds out. For those wasting away in cancer wards as we speak, they have one thing in their heart, and that one thing is hope. I hope that this Congress will not let them down and cut off the one operation that could deliver to them the deliverance from the wards they languish in. They are entitled to that hope.

Mr. Chairman, throughout America's rich history, there has always been among the American people and its leaders a deep and abiding belief in that hope, and in that future, a belief that we can and will continue to accomplish great feats and make great discoveries. Space is our last frontier, and NASA is the organization that provides the knowledge, the resources, the heroes and the vehicles necessary for space exploration.

This is important legislation, and just as in the gun control thrust, they will take several steps toward it that look innocuous, but would take the guns away and violate the amendment to the Constitution that these people rely on. This is the same situation. A few amendments can cripple the space station. We do not want to get to that point. I think this legislation deserves our support today.

Mr. Chairman, I rise today in strong support of H.R. 1654, the National Aeronautics and Space Administration Act of 1999, and for the important work that NASA has consistently accomplished as the world's leader in space endeavors. As a longtime member of the Science Committee, it has been gratifying to see the progress that NASA continues to make in streamlining its programs, controlling its spending, while continuing to deliver good results.

Mr. Chairman, I am pleased that the International Space Station and Space Shuttle operations are fully authorized at the level requested by NASA in this legislation. The space station represents an investment in our future and represents the combined hopes of many nations that microgravity research in space will have far-reaching benefits for our people. Specifically, this legislation designates slightly more than $1 billion over the next three years for life and microgravity sciences and applications.

As you know, Mr. Chairman, NASA's space research has already resulted in products that improve our quality of life, such as instruments that measure bone density without penetrating the skin, cardiac pacemakers, computer-readers for the vision-imparied, smoke detectors, and voice-controlled wheelchairs. We continue to hope that research on the Space Station could lead to medical breakthroughs in combatting cancer, arthritis, diabetes, balance disorders, Alzheimer's, cardio-pulmonary diseases and other afflictions that threaten our citizens.

This legislation provides $6.9 billion for the international space station and $9.6 billion for space shuttle operations. The space station began as a dream and still has its share of critics. But through hard work, careful planning and the financial commitment of many nations, the space station dream is still very much alive. This legislation will help keep it so.

Throughout America's rich history, there has always been among the American people and its leaders a deep and abiding belief in our future—a belief that we can and will continue to accomplish great feats and make great discoveries. Space is our last frontier, and NASA is the organization that provides the knowledge, the resources, the heroes, and the vehicles necessary for space exploration. This is important legislation, Mr. Chairman, that deserves our support today.

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

Mr. Chairman, I rise in support of the Roemer amendments, and I would like to thank the gentleman from Indiana (Mr. ROEMER) again for being tenacious with this particular issue.

We have heard an awful lot of debate about the pros and cons of whether we should move forward with the space station. The reality is, if we had ideal budget numbers, if we had all the money available to us that we wanted for seniors and veterans and for education and environment, and a whole host of other issues that we deal with, then very possibly if we had all of that money, then we could put money towards this. But we do not. We have limited resources, and if we look at the reality and the facts of the space station, of the numerous missed deadlines; if we look at what the original cost estimates were: $8 billion, a lot of money when that was first brought up, and when we look at where it is now, $100 billion, that should speak volumes to us. If we look at the space station as what scientists are saying about it, and we have many scientists who are saying that this is not a good idea and we should not move forward. If we look at what NASA may have to be doing to other very successful programs like Voyager and the Mars mission and space shuttles, and many of my colleagues are talking about the benefits that we derive right here on Earth from many of NASA's projects, and I agree with that, and I am as proud as anyone in this House with the accomplishments that we have had with our space programs.

Those same accomplishments can be made without the space station. Those dollars, those billions of dollars, $80 more billion that will have to be spent on this is money that should be redirected. If we look carefully and we understand what we are committing ourselves to in the long run, we will understand that the Roemer amendments

make sense. The Roemer amendments made sense last year and the year before, and I supported them very proudly. I think they make even more sense this year.

So once again, I will ask my colleagues to say that enough is enough, to look at where we are and where we need to go and to understand that the right thing to do is to support the Roemer amendments.

Mr. SHAYS. Mr. Chairman, I support efforts to explore space and believe the benefits to high technology research and to the private sector are vast. But I have grave concerns about our space station program.

Mr. Speaker, we are facing a time of tight budget caps, which I support. But these caps force us to make some tough spending choices. By making a decision now to cancel the space station, we can fund other priority areas within our discretionary budget.

In 1993, the Space Station was projected to cost about $17.7 billion. The estimate has risen to exceed more than $26 billion. The price of this program continues to rise, while the target completion date gets pushed later and later.

The fact is, the space station is stripping scarce funds from other valuable NASA programs.

I am excited about our recent successes in exploring Mars through the Pathfinder and its rover, Sojourner. It seems to me, we get much more value for our dollar through ventures such as this one, than we do from the space station, given its excessive price tag.

Mr. DUNCAN. Mr. Chairman, I rise in strong support of the Roemer/Sanford amendment. I do not believe that we should be sending billions of dollars into space when we have so many more urgent problems here on Earth. On top of that, our Country is over $5.6 trillion in debt.

When NASA proposed the space station back in 1984, the project was to cost a total of $8 billion. Since 1984, the space station has been redesigned many times and the cost estimates have skyrocketed.

Mr. Chairman, what does this mean for the taxpayers? Well, it means they will be sinking billions and billions more of their hard earned money into this space station rat hole. We have all heard many times that space is the final frontier. I believe the space station is a frivolous frontier. It is yet another example of how the federal government cannot do anything in an economical or efficient manner. Instead, many fat-cat government contractorsare getting rich at the expense of the taxpayers.

I recently spoke on this floor about another failed space venture, the Air Force's Titan IV program. There have been three failures in a row for this program at a cost of over $3 billion. If we took all of this wasted money and put it towards some of our ailing programs such as Social Security, I believe our Country would be much better off.

Additionally, Mr. Chairman, this Country has paid Russia, our partner, hundreds of millions of dollars to participate. What have we gotten from Russia in return? Well, we've got increased costs because of Russian schedule delays. Mr. Chairman, the United States has enough of its own delays. We don't need Russia's help with that.

When this project was being debated in the early 1990's, a coalition of 14 leading scientific groups came out against the space station saying that they were especially disturbed that the escalating costs in subsequent years would drain money from other important scientific projects.

According to the Congressional Research Service, in 1993, NASA said the International Space Station would cost $17.4 billion in research and development through the end of construction and it would spend no more than $2.1 billion a year on the program. Today, NASA's estimate for research and development is between $23 and $26 billion, depending on whether construction is completed in 2004 or October 2005.

Mr. Chairman, this is pitiful. I know of no business that could stay in operation with these types of overruns.

We have far too many more important programs here on Earth to justify sending all of these billions into space. I would urge a yes vote on the Roemer/Sanford amendment.

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

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

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

The CHAIRMAN. Pursuant to House Resolution 174, further proceedings on the amendment offered by the gentleman from Indiana (Mr. ROEMER) will be postponed.

Are there further amendments to the bill?

AMENDMENT NO. 5 OFFERED BY MR. ROEMER

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. ROEMER:

At the end of the bill, insert the following new section:

SEC. 221. CANCELLATION OF RUSSIAN PARTNERSHIP.

Not later than 90 days after the date of the enactment of this Act, the Administrator shall terminate all contracts and other agreements with the Russian Government necessary to remove the Russian Government as a partner in the International Space Station program. The National Aeronautics and Space Administration shall not enter into a new partnership with the Russian Government relating to the International Space Station. Nothing in this section shall prevent the National Aeronautics and Space Administration from accepting participation by the Russian Government or Russian entities on a commercial basis. Nothing in this section shall prevent the National Aeronautics and Space Administration from purchasing elements of the International Space Station directly from Russian contractors.

In the table of contents, after the item relating to section 220, insert the following:

Sec. 221. Cancellation of Russian partnership.

Mr. ROEMER. Mr. Chairman, I want to start with a quote from Winston Churchill. He said, and I quote, ''I cannot forecast to you the action of Russia. It is a riddle wrapped in a mystery inside an enigma, but perhaps there is a key.''

The key, Mr. Chairman, is to engage the Russians, to exchange with the Russians, to treat the Russians as an equal partner and a friend, but not to relegate our science programs to foreign policy welfare.

What we need to make sure we do, Mr. Chairman, is work carefully with the Russians, make sure we do educational exchanges and scientific exchanges, and make sure we continue to work carefully and diplomatically with the Russians on trying to craft the right kind of peace agreement in Kosovo for our troops, for NATO, for the world, for the refugees. However, we should not devise international science programs that continually, year after year, program after program, fail, and result in increased costs, increased burdens, increased problems for NASA in trying to build this International Space Station; increased problems for the American taxpayer when they have to foot the bill of the cost overruns and the delays coming from Russia.

□ 1400

This is not a partnership. It is a foreign policy pork barrel project.

One of my colleagues said, the partnership between the United States and the Russians deserves every chance to succeed. But after 6 years, after we were told by the administrator at NASA that their partnership would save the taxpayer $2 billion, we now find ourselves 6 years later with a $4 billion price tag that the American taxpayer has to foot.

It did not save us money, it is costing us money, and it is delaying when we wanted to launch the International Space Station. Instead of launching it in 2002 or 2003, it is now looking at 2004, 2005, 2006.

Each time we see a delay from one of our partners, in this case, the Russians, that adds to the costs for the United States. That adds to the burden of the NASA engineers, the NASA personnel, trying to do their job on the Space Station which they were contracted to do, and now they are doing the Russian jobs. It is not fair. It is not right.

Now, this amendment is not an anti-Russian amendment, it is not a severing of ties with Russia amendment. We have given this partnership in science 6 years and several billions of dollars to succeed.

I strongly advocate continued partnership with Russia in a host of areas. Russia and China continue to be the United States' two key bilateral relationships in foreign policy.

This is not an amendment to bash the Russians. This is an amendment on an international science program to make sure that when we do a memorandum of understanding with another country, that they can continue to contribute science, they continue to contribute their expertise, they continue to contribute money and pay for their fair share, and not allow the United States to take up the full burden.

Mr. Chairman, this amendment also is reasonable. It reads, and I encourage

my colleagues to read the amendment, it does terminate all contracts and other agreements with the Russian government necessary to remove the Russian government as a partner in the International Space Station, but it goes on to say, ''Nothing in this section shall prevent NASA from accepting participation by the Russian government or Russian entities on a commercial basis. Nothing in this section shall prevent NASA from purchasing elements of the International Space Station directly from Russian contractors.''

So my reading of that would be that if the service module is ready to go, that the United States could directly purchase that from contractors, but the relationship needs to be redefined. I would hope that my distinguished chairman in the majority would agree with this amendment and we could move on to the next amendment.

Mr. SENSENBRENNER. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I am pleased, for once, to support, in the spirit of bipartisanship, a Roemer amendment on the Space Station. What this amendment does is that it kicks the Russian government out of the partnership, but it allows NASA to make contracts with Russian aerospace contractors or the Russian space agency, which is a government entity, and thus makes Russia and its aerospace firms a subcontractor rather than a partner.

Mr. Chairman, I supported bringing Russia into the partnership when it occurred 6 years ago because I thought it would save money, it would bring the Space Station on line earlier, and allow the United States and the other partners to take advantage of Russia's tremendous expertise in constructing spacecraft as well as in long-term human space flight.

Unfortunately, this arrangement has not worked out as everyone had hoped. The time has come for a redefinition of the arrangement. Six years ago the administration promised that Russia would not be in the critical path. It said that Russia would be in an enhancing and not an enabling role.

Unfortunately, Russia is in the critical path. Whose fault it is, I do not know, and it is not relevant at this time. But every funding and every construction deadline that Russia has set for itself and agreed to its other partners with since 1996 has been missed by the Russians. They are 100 percent in not living up to their agreements, and that has cost the American taxpayers a lot of money.

The gentleman from Indiana (Mr. ROEMER) has said it costs the American taxpayers $4 billion. I would say it cost $5 billion. The time to prevent further hemorrhaging because of Russia's repeated defaults is at hand, and the Roemer amendment proposes to do so.

The last promise that Russia broke was at the end of last month. It broke its promise to decide by April to deorbit the Mir Space Station if it did not come up with outside funding to support Mir by April 30. Russia did not come up with the funding, and it has not decided to deorbit Mir.

It is obvious that Russia cannot afford two space stations. If Mir stays up, it will not have the money to fulfill its further agreements for the International Space Station. The Russians made that decision, and it is time for the American Congress to respond in kind. By removing Russia as a partner but not as a contractor, we can still get the benefits of the international cooperation that the administration seeks.

Russia has played the role of contractor successfully. It has been a miserable failure in being a partner with the United States, Canada, Japan, and the European space agency.

Two years ago when the NASA authorization bill was on the floor of the House, the House approved a bill that contained the Sensenbrenner-Brown amendment, which required NASA to develop a plan to remove Russia from the critical path. The CAV task force appointed by the NASA administrator recommended eliminating long-term dependence on Russia in its April, 1998, report by developing an independent U.S. propulsion capability. NASA echoed those recommendations in a July, 1998, briefing to the White House.

At that time, the White House rejected the task force and NASA recommendations, but later reversed itself. NASA has initiated long-lead procurements for an independent propulsion capability in fiscal 1999. Their fiscal 2000 request does include funding for an independent U.S. propulsion capability, but NASA has not signed a contract to develop this capability, which is still in its study phase.

I would just like to point out that the American people are also fed up with Russia's defaults. Florida Today took an online poll. Only 22 percent of those surveyed wanted to keep Russia as a partner. Thirty-two percent wanted to end Russia's partnership, and 46 percent wanted to reduce Russia's role but not kick it out of the program completely.

The Roemer amendment does what the 32 percent and the 46 percent of the people in the Space Coast and Florida want to see done, and I would urge its adoption.

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

Mr. Chairman, I rise to oppose this amendment, this amendment that has had no hearings within our committee. This amendment would force NASA to kick the Russians out of the Space Station program with no consideration of the potential cost or schedule consequences for the United States that will result from such action, and with no consultation or negotiation with our 16 international partners in this multilateral cooperative program, each of whom have their own financial stake in the Space Station program.

Instead, this amendment would have the United States take unilateral action that could damage our relations with our existing international partners and do real damage to the Space Station program itself.

Once again, let me remind this body that two segments, the first two segments of the Space Station have been launched and are now in orbit. I think this amendment has a real risk of both wasting that particular investment and doing away with the potential benefits in the future. So for those reasons, I oppose this amendment.

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

Mr. Chairman, I suspect that alarms are going off all over down at Foggy Bottom right now, but I rise in support of this amendment. My colleague, the gentleman from Tennessee (Mr. GORDON) who just spoke said that this amendment has had no hearings in the Committee on Science. That is technically correct, but the whole issue of the number of times that the Russians have let us down has been debated, discussed, and talked about in the Committee on Science again and again and again.

There is an old German expression that says, fool me once, shame on you; fool me twice, shame on me. The expression does not even go on beyond that, but the truth of the matter is we have been fooled again and again and again by the Russians. It is time for this Congress to send a clear statement that we are tired of this gamesmanship that is being played by the Russians and by NASA.

I think this is a good amendment. I hope that colleagues on both sides of the aisle will join us in support of this, because this is the only way we are once and for all going to say to our Russian partners that either they play by the agreement that they made, or they do not play at all. And the Roemer amendment is even better than that because it allows us to continue to contract with those contractors who are willing to live up to their end of the bargain.

This is a good amendment, it is a timely amendment. It may not have been formally discussed in our committee, but the whole issue of Russian participation has been debated, discussed, ad nauseum in the Committee on Science. It is a good amendment. I am happy to support it.

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

Mr. Chairman, I want to say to the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from California (Mr. ROHRABACHER) as well, when I was on the Committee on Science for almost 8 years we struggled through NASA's issues and other Committee on Science issues together. I have enjoyed the give and take and opportunities to work with the Members, but I have to say with this Roemer

amendment, I have to oppose the chairman of the committee and the gentleman from Indiana (Mr. ROEMER) as well.

The spring is here. The Space Station issue is here. We have the Roemer amendments. Make no mistake about it, Mr. Chairman, the gentleman from Indiana (Mr. ROEMER) wants to kill the Space Station program. He wants to cap it, he wants to wound it, he wants to damage it any way he can.

We have been through this process year after year after year in the committee, on the floor of the House. We have had a fair fight. The issues have been presented. Why do we not say, enough is enough? Why do we not get off the NASA employees' backs?

Mr. Chairman, I urge especially the freshmen who have not been through this process before to listen to the debate today and look at the history of this House's involvement in this debate, and to recognize that the responsible thing to do is to get on with the enormous investment that we have made.

Speaking to the Russian issue, and that issue is a troublesome issue, and I know many Members here have struggled with that issue, but the International Space Station is a multinational project. It was intended when it was first proposed in 1984 by President Reagan to involve the International community.

We have legal agreements that we have to be concerned about that the Russians were involved in. If we today say that the House is going to decide that we do not want the Russians involved, then we are interfering with those legal agreements, as well.

Again, make no mistake about it, if this amendment passes or is accepted this will damage or kill the Space Station program. So I feel like I have to rise today in strong opposition to this, one of three Roemer amendments, and especially to remind my colleagues that what we are talking about today is a responsible investment in NASA, a responsible investment in the International Space Station program. There is a way to end the Russian involvement and end it responsibly, but this is not the way to do it today. Do not fall for this amendment.

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

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Indiana (Mr. ROEMER). I just would advise those people reading the official CONGRESSIONAL RECORD of this procedure to note that I have used the words, I rise in support of the amendment of the gentleman from Indiana (Mr. ROEMER), which is just another miracle, as has happened here today.

The gentleman from Indiana (Mr. ROEMER) has been very persistent over the years, but on this particular amendment we should not ignore the fact that we may disagree with him on some things, but that he in this amendment is offering us a position that the Committee on Science and certainly the Subcommittee on Space has approved of for a long time.

This message by the Roemer amendment is not aimed at the Russians. We are not sending the Russians a message here. The Russians were sent that message by us a long time ago. This is a message to our own State Department and this administration to start paying attention to what this Congress is doing and what we are saying about how this project and other projects should be approached.

□ 1415

This administration has ignored us time and time again on the issue of how to deal with the Russians in connection with the Space Station program. The Committee on Science, although not having specific hearings on this issue, has addressed this issue on numerous occasions, and we have expressed our strong desire that the Russians, as the gentleman from Wisconsin (Chairman SENSENBRENNER) stated, be treated, not as partners, but instead as subcontractors.

The concept of the Russians as partners in Space Station, which made sense in the beginning, before we knew what chaos that the Russians were going to have to go through in the aftermath of the Cold War, makes no sense now that we know the limitations, the severe economic limitations of the current Russian government.

The Russians cannot afford to be partners in the Space Station program. I remember saying that probably 3 or 4 years ago. Yet, the administration proceeded without any regard to what Congress was saying and what we were trying to insist upon and continued with this idea with the Russians as partners. If we would have proceeded instead with Russians as subcontractors, we could, as the Roemer amendment is suggesting now, simply pay those subcontractors for what they have produced and get on with the program.

So, that is number one. This mistake was made, and it has turned out to be a costly mistake by the administration but it is based on the idea, on foreign policy considerations, not on NASA and Space Station considerations.

Secondly, let me suggest this. We have said over and over again that the Russians should not be in the critical path. I can remember many statements by the gentleman from Wisconsin (Chairman SENSENBRENNER) admonishing the administration, whatever you do, do not put us in the path where the Russians can prevent the success of the Space Station.

It is time we get them out of the critical path. It is time we make sure that we are defining this in a very responsible way. But NASA has ignored this committee. Again, it is not NASA that is ignoring the committee, it goes straight up to the very top of the administration, which has been making irresponsible decisions in terms of our relationship with Russia. This is probably paramount in that decision-making process, which is a flawed decision-making process.

With that said, let me admit that this Congressman in the very beginning supported the idea of having a cooperative relationship with Russia. I certainly do not fault the administration with, number one, good intentions and a defensible strategy in the beginning. But in order to protect the taxpayers when a strategy has gone wrong and when it seems that there are intervening circumstances that prevent that strategy from being successful, the administration, like everybody else, especially in the private sector but also people in government, have to admit the strategy can no longer succeed, and change the strategy.

Unfortunately, those of us again who supported the idea of cooperation in the beginning have found that, while we recognize the strategy had to change or it was going to cost the taxpayer tens of billions of dollars, the administration refused to change. We refused to change because of perhaps some face-saving concept, if we are going to save face for our Russian friends, and certainly the Russian government needs that type of moral support, but we should not be trying to give the Russian government moral support at the cost of tens of billions of dollars. That is what has happened here.

So while I believe the gentleman from Indiana (Mr. ROEMER) probably is motivated on his other two amendments to just try to kill the Space Station, I think that his amendment at this point is justified. I support it.

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

Mr. Chairman, Deputy Secretary of State Talbott, not the NASA administrator, signed a multinational agreement for the United States, establishing a framework, the legal framework for the national Space Station in 1998. This multilateral agreement involves major commitments by 15 countries and represents more than a space facility, but a political commitment by these countries to work together on a major civilian project.

To terminate Russia's participation in the International Space Station would jeopardize the United States' ability in the future to work toward a common end with the same set of countries, friends and allies on large scale projects.

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

Mr. LAMPSON. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, I ask the gentleman from Texas, what is the penalty of that multilateral agreement if any of the partners does not fulfill its agreed-upon obligations?

Mr. LAMPSON. Mr. Chairman, reclaiming my time, I would assume that we would be out of the Space Station. I think that we would probably be made to take our tools and go home, and we would lose the billions of dollars that we have spent.

This does not make sense to me as an amendment for what we are trying to do in building a relationship with other nations and at the same time accomplish science that we believe in.

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield further?

Mr. LAMPSON. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, how many defaults of the Russians is the gentleman from Texas willing to accept? They have already cost us $5 billion. How many more and how much money is the gentleman willing to agree for cost overruns caused by the Russians not fulfilling their obligations?

Mr. LAMPSON. Mr. Chairman, reclaiming my time, I fully understand that we have difficulties. We expected to have a challenge when we started building this Space Station. It is unfortunate that we have problems with the Russian government. But if we take action that jeopardizes our own ability to participate in this project, not only do we do harm to our other friends while we are trying to do harm to the Russians, we take ourselves out of it and we lose a significant commitment, a significant investment that we have made.

I want to point out another thing in the bill. In the very first few sentences of the amendment of the gentleman from Indiana (Mr. ROEMER), it says that the administrator shall terminate all contracts. Then a little bit further down the page, it says ''Nothing in this section shall prevent the National Aeronautics and Space Administration accepting participation by the Russian government or Russian entities on a commercial basis.'' That conflicts within itself.

This is not a good amendment. It is not one we should be considering here today because it has the potential of defeating the International Space Station, dissolving our partnership, costing us the billions of dollars that we have invested and that we have a hope that will give us something in our future.

Termination of the International Space Station multinational agreement will impose termination costs on all our partners. Termination would be programmatically expensive to the United States. It would result in major objections from our international partners, given their independent agreements with the government of Russia.

The Russian Space Station has an inextricable involvement in the Space Station program as a representative of the Russian government. It would be difficult to exclude their space agency from negotiations, should NASA be required to contract with Russian industry. I do not know how the commercial wording within the language of the gentleman from Indiana (Mr. ROEMER) would work.

The participation of the Russian government in the Space Station has never been more important, not only to contribute money to the project, but also to ensure the political stability in a troubled country. As long as the United States can keep some kind of good working relationship with the Russian government, we can rest a little easier during this political turmoil that is going on there.

Our Russian partners have difficulty feeding its people. I admire their commitment to try to complete this long-term space project. From what my Russian friends and colleagues tell me, contributing capital and human resources to the Space Station is a tremendous source of pride among the Russian people. It is one reason why the government continues its commitment.

So as a representative of the United States Government and industry, I believe we have to do all that we can to encourage the Russians to maintain their involvement with the Space Station, and I would ask that my colleagues not support this amendment.

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

Mr. Chairman, I rise in opposition to this amendment. I, too, like the chairmen of the full committee and the subcommittee, have expressed some very, very serious concerns regarding the management on the part of the Clinton administration and the NASA administrator regarding these continuing ongoing delays with the Russians. Nonetheless, I do not feel that this amendment, as it is currently crafted, is the proper way for us to address this problem.

I have several concerns. As I understand my reading of this amendment, should this be enacted into law, there would be nothing that would prevent the Russians from essentially charging us $200 million, for example, to deliver the service module on orbit, or substantially more sums of money. As I understand it, that is the cost of the service module. If we add on the cost of launching it, I think the way this thing is crafted, it could not only put the Space Station program but, as well, the American taxpayers in a very, very precarious position.

Additionally, I would like to also comment on the fact that as I understand the legal language of the international agreement, that we as the United States do not have the authority to discharge one particular partner from the international agreement. Essentially the only options that are available to us under the existing law would be for us to remove ourselves from the International Space Station, and therefore we would thus no longer be in partnership with some of our more reliable partners, such as the Japanese, the Canadians, and the Europeans.

So in summary, though I think the intent of this amendment is a good one and that I share the concerns of the gentleman from Indiana (Mr. ROEMER), and as well I share the concerns of my very esteemed colleagues, the gentleman from Wisconsin (Mr. SENSENBRENNER), the committee chairman, and the gentleman from California (Mr. ROHRABACHER), the subcommittee chairman, I feel that this amendment, the way that it is crafted, it is a bad amendment. It is impossible to implement and as well could ultimately, the end result, lead to significantly increased costs to the American taxpayers.

Then for that reason I would highly encourage all of my colleagues on both sides of the aisle, not only those who support our manned space flight program and the Space Station program but as well those who support fiscal responsibility, to reject this amendment.

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

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

Mr. SHERMAN. Mr. Chairman, I rise against this amendment. For many years we have been cooperating with Russia. There is perhaps nothing more important in our space program than the symbol that it has for all of man and womankind, the chance to show two former adversaries working together.

Now, as we have a conflict in the Balkans, would be the worst possible time to slap the Russians. More importantly, this would be the worst possible time to have thousands of Russian scientists capable of building ballistic missiles suddenly unemployed as a result of a deliberately political and deliberately hostile action of this House against Russia, motivated, some would say, by a hostility toward the Vice President who played such a creative and important role in negotiating with Russia.

Clearly, the most cost effective way for us to explore space is to do it together, not in a race against Russia but in a race against the hostilities that can build up between countries, in a race to achieve peace and a race to achieve a working together with the only other nation to send men and women into space.

So I speak not only for an efficient space program but also for a lessening of international tensions when I rise against this amendment.

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

Mr. Chairman, I yield to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Chairman, I would just like to rise to suggest that the level of debate was just brought down, and I resent it. I just want to put

this on the record. We need not to discuss these issues and every time we have a disagreement, relate political motives to each other. I for one am a little bit disgusted that every time I have a disagreement, not every time but often enough on this floor, that we end up saying, if we disagree with somebody over there, all of a sudden we are being political because we are opposing something the administration wants to do.

I would inform my colleague that this amendment was presented by a Democrat. This is a Democrat amendment. This is by the gentleman from Indiana (Mr. ROEMER), who has strong support, I imagine strong close ties to the Vice President. In fact, before the gentleman from California (Mr. SHERMAN) brought up the issue, I do not recall the Vice President's name being brought into this debate. In fact, I remember specifically stating that I personally supported this tactic and this strategy of working with the Russians in the beginning, but that the administration had not then shifted with the times and adjusted its strategy according to the current situation in Russia.

□ 1430

So I would suggest to my good friend, the gentleman from California (Mr. SHERMAN), that instead of trying to belittle other people or call into question our motives that he quit saying that we are being political and stick to the issues. And I just personally resent the fact there were implications in his words that we were over here trying to make political hay out of this.

I was interested in this Russian issue long before this administration became this administration.

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

Mr. CALVERT. I yield to the gentleman from California.

Mr. SHERMAN. Mr. Chairman, I believe that in my remarks I simply stated that it would be unfortunate if that were to be the motivation of anyone in this House. I believe that my colleague is referring to only a single phrase in a speech that was not as brief as I wish it was. And I think that my colleague can join with me in believing that all of us should cast a vote for what is in the best interests of the space program and what is in the best interests of our relations with Moscow without being colored by any concerns about any political matter.

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

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

Mr. WELDON of Florida. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 174, further proceedings on the amendment offered by the gentleman from Indiana (Mr. ROEMER) will be postponed.

AMENDMENT NO. 3 OFFERED BY MR. ROEMER

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

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

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. ROEMER:

Amend section 101 to read as follows:

SEC. 101. INTERNATIONAL SPACE STATION.

There are authorized to be appropriated to the National Aeronautics and Space Administration for the International Space Station, for expenses necessary to terminate the program, for fiscal year 2000, $500,000,000.

In section 106(1), strike ''$13,625,600,000'' and insert in lieu thereof ''$11,642,900,000''.

In section 106(2), strike ''$13,747,100,000'' and insert in lieu thereof ''$11,919,100,000''.

In section 106(3), strike ''$13,839,400,000'' and insert in lieu thereof ''$12,248,490,100''.

In section 121(a), strike ''sections 101,'' and insert in lieu thereof ''sections''.

Mr. ROEMER. Mr. Chairman, I will be brief since we have been talking about the Space Station now for several hours.

This amendment is cosponsored by the gentleman from South Carolina (Mr. SANFORD), the gentleman from Iowa (Mr. GANSKE) and the gentlewoman from California (Ms. WOOLSEY). It is a bipartisan amendment.

It is also supported by the National Taxpayers Union, the Citizens Against Waste, the Taxpayers for Common Sense, the Citizens for a Sound Economy, and the Concord Coalition.

Mr. Chairman, there have been times when I brought this amendment to the floor in the past couple of years when we have had four or five cosponsors on the bill and, quite frankly, I was not sure we would get more votes than those four or five cosponsors, having come within one vote of defeating the Space Station back in 1993 on a 215–214 vote.

It seems to me, Mr. Chairman, that the facts and the overruns and the inefficiencies continue to build up in our favor, yet the votes continue to go in the other direction for canceling the Space Station.

I want to remind my colleagues that this Space Station was first designed back in 1984 and the projected cost, Mr. Chairman, was $8 billion. And my colleagues might say, for $8 billion and eight scientific missions, including platforms to help us understand the environment of the Earth that would be put on the Space Station, a repair weigh station on the Space Station to help us with satellites, the Space Station would be used as a stepping stone to help us go and explore other planets.

We had eight scientific missions for this grandiose Space Station. That was 1984. Today is 1999. We are down to one mission. We do not have any of those platforms left. We do not have any of those scientific missions left except, basically, studying the effects of gravitation on men and women in space.

Now, maybe the symbol of some international cooperation and science, maybe the symbol of a Space Station up in orbit above the Earth is something important for $8 billion. But that cost, Mr. Chairman, has gone from $8 billion to now the General Accounting Office estimates in their reports $98 billion to launch it, to assemble it, to control it once it is up in space. $98 billion.

Now, I guess, Mr. Chairman, that if this were a welfare program, this would have been canceled a long time ago, or if this was a food stamp program that had gone up $90 billion over what it cost, it would have been canceled. But it is a jobs program and it has been put together with Machiavellian type political science in a lot of districts, although three States get about 80 percent of the contracts.

So I do not think, Mr. Chairman, this is a good deal for science. This is not fair to the rest of the great things that NASA does in its budget. This does not live up to the hopes and the dreams and the glory of the wonderful things that NASA has accomplished in the past, whether it was putting a man on the Moon, whether it was putting together the Hubble telescope, whether it was designing Pathfinder and putting it on Mars for $263 million on budget, on time, on schedule. And the American people got excited about it. They could not wait to ask, ''What did we find today on Mars?'' Budget efficient, fair to the rest of the budget. And NASA still allowed us to invest in aeronautics.

So I think, hopefully, we will vote for the Roemer amendment to fence the money, to be accountable for $38 billion of Space Station. If my colleagues cannot vote for that, the second amendment is to remove the Russians from the critical path and still allow commercial enterprise and exchange between the two countries.

And thirdly, my preference would be to cancel the Space Station, to move on, to not let our dreams be suspended 100 miles above Earth in technology that was designed 15 years ago. Let us dream about Mars. Let us dream about going back to the Moon. Let us dream big dreams like we are capable of, NASA.

I hope to get support on my amendments.

Mr. DELAY. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I rise to express my opposition to this bold attempt to ground the International Space Station. Now, this program, in my opinion, is vital to developing new technology and new medicines for the next century.

This great land was discovered because of the courage of explorers who refused to let obstacles get in the way of their vision. Today, 500 years later, we talk of cutting exploration to the last frontier at a critical time when our budgets and our vision are already shrinking. Such a miscalculation not only cuts away at the future, it is a direct attack on the American spirit.

At its very core, the American spirit is based on adventure and fighting adversity despite the odds. We should thank God that Christopher Columbus was not tied to the short-sighted constraints of a U.S. Congress afraid of risks and shy of discovery.

Discovery of new cures for disease is only one field of many fields where space exploration has paid off. Medical innovation and further experimentation in space cannot be allowed to wither away. Instead of allowing our imagination to fade, we should raise our sights to the expectation of new strides in science and new leaps in technology.

We have come so far, there is absolutely no excuse to turn around now. With over $20 billion already invested, there is simply no justification for wasting funds that have been spent developing this Space Station to this date.

Despite what the adversaries of this program contend, this Space Station is actually on schedule and within its budget.

Now, not so long ago, a president of the United States challenged Americans to test their dreams and wagered that America could reach the Moon by the end of the decade. Well, Mr. Chairman, almost 40 years later the same country is trying to cut its losses in space because it is afraid of failure. Well, we cannot be afraid to fail. We cannot be afraid to experiment, and we must be determined to stick with this program.

So I just urge my colleagues to continue to support the International Space Station and vote against cutting and killing the Space Station.

Mr. SHERMAN. Mr. Chairman, I rise in opposition to the amendment.

I also rise to shock the gentleman from California (Mr. ROHRABACHER) because I rise to echo the comments of the distinguished gentleman from Texas (Mr. TOM DELAY).

Mr. Chairman, when Columbus set sail, about two-thirds of the way into his journey a group of the sailors rose and urged that the project be defunded and that they return to Spain. We would not be standing here today if that amendment had not been defeated, just as we must defeat the amendment before us now.

The Space Station gives us a chance to build bridges to other countries, one in particular of which was our former adversary. It helps us build our own aerospace industry, which is the leading source of American exports.

In my own district, we are developing batteries for the Space Station in a way that may well lead to breakthroughs for an electric automobile so critical to the air quality of the most air-quality challenged city in America. Just as important is the research that can be done only in space on so many diseases, such as cancer, diabetes, AIDS, and influenza.

This Space Station, of course, is a cooperative project, including some 16 nations. Those other nations have contributed already $5 billion to this effort. Today, 250 miles above the Earth, already circle the first elements of the Space Station, *Zarya* and *Unity*, one from Russia, one from the United States.

Mr. Chairman, America belongs in space. Humankind belongs in space. And I can think of nothing worse that we can do at the beginning of a new millennium than defund the Space Station. That is why I urge all of our colleagues to vote against this amendment.

Mr. SENSENBRENNER. Mr. Chairman, I move to strike the last word and I rise in opposition to the amendment.

Mr. Chairman, let me associate myself with the remarks of the gentleman from California, with one exception. I doubt that those sailors on Columbus' boats would have advocated defunding that mission because that meant they would not have been paid when they got back to Spain.

But other than that, I think the argument of the gentleman had a lot of merit, and I would hope that the committee and the House would not be fooled by the opponent's scare tactics.

The ground-based flight hardware is 82 percent complete. If we adopt this amendment of the gentleman from Indiana, that hardware will not go to orbit but will end up in museums around the country as an exhibit of Congress' foolishness in defunding the program when it was close to completion.

The flight hardware for the next six flights is already at the Kennedy Space Center being ready for launch. We American taxpayers have invested $20 billion so far in this project. If the amendment of the gentleman from Indiana were adopted, that money would go right down the drain. And that is a pretty tough sell to tell our taxpayers that we made a $20 billion mistake.

□ 1445

I would hope that this amendment would be rejected and rejected by the same overwhelming margins that have occurred in the last several votes on this topic.

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

Mr. Chairman, I would like to associate myself with the comments of the gentleman from Texas (Mr. DELAY). I believe the Space Station offers numerous benefits, spin-off technologies in medicine, in engineering, in transportation, in energy, in environment. Every year this Congress goes through this debate, it gives us an opportunity to affirm the benefits that station has.

The station also has another benefit. That is the intangible but real benefit of international cooperation. It has given us an opportunity to create a platform for participation and cooperation with the Russians. At this very moment, while the entire world teeters at the edge of a larger war in the Balkans, we are reaching out to the Russians to ask them for help. Let it not be forgotten that this very moment, when the Russian leadership has changed, at this very moment Russia is looking for the hand of cooperation to bring about peace.

This is not the time to kill this project which serves as a basis for cooperation with the Russians and other countries. This is a time to say that we need more projects which enable international cooperation and we need more projects that can put us in a peaceful, productive, cooperative relationship with Russia. We need Russia's help in building peace in this world. We do not need to slap Russia's hand on the Space Station. We need Russia to work with us in making this project work. We also need to work with them in making this project work and in building a framework for peace around the world.

Mr. Chairman, I want to indicate my strong support for the Space Station and my strong support for the benefits of the Space Station, and my strong support for continuing the relationship with Russia on this project and continuing this project as a basis for pursuing peace throughout the world.

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

Today I hope that as we are discussing the Space Station and we get into this last area of debate, that we take note that there is one person who is usually with us, who has been with us over the years and been an integral part of this debate, who is not with us today, whom we miss and we hope he is watching over C-SPAN. If he is not, we hope he is reading the CONGRESSIONAL RECORD, but we would all like to send our very best wishes to the gentleman from California (Mr. BROWN), the former chairman.

The gentleman from California has been a great boon to all of us in the Committee on Science. He has provided us an institutional memory over his many long years of service. During those many years, the gentleman from California has been a strong supporter of the International Space Station. In debates like this, he quite often has gotten up and reminded us of the long-term perspective and where we have been and where we are going, and has certainly done a great service to his country in that he has provided us the type of wisdom that is necessary for us to not only start projects like this but to complete projects like this.

We hope that the gentleman from California is watching after he has gone through, I understand, a heart operation. All of us send our very, very warm regards to him. I think that as we vote now on the Space Station, on these amendments, and I hope the gentleman from Indiana (Mr. ROEMER) will not take this badly, but I hope that we keep the gentleman from California in mind because he has been such a strong supporter.

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

Mr. ROHRABACHER. I yield to the gentleman from Indiana.

Mr. ROEMER. I appreciate my friend from California yielding. I just want to join him in his heartfelt remarks to my good friend and my colleague and my former chairman and my ranking member, the gentleman from California. I understand he is doing well. He had a new valve put in his heart. He is recovering quickly and fully, I understand.

We not only miss his great expertise in these areas, we miss his wonderful and glowing sense of humor. We wish him Godspeed to get back here quickly and help us through some of these difficult dilemmas, even though he and I disagree on this issue.

Mr. ROHRABACHER. Reclaiming my time, the gentleman from California was the head of the committee for many years as I was a member of the minority at that time. If there is anything that has inspired me to try my very best not to be partisan, but to try to reach out and find areas of compromise and try to be nice and kind and fair to Members who are now no longer in the majority, it is the way he treated us during that entire time.

There was no one who treated people more fairly and honestly in any committee than the gentleman from California did. We remember that now. It gives us a standard by which to judge our own behavior, a man who kept a very good spirit, even when there were spirited debates. We had honest disagreements under his leadership. Certainly we have a lot of honest disagreements because we come from minor political differences. By the way, our differences, even in the most adversarial parts of the discussion of any issue in this Congress, our differences are so minuscule compared to those things that separate other people in other countries who are killing themselves and such.

Here we have certain programs like the space program that binds us together as Democrats and Republicans and helps ensure that we all understand that there is a big picture, that this is not the administration's space program or a Republican or a Democrat space program, this is America's space program, and that we have honestly tried, and I know that there has been some friction here, to ensure that all sides feel that they are part of the decision-making process even when there is a disagreement. Let us keep that in mind, especially, and keep the gentleman from California in mind, because when he was chairman we certainly operated in that spirit.

As we go to this vote on the Space Station, I would hope that we do so, and there are some votes, I am siding with the gentleman from Indiana on one and opposing him on several, that we do so in this bipartisan spirit. I apologize if I got a little testy earlier when I thought the gentleman from California (Mr. SHERMAN) was suggesting that we had other motives.

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

Mr. Chairman, I want to wholeheartedly concur with the gentleman from Indiana and the gentleman from California's kind remarks concerning the gentleman from California (Mr. BROWN). He will always be known for his humor and his expertise and his fairness. But let me again point out, he is doing very well. He is up and about, active, and will be back here soon to bring all those same skills to us.

If I could shift gears just a moment and go back to the amendment at hand, which is to kill the Space Station, I think we are all aware of the expression, ''same song, second verse.'' This is the same second, 22nd verse, or more.

Let me just quickly again remind the Members that two sections of this Space Station have already been put in orbit. Most all the hardware is on the ground ready to go into orbit. If this amendment passes, those billions of dollars of investment will be wasted, as well as wasting the potential of the good work of the Space Station.

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

Mr. Chairman, I rise in support of this amendment, because it seems to me that what this amendment is about is the very simple theme of putting good money after bad. The reason I say that is that if you were $2,000 into a hypothetical $10,000 investment and then all of a sudden that $10,000 investment began to look very iffy, would you invest the other $8,000 if it was your own money? I think most of us would not.

That is exactly where we are with this Space Station. We are $20 billion in, but we still have another $80 billion to go. Would you really go that distance if it begins to look iffy, which is what basically the scientific community has said? Put another way, if you were $200 toward fixing your car in a, quote, $1,000 repair job but then it turned out the $1,000 repair job would not get you there, would you put in the other $800? I do not think most of us would.

That fundamentally is what this amendment is all about. There is a big hole down in south Texas where there was going to be a supercolliding super conductor, yet in the end that project was found wanting and people said, ''Let's not continue to fund it.'' This is something that is done all day long in people's homes. It is something that is done all day long in businesses. Businesses have start-ups, they venture out, check it out, see if it is going to work and then if it does not look good, they retreat. We can do that in government, too. So, one, fundamentally, this is what that amendment is about.

Two, why is it putting good money after bad? It is putting good money after bad because first of all there is a tremendous amount of uncertainty in this project. As has already been mentioned, this is not the American Space Station, this is the International Space Station.

As we all know, there is a lot of uncertainty in Russia right now. Yeltsin seems to be running through prime ministers on a fairly regular basis. There are a whole host of other problems within this country. Is this the kind of subcontractor you want in a business deal? I know of no contractor, whether in Charleston, whether in Houston, whether in Los Angeles, who would go out and depend on a subcontractor that was iffy. That is exactly what we have in this project.

Therefore, would you risk $100 billion—or $100—of your own money if it was that kind of setup? In fact, it was the independent Chabrow report that last year said it is costing us between $100 and $250 million for each month that the assembly is delayed. That is what this subcontractor is costing us. I think it points to the uncertainty of this overall project.

Two, the reason I think it is putting good money after bad is that the scientific value so far has proved to be very, very limited. Because it is limited, we have to set priorities. Nobody wants to set priorities, but that is fundamentally what our role is about here in government. Indeed, we have got a lot of priorities in government. You could buy 40 B–2s, you could buy a bay full of aircraft carriers, you could buy a whole lot of books or computers for education. You could do a lot of other things with this money.

That is why the National Taxpayers Union supports this amendment. That is why Citizens Against Government Waste supports this amendment. In fact, I have here a stack of different articles that point to again the questionable nature of, quote, the scientific value of what is being talked about with Space Station, which is the reason it would be up there in the first place.

Indeed, the American Society for Cell Biology declared that crystallography experiments in microgravity have made no serious contribution to analysis of protein structures or the development of new pharmaceuticals.

I have here another article that points to scientific publication is the hallmark of a good laboratory, and yet there is not scientific finding or publication out of Space Station. In fact, it points to the Howard Hughes Medical Institute, which is by all models a model for scientific organizations. It has a budget of about $500 million and has numerous findings in all sorts of different scientific journals. Therefore, we could fund several fold, in other words, a multiple of Howard Hughes type organizations with this money as opposed to sending it off into space.

I have another article here that talks about how the Space Station is vulnerable to debris and how NASA is leaving off shields to fast track the project. In fact, according to the ISS partners, there is a 24 percent chance, a 1 in 4

chance that it could be hit by debris. Is that the kind of project you want to put $100 billion into?

I have another article here from the Sunday Times of London talking about how NASA jeopardizes Space Station research to help the Russians.

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

Mr. Chairman, I rise again in strong opposition to this amendment by the gentleman from Indiana (Mr. ROEMER). This is the third Space Station either wounding or killing amendment that the gentleman from Indiana will offer. My colleagues should oppose every one of those.

This is the annual cancellation amendment that the gentleman from Indiana has offered. We came into Congress together, so he has offered it, I know, since 1991, both in the committee and on the floor at least once a year and sometimes twice a year as well. So to say the least, we have had a fair fight over this issue.

But let us talk about how far we have come. My colleagues have said we are throwing good money after bad. Not so. We have invested $20 billion in this program. We have evaluated this program, we have redesigned this program, we have micromanaged the program almost to death, but we have come too far to turn our back on this very important program.

Let us talk about the science that it will produce, the microgravity, scientific opportunities that are available there. There has been hearing after hearing in the Committee on Science over the opportunities that our scientists have for breakthroughs with diet research, with cancer research as well. So to say that the science is strictly testing the effects of gravity on human beings is to certainly oversimplify what we know many of those scientists and medical practitioners around the world are looking forward to pulling off on this experiment called Space Station.

□ 1500

If we do not fund the space station, we might as well disassemble NASA, because the space station program is the heart of NASA's research and development program and the heart of NASA's science program. This is not a project that is supposed to be flown in space for a few weeks. Space station will reside continuously in space for more than a decade. So for years our scientists will have opportunities to carry out these important scientific experiments there in microgravity under circumstances that we do not have here on Earth.

Five hundred thousand pounds of station components, half a million pounds of station components will have been built at factories around the world by the end of this year. Over 82 percent of the prime contractor's development work has been completed. And U.S. flight hardware sits at the launch site for the next six flights.

So this amendment would waste all the hard work that the NASA employees have put in, this amendment would waste the billion dollars of investment that we have made, and also this amendment and other amendments offered by the gentleman from Indiana (Mr. ROEMER) would cause us to turn our back on the resources and commitment of the 16 nations that are participating in this International Space Station, 11 of those nations and the European Space Agency community as well. So we have got international legal agreements that depend on the continuation of this funding, and I say let us do it, let us do it decisively, let us oppose this amendment offered by the gentleman from Indiana (Mr. ROEMER) and all other Roemer amendments that attempt to mortally wound or kill this important space station program.

Mr. Chairman, I would like to rise in strong opposition to the amendment by Mr. ROEMER and Mr. SANFORD to cancel the International Space Station.

This is a debate that we have had every year, and every year the House has reaffirmed its support for the Space Station program. While much has already been said in our previous annual debates, let me touch on a few brief points for our Freshman Members who may be hearing this debate for the first time.

First, let's look at where we've been. Services and products ranging from satellite communications to internal pacemakers and cardiac defibrillators were either developed or significantly improved because of our past investments in space.

Even until today, Microgravity research has been limited by scarce flight opportunities and sporadic access to space. Unlike the Shuttle experiments which are limited to about 2 weeks in space, the Space Station will reside continuously in space for more than a decade. The Space Station will give scientists, engineers, and businessmen an unprecedented opportunity to perform complex, long-duration experiments that will benefit the world for years to come.

Next, let's look at how far we've come. At the end of last year, we took a significant step towards our ultimate destiny of establishing a permanent presence in space with the launch of the first International Space Station elements Zarya and Unity, which are now operating 250 miles above the Earth.

Led by the United States, the Space Station draws upon the expertise and resources of 16 nations, including Canada, Japan, Russia, Brazil, and 11 nations of the European Space Agency. In addition to the $20 billion that we have invested in the Space Station, our international partners have contributed $5 billion to date. By the end of this year, 500,000 pounds of station components will have been built at factories around the world. Over 82 percent of the Prime Contractor's development work has been completed, with U.S. flight hardware for the next six flights at the launch site.

This amendment would waste all the hard work and all the taxpayer dollars that have been spent to date on the program. We've come too far for Congress to turn its back on the American people now.

Now, let's look at where we're going. Microgravity capabilities will be available in the spring of 2000, with the outfitting of the U.S. laboratory, Destiny.

The Space Station will be good for science and good for America. Space Station research will complement ground-based research to generate tangible returns, improving the quality of life here on Earth as well as in space.

Space is the ideal environment in which to study processes in fields such as combustion science, fluid physics, and materials science, which are normally masked by gravity-driven forces here on Earth. This research could help us decrease pollution, save billions of dollars in energy costs, construct buildings that are better prepared for earthquakes, and improve the structure and performance of materials used in everything from contact lenses to car engines.

Space Station will enable the medical community to understand bone and muscle loss, and possibly lead to the design of countermeasures. NASA-developed telemedicine systems will be used to provide high-quality medical advice, instruction, and education to underserved parts of our Nation and our World. Growing and analyzing protein crystals in space will play a pivotal role in structure-based drug design.

Mr. Chairman, we are discussing this bad amendment at a time when we should be thinking about the best ways to utilize this opportunity to enter into a new era in life and microgravity sciences research which will revolutionize the quality of life on Earth. R&D onboard Space Station will improve our knowledge of industrial processes, help us take substantial strides towards remarkable medical advances, and enable that pioneering spirit in all of us to take the next steps in the human exploration of the solar system.

Our continued funding should be looked at as an investment in America's future, bringing us new and exciting discoveries that we haven't even yet imagined. Mr. Chairman, this is a bad amendment, and I urge the Members to defeat it.

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

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

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

The CHAIRMAN pro tempore. Pursuant to House Resolution 174, further proceedings on the amendment offered by the gentleman from Indiana (Mr. ROEMER) will be postponed.

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

Mr. Chairman, I have heard a lot of discussion here today about international cooperation, and I would just ask my colleagues to consider that we make as much effort to have some across the aisle bipartisan cooperation here in the House and in the Senate as we talk about between countries.

One issue that I would ask my colleague to consider as this bill goes into conference with the Senate is the issue of the Triana project. Now I know that there are those that want to push the Triana project because they perceive it as a Democrat issue, and there are those that want to oppose it because they perceive it as a Democrat issue. But I think that there is some issues

here that need to be discussed, and I would just ask the conferees as this bill moves forward to give at least the strong science part of Triana a benefit of the doubt. We have the capability with this project, if it is executed appropriately and the partisan politics is kept out of it as much as possible, to finally settle the issue of global warming and finally be able to say is the billions of dollars that we are considering spending on global warming, is it appropriate and is it needed?

So I would stand here today and ask my colleagues on both sides of the aisle, let us not use Triana for political advantage, let us not try to formulate a presidential campaign around a scientific research study, and I say sincerely I think both sides bear a degree of responsibility here. There are parts of Triana that I would ask the chairman and the conference committee to take a look at that is based on strong science coming from Scripps Institution of Oceanography and see if that portion of Triana can be preserved and enhanced so that those of us in the policymaking decision can get good, unfiltered information that is not tainted by political agendas to be able to make an informed decision about global warming.

AMENDMENT OFFERED BY MR. SWEENEY

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

The Clerk read as follows:

Amendment offered by Mr. SWEENEY:

In section 127(a)—

(1) insert ''(1)'' after ''LIMITATION.—''; and

(2) add at the end the following new paragraphs:

(2) The Administrator shall certify to the Congress at least 15 days in advance of any cooperative agreement with the People's Republic of China, or any company incorporated under the laws of the People's Republic of China, involving spacecraft, spacecraft systems, launch systems, or scientific or technical information that—

(A) the agreement is not detrimental to the United States space launch industry; and

(B) the agreement, including any indirect technical benefit that could be derived from the agreement, will not measurably improve the missile or space launch capabilities of the People's Republic of China.

(3) The Inspector General of the National Aeronautics and Space Administration, in consultation with the Director of Central Intelligence and the Director of the Federal Bureau of Investigation, shall conduct an annual audit of the policies and procedures of the National Aeronautics and Space Administration with respect to the export of technologies and the transfer of scientific and technical information, to assess the extent to which the National Aeronautics and Space Administration is carrying out its activities in compliance with Federal export control laws and with paragraph (2).

Mr. SWEENEY (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

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

Mr. SWEENEY. Mr. Chairman, let me first congratulate my colleagues, specifically the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from California (Mr. ROHRABACHER) from the subcommittee and the ranking member, the gentleman from Tennessee (Mr. GORDON) for their fine work on the NASA reauthorization bill.

There have been two major occurrences within the past 10 years that have proven to be a striking blow to the national security interests of our great Nation.

First, China used information it obtained as a result of our cooperation on satellite technology to upgrade its ballistic missile force, improving range and accuracy of its booster systems.

Secondly, the Chinese are also using information they obtained as a result of deliberate and, mind you, successful espionage efforts at our nuclear laboratories at the Department of Energy in order to improve their nuclear warhead arsenal. Mr. Chairman, the combination of these two events means that the Communist Chinese government, which currently has at least 40 ICBMs, will soon have the capability to launch multiple warheads, MIRV missiles, in just 3 to 5 years instead of the 20 years it would have taken without these two pieces of American technology.

Mr. Chairman, we should be outraged as Americans that these two events were allowed to occur, seemingly without a hint that the national security breaches were occurring at all. With these grave events as a backdrop, I offer my amendment today as an attempt to reestablish that it is the policy of the United States to ensure that our good faith efforts to share our technological advances with world partners are not turned against us in the form of military threat.

The amendment addresses two areas of concern to NASA. First, the Chinese espionage experience at the Department of Energy labs is not repeated within our space program. The amendment requires the Inspector General of NASA to assess on an annual basis in consultation with our intelligence community NASA's compliance with export control laws and the exchange of technology and information that can be used to enhance the military capabilities of foreign entities.

Secondly, my amendment requires that NASA, before it enters into an agreement to exchange technology and information with the People's Republic of China to certify with Congress that the exchange of technology and information cannot be used to enhance China's ballistic missile capacities. This policy is consistent with our export controls regarding trade and satellite technology and actually mirrors language in the 1999 defense authorization which requires the President to certify approved satellite technology exports to China. It is entirely appropriate that we hold that same standard to the potential technological exchanges between our space program and the PRC.

Mr. Chairman, I do not believe that the serious transfers of military technology have occurred at NASA, and I stress this, that has not happened at NASA yet, yet we need to recognize that there is a potential danger that must be addressed. A few years ago we were pretty certain that top secret scientific information at our nuclear labs was secure. We now know that that was not the case. This amendment insures that the appropriate steps are taken to prevent the repeat of the breach of our Department of Energy labs and strengthens existing controls on the flow of military critical technology being diverted to China.

This amendment also responds to another provision in the 1999 defense authorization and approved by a vote of 417 to 4 by this House which states that the United States should not enter into agreements with China involving space. This amendment does not go as far as to prohibit space cooperation with China, but it does raise the bar with respect to the types of sensitive technological information that we can exchange through NASA.

Mr. Chairman, NASA is one of the most respected government institutions in the world, and its contributions to technology development in the United States are enormous. This amendment insures that that reputation so painstakingly earned is never tarnished.

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

Mr. SWEENEY. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, I am pleased to accept the amendment of the gentleman from New York. It requires a certification in advance that the cooperative agreement with the People's Republic of China does not harm the U.S. space launch industry or improve the missile launch capabilities of China and also directs the NASA Inspector General to conduct an annual audit to make sure that these certifications are being complied with.

It is a constructive amendment, and I hope it is adopted.

Mr. SWEENEY. Mr. Chairman, I thank the gentleman from Wisconsin.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from New York (Mr. SWEENEY).

The amendment was agreed to.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to House Resolution 174, proceedings will now resume on those amendments on which further proceedings were postponed in the following order:

The amendment offered by the gentleman from New York (Mr. WEINER), amendment No. 4 offered by the gentleman from Indiana (Mr. ROEMER), amendment No. 5 offered by the gentleman from Indiana (Mr. ROEMER), and amendment No. 3 offered by the gentleman from Indiana (Mr. ROEMER).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. WEINER

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. WEINER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 225, noes 203, not voting 5, as follows:

[Roll No. 134]

AYES—225

Abercrombie
Ackerman
Allen
Andrews
Armey
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gejdenson
Gephardt
Gillmor
Gilman
Gonzalez
Gordon
Green (TX)
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hefley
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Horn
Hoyer
Hulshof
Hyde
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E.B.
Jones (OH)
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
Kuykendall
LaFalce
Lampson
Lantos
Larson
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Moore
Moran (VA)
Murtha
Nadler
Neal
Ney
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Porter
Price (NC)
Quinn
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rogan
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Shays
Sherman
Shows
Sisisky
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Talent
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Vento
Walsh
Waters
Watt (NC)
Waxman
Weiner
Weller
Wexler
Weygand
Wilson
Wise
Wolf
Woolsey
Wu
Wynn

NOES—203

Aderholt
Archer
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berry
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Crane
Cubin
Cunningham
Danner
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Gutknecht
Hansen
Hastings (WA)
Hayes
Hayworth
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Hostettler
Houghton
Hunter
Hutchinson
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kanjorski
Kasich
King (NY)
Kingston
Knollenberg
Kolbe
LaHood
Largent
Latham
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lucas (OK)
Maloney (CT)
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Mollohan
Moran (KS)
Morella
Myrick
Nethercutt
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Portman
Pryce (OH)
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Tancredo
Tanner
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Visclosky
Walden
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Whitfield
Wicker
Young (AK)
Young (FL)

NOT VOTING—5

Brown (CA)
Cox
McDermott
Napolitano
Serrano

□ 1534

Mrs. MYRICK and Mr. WATKINS changed their vote from ''aye'' to ''no.''

Mr. BOEHLERT, Ms. ROYBAL-ALLARD, Mr. HALL of Texas, Mrs. KELLY, Ms. BROWN of Florida, Ms. SLAUGHTER, and Ms. CARSON changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. McDERMOTT. Mr. Chairman, during rollcall vote No. 134, I was unavoidably detained. Had I been present, I would have voted ''yes.''

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. SHIMKUS). Pursuant to House Resolution 174, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

AMENDMENT NO. 4 OFFERED BY MR. ROEMER

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Indiana (Mr. ROEMER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 114, noes 315, not voting 4, as follows:

[Roll No. 135]

AYES—114

Abercrombie
Barrett (WI)
Bass
Bereuter
Berry
Blagojevich
Blumenauer
Brady (PA)
Brown (OH)
Camp
Chabot
Chenoweth
Coble
Coburn
Collins
Conyers
Costello
Coyne
Crowley
Cubin
Danner
Deal
DeFazio
Delahunt
DeMint
Dingell
Doyle
Duncan
Evans
Fattah
Fossella
Frank (MA)
Ganske
Goode
Goodlatte
Goodling
Gutierrez
Hefley
Herger
Hilleary
Hoekstra
Holden
Holt
Kaptur
Kasich
Kelly
Kildee
Kind (WI)
Kingston
LaFalce
Largent
Latham
Lazio
Leach
Lee
Levin
LoBiondo
Lowey
Luther
Maloney (NY)
Manzullo
Markey
Mascara
McCarthy (MO)
McHugh
McInnis
Meehan
Miller, George
Minge
Mink
Myrick
Nadler
Nussle
Oberstar
Obey
Owens
Pallone
Paul
Pease
Pelosi
Peterson (MN)
Pomeroy
Portman
Ramstad
Rivers
Roemer
Roukema
Ryan (WI)
Sanders
Sanford
Schaffer
Shays
Sherwood
Shuster
Smith (MI)
Stark
Stearns
Strickland
Stupak
Sununu
Tancredo
Tierney
Toomey
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Wamp
Watkins
Watts (OK)
Waxman
Weiner
Woolsey

NOES—315

Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Becerra
Bentsen
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner

Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chambliss
Clay
Clayton
Clement
Clyburn
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
DeGette
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Dooley
Doolittle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Everett
Ewing
Farr
Filner
Fletcher
Foley
Forbes
Ford
Fowler
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hill (IN)
Hill (MT)
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kennedy
Kilpatrick
King (NY)
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaHood
Lampson
Lantos
Larson
LaTourette
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Lofgren
Lucas (KY)
Lucas (OK)
Maloney (CT)
Martinez
Matsui
McCarthy (NY)
McCollum
McCrery
McGovern
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Neal
Nethercutt
Ney
Northup
Norwood
Olver
Ortiz
Ose
Oxley
Packard
Pascrell
Pastor
Payne
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Porter
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Rangel
Regula
Reyes
Reynolds
Riley
Rodriguez
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Royce
Rush
Ryun (KS)
Sabo
Salmon
Sanchez
Sandlin
Sawyer
Saxton
Scarborough
Schakowsky
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Sherman
Shimkus
Shows
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stenholm
Stump
Sweeney
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Towns
Traficant
Turner
Udall (CO)
Walden
Walsh
Waters
Watt (NC)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—4

Brown (CA)
McDermott
Napolitano
Serrano

□ 1544

Ms. SLAUGHTER changed her vote from ''aye'' to ''no.''

Mr. TOOMEY changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. McDERMOTT. Mr. Chairman, during rollcall vote No. 135, I was unavoidably detained. Had I been present, I would have voted ''no.''

AMENDMENT NO. 5 OFFERED BY MR. ROEMER

The CHAIRMAN pro tempore (Mr. SHIMKUS). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Indiana (Mr. ROEMER) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 117, noes 313, not voting 3, as follows:

[Roll No. 136]

AYES—117

Armey
Baker
Ballenger
Barr
Bass
Bereuter
Biggert
Bilbray
Blagojevich
Bliley
Boehlert
Bonilla
Brady (PA)
Brown (OH)
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth
Coble
Coburn
Combest
Condit
Cook
Costello
Cunningham
Danner
Deal
Delahunt
DeMint
Diaz-Balart
Dickey
Dingell
Doolittle
Doyle
Duncan
Ehlers
Fattah
Fossella
Ganske
Gekas
Gilchrest
Gillmor
Goode
Goodlatte
Goodling
Green (WI)
Gutknecht
Hayes
Hefley
Herger
Hilleary
Hoekstra
Holden
Hunter
Hutchinson
Hyde
Isakson
Jones (NC)
Kaptur
Kelly
Kind (WI)
Kingston
LaHood
Largent
Latham
Lazio
Linder
LoBiondo
Lucas (OK)
Maloney (NY)
McInnis
McIntosh
Meehan
Mica
Mink
Moran (KS)
Moran (VA)
Myrick
Paul
Petri
Pickering
Pombo
Portman
Ramstad
Roemer
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Schaffer
Sensenbrenner
Shadegg
Shays
Shuster
Smith (TX)
Spence
Stearns
Strickland
Stump
Sununu
Sweeney
Tancredo
Thomas
Tiahrt
Tierney
Upton
Visclosky
Wamp
Watkins
Watts (OK)
Whitfield

NOES—313

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Bachus
Baird
Baldacci
Baldwin
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Becerra
Bentsen
Berkley
Berman
Berry
Bilirakis
Bishop
Blumenauer
Blunt
Boehner
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Campbell
Capps
Capuano
Cardin
Carson
Castle
Clay
Clayton
Clement
Clyburn
Collins
Conyers
Cooksey
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
DeLauro
DeLay
Deutsch
Dicks
Dixon
Doggett
Dooley
Dreier
Dunn
Edwards
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Filner
Fletcher
Foley
Forbes
Ford
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Gejdenson
Gephardt
Gibbons
Gilman
Gonzalez
Gordon
Goss
Graham
Granger
Green (TX)
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayworth
Hill (IN)
Hill (MT)
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Inslee
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kasich
Kennedy
Kildee
Kilpatrick
King (NY)
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
Lampson
Lantos
Larson
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McKinney
McNulty
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Moakley
Mollohan
Moore
Morella
Murtha
Nadler
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Phelps
Pickett
Pitts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Rogan
Rogers
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schakowsky
Scott
Sessions
Shaw
Sherman
Sherwood
Shimkus
Shows
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (WA)
Snyder
Souder
Spratt
Stabenow
Stark
Stenholm
Stupak
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Velazquez
Vento
Walden
Walsh
Waters
Watt (NC)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—3

Brown (CA) Napolitano Serrano

□ 1554

Mr. ROYCE changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 3 OFFERED BY MR. ROEMER

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Indiana (Mr. ROEMER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 92, noes 337, not voting 4, as follows:

[Roll No. 137]

AYES—92

Barrett (WI)
Bass
Bereuter
Berry
Blagojevich
Blumenauer
Brady (PA)
Brown (OH)
Camp
Chabot
Chenoweth
Coble
Coburn
Conyers
Costello
Coyne
Cubin
Danner
DeFazio
Delahunt
DeMint
Dingell
Duncan
Evans
Fattah
Fossella
Frank (MA)
Franks (NJ)
Ganske
Goode
Goodlatte
Gutierrez
Hefley
Herger
Hilleary
Hoekstra
Holden
Holt
Kaptur
Kelly
Kildee
Kind (WI)
Kingston
Largent
Latham
Lazio
Leach
Lee
Levin
LoBiondo
Lowey
Luther
Manzullo
McHugh
McInnis
Meehan
Miller, George
Minge
Mink
Myrick
Nadler
Nussle
Oberstar
Pallone
Paul
Pelosi
Peterson (MN)
Pomeroy
Porter
Portman
Ramstad
Rivers
Roemer
Roukema
Ryan (WI)
Sanders
Sanford
Shays
Shuster
Slaughter
Smith (MI)
Stark
Strickland
Tancredo
Tierney
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Wamp
Woolsey

NOES—337

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Becerra
Bentsen
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chambliss
Clay
Clayton
Clement
Clyburn
Collins
Combest
Condit
Cook
Cooksey
Cramer
Crane
Crowley
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Everett
Ewing
Farr
Filner
Fletcher
Foley
Forbes
Ford
Fowler
Frelinghuysen
Frost
Gallegly
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hill (IN)
Hill (MT)
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kasich
Kennedy
Kilpatrick
King (NY)
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Larson
LaTourette
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Lofgren
Lucas (KY)
Lucas (OK)
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Neal
Nethercutt
Ney
Northup
Norwood
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pascrell
Pastor
Payne
Pease
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Rangel
Regula
Reyes
Reynolds
Riley
Rodriguez
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Royce
Rush
Ryun (KS)
Sabo
Salmon
Sanchez
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shows
Simpson
Sisisky
Skeen
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Stump
Stupak
Sununu
Sweeney
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Toomey
Towns
Traficant
Turner
Udall (CO)
Walden
Walsh
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—4

Brown (CA) Napolitano
Cox Serrano

□ 1602

Ms. PRYCE of Ohio changed her vote from ''aye'' to ''no.''

Mr. MINGE changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. BATEMAN

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

The Clerk read as follows:

Amendment offered by Mr. BATEMAN:

In section 101(1), strike ''$2,482,700,000'' and insert ''$2,382,700,000''.

In section 101(2), strike ''$2,328,000,000'' and insert ''$2,228,000,000''.

In section 101(3), strike ''$2,091,000,000'' and insert ''$1,991,000,000''.

In section 103(4)—

(1) in subparagraph (A), strike ''$999,300,000'' and insert ''$1,099,300,000'';

(2) in subparagraph (A)(i), strike ''$532,800,000'' and insert ''$632,800,000'';

(3) in subparagraph (A)(i), strike ''$412,800,000 to be for the Research and Technology Base'' and insert ''$512,800,000 to be for the Research and Technology Base, including—

''(I) $20,000,000 for the Innovative Aviation Technologies Research program;

''(II) $30,000,000 for the Aging Aircraft Sustainment program;

''(III) $10,000,000 for the Aircraft Development Support program;

''(IV) $20,000,000 for the Unmanned Air Vehicles program; and

''(V) $20,000,000 for the Long-Range Hypersonic Research program'';

(4) in subparagraph (B), strike ''$908,400,000'' and insert ''$1,008,400,000'';

(5) in subparagraph (B)(i), strike ''$524,000,000'' and insert ''$624,000,000'';

(6) in subparagraph (B)(i), strike ''$399,800,000 to be for the Research and Technology Base, and with $54,200,000 to be for Aviation System Capacity'' and insert ''$54,200,000 to be for Aviation System Capacity, and with $499,800,000 to be for the Research and Technology Base, including—

''(I) $20,000,000 for the Innovative Aviation Technologies Research program;

''(II) $30,000,000 for the Aging Aircraft Sustainment program;

''(III) $10,000,000 for the Aircraft Development Support program;

''(IV) $20,000,000 for the Unmanned Air Vehicles program; and

''(V) $20,000,000 for the Long-Range Hypersonic Research program'';

(7) in subparagraph (C), strike ''$994,800,000'' and insert ''$1,094,800,000'';

(8) in subparagraph (C)(i), strike ''$519,200,000'' and insert ''$619,200,000''; and

(9) in subparagraph (C)(i), strike ''$381,600,000 to be for the Research and Technology Base, and with $67,600,000 to be for Aviation System Capacity'' and insert ''$67,600,000 to be for Aviation System Capacity, and with $481,600,000 to be for the Research and Technology Base, including—

''(I) $20,000,000 for the Innovative Aviation Technologies Research program;

''(II) $30,000,000 for the Aging Aircraft Sustainment program;

''(III) $10,000,000 for the Aircraft Development Support program;

''(IV) $20,000,000 for the Unmanned Air Vehicles program; and

''(V) $20,000,000 for the Long-Range Hypersonic Research program''.

Mr. BATEMAN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore (Mr. SHIMKUS). Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. BATEMAN. Mr. Chairman, I rise to offer my amendment and to express my displeasure with the drastic reductions in the NASA budget over the past several years. I am particularly concerned about the reduction in funding for aeronautics research. The gentleman from Virginia (Mr. SCOTT) shares my concerns and joins in this amendment.

NASA is not simply a space exploration agency; it has also played a vital role in the creation of important technology used in civilian and military air transport. These contributions are among the brightest jewels in NASA's crown, but the last several years have seen the aeronautics budget dwindle precipitously.

The Clinton administration is rarely so zealous in its attempt to reduce nondefense discretionary spending. It is, therefore, ironic and unfortunate that it is so determined to scale back aeronautics research.

Today I have presented or am presenting an amendment to transfer $100 million from the International Space Station account to the Aeronautical Research and Technology account for each of the 3 fiscal years covered by the authorization bill before us. I have long been a supporter of the Space Station and remain so, but I feel that it has received more than generous funding while aeronautics research has suffered disproportionately.

I expect that it may be said that this $100 million reduction in the funding for the Space Station is a killer amendment. This is not the case, in my view, unless those who direct the Space Station program choose to make it so, and to me it is inconceivable that they would to this. No one, on the other hand, can do the vital aeronautics research identified in my amendment unless it is adopted.

Nearly $5 billion has been spent on the Space Station in the last 2 fiscal years, and another $2.4 billion is included in the President's budget for fiscal year 2000. Meanwhile, aeronautics research will have been reduced by $400 million over the same period.

The reduction in budget authority for aeronautics would bring the reduction in that program to 50 percent of what it was 10 years ago. Clearly aeronautics research has suffered disproportionately.

The Bateman-Scott amendment will transfer $100 million from the Space Station account to the aeronautics account for each of the 3 fiscal years covered by this bill. Failure to increase our commitment to aeronautics research will have grievous economic and national security consequences to the United States. The Bateman-Scott amendment will help guarantee that American aviation will preserve its traditional dominance.

My colleagues' support and vote for the Bateman-Scott amendment is solicited and will be appreciated.

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

Mr. Chairman, I rise in strong support of the Bateman-Scott amendment. The amendment will transfer $100 million from the International Space Station for each of the next 3 fiscal years to the Aeronautics Research and Technology account.

This amendment is necessary to restore deep cuts in aeronautics research and development programs as proposed by the bill. It is especially important when we know that several aeronautics R&D programs were cut, in large part in order to fund continued cost overruns for the Space Station.

We know that the Nation's aeronautics research program are in serious decline. The proposed FY 2000 NASA budget decreases an already underfunded aeronautics research effort by an additional 33 percent.

Mr. Chairman, we know that dollar-for-dollar investments in aeronautics research pay off. This is because aeronautics is the second largest industry in terms of positive balance of trade, second only to agriculture, and that goes back and forth every year. That is directly attributable to our past investments in aeronautics research.

Every aircraft worldwide uses NASA technology. For example, engineering principles developed from this research have contributed to overall aircraft safety and efficiency, including things like wing design, noise abatement, structural integrity and fuel efficiency. Such improvements are part of every aircraft in use today and are a direct result of our investment in aeronautics research.

Contrary to being corporate welfare, Federal investment in aeronautics research and development is vital because private companies are reluctant to fund this type of research when future applications of that research are unknown or will not pay dividends for 20 years. So our past and current funding of aeronautics research represents an appropriate and responsible Federal role.

The steady decline in aeronautics has already had an impact on United States competitiveness. Less than 10 years ago, United States firms held more than 70 percent of the world market share of civilian aircraft sales. But today, Europe's AirBus has more than 50 percent of that market share.

So while the U.S. has continued to severely cut research in this area, other countries have aggressively increased their investment. Japan, for example, will put $20 million more towards high speed transport research, while this budget ends our investment in high speed transport research.

Mr. Chairman, I urge my colleagues to support this amendment and support our continued investment in aeronautics research and development.

Mr. Chairman, I submit for the RECORD a letter from Virginia Governor Jim Gilmore expressing his opposition to the bill and a January 18, 1999 article entitled the ''Cost of Station Cuts Into Funds For Supersonic Airplane Effort'' in ''Space News'', as follows:

COMMONWEALTH OF VIRGINIA,
OFFICE OF THE GOVERNOR,
May 18, 1999.

Hon. ROBERT C. SCOTT,
Rayburn House Office Building,
Washington, DC.

DEAR CONGRESSMAN SCOTT; I write to you on behalf of the National Aeronautics and Space Agency Langley Research Center (NASA–LARC) and request your assistance during this year's appropriations process in the 106th Congress. Specifically, I request you cast your vote against H.R. 1654. President Clinton's budget proposal, submitted to Congress earlier this year, drastically reduces, for the second straight year, funding for the NASA–LARC to a level that threatens its critical research initiatives. NASA Langley is a national resource that is based in Virginia. I believe, therefore, that it is incumbent on all of us in elective office to represent its national mission. I respectfully request you halt this proposed budget cut and increase funding for this facility that is vital to the economy of the Tidewater region, the Commonwealth of Virginia, and our national competitiveness.

Over the last 2 years the NASA–LARC has been cut 24% comprehensively and the aeronautics portion has been reduced by 33%. This year, the President's budget proposes a cut of over $110 million and the reduction or abolition of numerous programs, including the elimination of two major programs—High Speed Commercial Transport (HSCT) and Advanced Subsonic Technology (AST). If this proposal is not overturned, Virginia will experience a direct loss of over 500 aeronautical engineering jobs through the end of 2000. Collateral effects include a total loss of approximately $275 million to the Virginia economy and 1,900 jobs lost. Moreover, these effects will not be contained strictly to the Tidewater region, but will also be realized in Blacksburg, Charlottesville and Northern Virginia as well.

The United States has drastically reduced federal aeronautics funding from $1.3 billion per year to $640 million per year—a 51% reduction—over the last ten years. In 1997, ''aeronautics products'' was the second largest U.S. export category ($69 billion) in our balance of trade, second only to agricultural products. While the United States continues to reduce its ability to compete in this market, other nations, such as Great Britain, South Korea, France, Taiwan and China, are increasing the amount of their investment in aeronautical R&D and are strong partners with their private sector companies. For example, Boeing has seen its share of the global commercial aircraft market go from 90% to less than 50% over the last 15 years. Airbus, based in France, has seen its share increase from 0% to approximately 50%. This comes as no surprise since the best aeronautic R&D facilities are now located in Europe.

In conclusion, I would like to point out that in a dangerous world in which this administration has deployed our military personnel to a multitude of locations around the globe, the most important thing necessary to insure their safety is complete domination of the skies over their heads. The current situation in the Balkans is a clear-cut example of why it is important to maintain a position for the United States at the forefront of aeronautics research and development.

Once again, I ask you to join me and fight to preserve NASA–LARC and see that it continues to play the integral role it has play in the economy of Virginia, in defense of this

notion and the promotion our commercial interests in global economy.

Very truly yours,

JAMES S. GILMORE, III,
Governor of Virginia.

[From the Space News, Jan. 18, 1999]

COST OF STATION CUTS INTO FUNDS FOR SUPERSONIC AIRPLANE EFFORT

(By Brian Berger)

WASHINGTON.—Funding for NASA's effort to develop technology for the next generation of supersonic passenger airplanes will be slashed and possibly eliminated to help NASA pay for cost overruns on the international space station program, according to government sources.

When U.S. President Bill Clinton presents his 2000 budget request to Congress in early February, sources said funding for NASA's High-Speed Research program—a nine-year-old effort to develop a concept for an environmentally friendly supersonic passenger jet—will be significantly reduced or cut from the space agency's budget altogether.

Last year, Congress appropriated $190 million for High-Speed Research in 1999, according to the NASA Comptroller's Office.

Although some sources say NASA could be in line for a small budget increase for 2000, congressional sources said its unlikely the White House will add enough money to pay for space station overruns without making cuts elsewhere.

A congressional source said some combination of new funds and program budget cuts are to be expected in a year when the White House is under political pressure to find as much as $1 billion extra for the international space station.

''This is the first year there hasn't been tremendous support for High-Speed Research,'' a senior NASA official said.

The NASA official declined to offer details of the cut pending the president's release of his spending plan. But a congressional source said the president's budget will reflect a deliberate decision to phase out the High-Speed Research program.

''I think it's dead,'' the source said, ''and I wouldn't be surprised if it goes away for a while.''

The NASA program began in 1990 to help U.S. aerospace companies develop the technologies needed to build a supersonic passenger plane capable of meeting the more stringent environmental regulations predicted for 2010.

But when industry-partner Boeing Co., Seattle, announced last fall that it would delay for 15 years its plans to build a supersonic passenger plane—also known as a high-speed civilian transport—until 2025, both the environmental and economic goals of the NASA program changed to reflect the new time frame.

Boeing spokeswoman Mary Jean Olsen said the company will not invest tens of billions of dollars in building a supersonic passenger jet until the technology and market demand for the product presents itself.

Alan Wilhite, deputy director of the Office of High-Speed Research at NASA Langley Research Center, Hampton, Va., said the program was on track to meet all the economic and environmental goals Boeing set for the program in 1990.

He said the program is now undergoing a year-long feasibility study to determine what must be done to meet more stringent environmental and economic goals forecasted for 2020–2025. Word of the budget cut comes as program officials at Langley are preparing to begin the next phase of the program, an eight-year, $700 million effort that includes the test and assembly of a full-scale supersonic engine.

But a Boeing program official said it is too soon to build an engine for an airplane that is still 20–25 years from reality.

''We really should not proceed with manufacturing technology,'' said Boeing's Robert Cuthbertson, program manager for the High-Speed Civilian Transport program.

During a NASA hearing before the House Science Committee in February 1998, Rep. Dana Rohrabacher (R–Calif.) questioned NASA Administrator Daniel Goldin about the advisability of building a full-scale engine for an airplane that may not be built.

''The whole program is being looked at very closely in terms of what level of investment the government should put in this area,'' the senior NASA official said.

Cuthbertson said Boeing is cutting back its investment in high-speed research substantially, estimating a 75–80 percent reduction over the next seven years.

John Logsdon, director of the Space Policy Institute at the George Washington University here, said aeronautics research is the subject of a long-standing debate between the White House and NASA.

''The argument is that aeronautics is a mature industry and ought to be paying for its own [research and development]'' Logsdon said. ''Some say it's inappropriate for the government to be paying for [a research and development] program that is essentially for Boeing.''

Boeing is the only U.S. company currently building large commercial airframes.

Robert Walker, former chairman of the House Science Committee, said the debate goes back decades, but that the High-Speed Research program was usually seen as the kind of pure technology development effort NASA should be supporting.

Driving the budget cut, a NASA and congressional source said, is a White House in search of money to pay for cost overruns in the international space station program without raiding NASA science accounts.

''One way or another, you have to fix the space station overrun problem,'' a senior NASA official said.

With NASA program officials calling for more than $700 million for High-Speed Research through 2007, the program presents a tempting target for the White House budget ax.

''There aren't a lot of cookie jars for NASA to go after,'' the congressional source said.

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

Mr. Chairman, I rise in opposition to the amendment. I am in support of the bill and the piece of legislation and opposed to the amendment. Mr. Chairman, this amendment is in direct contradiction to the President's and Administrator Goldin's priorities for the space program for NASA.

I understand the concern of the gentleman from Virginia (Mr. BATEMAN) about the continuing reductions over time that we have seen in NASA's aeronautics budget. But cutting the Space Station to fund aeronautics is not the appropriate answer.

However, at this point, let me point out that the gentleman from Indiana (Mr. ROEMER), again, the truth of his arguments is that we have to prioritize. If we are going to be spending huge chunks of money on the Space Station, that is exactly right. It is a very painful process. This is what part of that painful process is. Once again we are faced with something that comes from our decision, the decision of the whole body, to move forward with the Space Station.

Administrator Goldin in this environment says his top three priorities are, number one, safety; number two, finishing the Space Station and getting it over with; and advanced space transportation technology. Everything else comes after that as far as the administration and Mr. Goldin and his priorities go.

That means that the gentleman from Virginia (Mr. BATEMAN) is proposing cutting the administrator's number two priority, which will in fact increase total Space Station costs because it will cause delays just to fund the station at a different level of priority.

So let us not think that this is just an easy answer that takes somebody through Space Station. When we are here in the very last few moments of getting the Space Station up, any delay in this system will be very expensive, and there will be delays if we start cutting precipitously like this.

The gentleman from Virginia (Mr. BATEMAN) may or may not know that this bill does not cut research at NASA's Aeronautics Center one bit. In fact, this bill directs NASA to bring the resources and talents of the excellent scientists and engineers at the Aeronautic Center to bear on a higher priority. It is a priority, as I just mentioned, of Mr. Goldin's; it is one of his top three priorities. It is a much more difficult challenge than just trying to improve aeronautics, and that is to improve and to meet the challenge of advanced space transportation technology.

□ 1615

Simply keeping the aeronautics centers working on aeronautics only is a very bad strategy. Now, yes, we realize that that is valuable work. But there are many challenges that we face and contributions that they could make outside the area of aeronautics. And limiting these centers to aeronautics, basically it is a very bad strategy and it is based on a going-out-of-business strategy.

I, therefore, respectfully oppose the well-intentioned but I say counterproductive amendment of the gentleman. Because in the end, by delaying the Space Station and by taking money precipitously from it, it will cause disruptions in the Space Station program and the plan that we are moving forward on and we will not be getting done with the project and it will end up costing us more money and putting even more pressure on aeronautics and other aspects of NASA's budget.

So while I understand the pressures we are under, I can sympathize with the idea that certain areas are not being funded like we would like to see them be if we had unlimited funding, but just cutting the Space Station precipitously is not the answer. Perhaps the answer should be, as I say, looking

at the aeronautic centers and trying to broaden their area of research rather than keeping them just on aeronautics.

So I reluctantly and respectfully oppose this amendment.

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

Mr. Chairman, I rise in reluctant opposition to the Bateman-Scott amendment. They have both been good friends of NASA and tireless champions of aeronautic research. I believe this amendment is well-intentioned.

Nevertheless, I think taking money from NASA's Space Station will simply destabilize that program and that will result in more station cost growth, more pressure on the NASA budget that will not benefit anyone in the long-run.

So although I think we need to take a long hard look at what needs to be done to keep NASA's aeronautics program world class, I oppose taking money from the Space Station. And I urge Members to vote against this amendment.

The CHAIRMAN pro tempore (Mr. SHIMKUS). The question is on the amendment offered by the gentleman from Virginia (Mr. BATEMAN).

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 140, noes 286, not voting 7, as follows:

[Roll No. 138]

AYES—140

Baldwin
Barrett (WI)
Bass
Bateman
Bereuter
Berry
Blagojevich
Bliley
Blumenauer
Boucher
Brown (OH)
Bryant
Camp
Capps
Capuano
Carson
Chabot
Chenoweth
Clay
Clyburn
Coble
Coburn
Conyers
Costello
Coyne
Crowley
Danner
Davis (VA)
DeFazio
Delahunt
DeLauro
Dickey
Dingell
Doggett
Duncan
Evans
Ford
Fossella
Frank (MA)
Franks (NJ)
Gibbons
Gilchrest
Goode
Goodlatte
Goodling
Graham
Hefley
Herger
Hilleary
Hinchey
Hoekstra
Holden
Holt
Hostettler
Hunter
Hutchinson
Jones (NC)
Jones (OH)
Kaptur
Kelly
Kildee
Kind (WI)
Kingston
Kucinich
LaFalce
Largent
Latham
LaTourette
Lazio
Leach
Lee
Levin
LoBiondo
Lowey
Luther
Manzullo
Markey
McHugh
McInnis
McIntosh
Meehan
Miller, George
Minge
Mink
Moore
Myrick
Nadler
Norwood
Nussle
Oberstar
Obey
Olver
Owens
Oxley
Pallone
Pascrell
Paul
Pease
Pelosi
Peterson (MN)
Petri
Pomeroy
Porter
Portman
Ramstad
Rangel
Regula
Rivers
Roemer
Ryan (WI)
Sanders
Sanford
Sawyer
Schakowsky
Scott
Shays
Sherwood
Shuster
Sisisky
Skelton
Spence
Spratt
Stark
Strickland
Stump
Stupak
Sununu
Tancredo
Taylor (NC)
Thompson (MS)
Tierney
Traficant
Udall (NM)
Upton
Vento
Visclosky
Wamp
Wilson
Wolf
Woolsey

NOES—286

Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Becerra
Bentsen
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Burr
Burton
Buyer
Callahan
Calvert
Campbell
Canady
Cannon
Cardin
Castle
Chambliss
Clayton
Clement
Collins
Combest
Condit
Cook
Cooksey
Cramer
Crane
Cubin
Cummings
Cunningham
Davis (FL)
Davis (IL)
Deal
DeGette
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dixon
Dooley
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Fowler
Frelinghuysen
Frost
Gallegly
Gejdenson
Gekas
Gephardt
Gillmor
Gilman
Gonzalez
Gordon
Goss
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hill (IN)
Hill (MT)
Hilliard
Hinojosa
Hobson
Hoeffel
Hooley
Horn
Houghton
Hoyer
Hulshof
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Kanjorski
Kasich
Kennedy
Kilpatrick
King (NY)
Kleczka
Klink
Knollenberg
Kolbe
Kuykendall
LaHood
Lampson
Lantos
Larson
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lofgren
Lucas (KY)
Lucas (OK)
Maloney (CT)
Maloney (NY)
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McIntyre
McKeon
McKinney
McNulty
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Neal
Nethercutt
Ney
Northup
Ortiz
Ose
Packard
Pastor
Payne
Peterson (PA)
Phelps
Pickering
Pickett
Pitts
Pombo
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Reyes
Reynolds
Riley
Rodriguez
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun (KS)
Sabo
Salmon
Sanchez
Sandlin
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Sherman
Shimkus
Shows
Simpson
Skeen
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Stabenow
Stearns
Stenholm
Sweeney
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Thurman
Tiahrt
Toomey
Towns
Turner
Udall (CO)
Velazquez
Walden
Walsh
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wise
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—7

Abercrombie
Brown (CA)
Cox
Ganske
Lipinski
Napolitano
Serrano

□ 1636

Messrs. TAYLOR of Mississippi, SMITH of Michigan and FROST changed their vote from ''aye'' to ''no.''

Mr. SPRATT, Mr. OLVER and Ms. DELAURO changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. SHIMKUS). Are there any other amendments?

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

Let me quickly thank the gentleman from California (Mr. ROHRABACHER) and the gentleman from Wisconsin (Mr. SENSENBRENNER) and their staff for their efforts to try to bring about a good bill here, but I have to say I am disappointed that we were not able to get that done.

Let me point out very quickly that Dan Goldin, the NASA administrator, has strongly suggested that Members oppose this bill; that the OMB has recommended this bill be opposed, for a variety of reasons:

Quickly, because it would delete all funding for NASA's information technology initiatives, it would hold NASA's earth science research program hostage to an unworkable data buy earmark, it would cancel the peer reviewed Triana scientific and educational mission and waste the $35 million already appropriated, and it would prohibit any research on innovative inflatable technologies that have great potential to lower the costs of future human space operations.

You can be pro NASA and against this bill. I recommend, as the ranking member on this committee, a ''no'' vote.

The CHAIRMAN pro tempore. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. SHIMKUS, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1654) to authorize appropriations for the National Aeronautics and Space Administration for fiscal years 2000, 2001, and 2002, and for other purposes, pursuant to House Resolution 174, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

RECORDED VOTE

Mr. GORDON. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 259, noes 168, not voting 7, as follows:

[Roll No. 139]

AYES—259

Abercrombie
Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Biggert
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Brown (FL)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Collins
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Cunningham
Davis (VA)
Deal
DeGette
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Etheridge
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Frelinghuysen
Frost
Gallegly
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodling
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hill (MT)
Hilleary
Hinojosa
Hobson
Hoeffel
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jackson-Lee (TX)
Jenkins
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaHood
Lampson
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Maloney (CT)
Manzullo
Markey
McCollum
McCrery
McHugh
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moore
Moran (KS)
Morella
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Ose
Oxley
Packard
Pease
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reyes
Reynolds
Riley
Rodriguez
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sandlin
Saxton
Scarborough
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shows
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Spratt
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Turner
Upton
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wolf
Wu
Young (AK)
Young (FL)

NOES—168

Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Berkley
Berman
Berry
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Conyers
Costello
Coyne
Crowley
Cubin
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
Delahunt
Dicks
Dingell
Dixon
Doggett
Dooley
Duncan
Engel
Eshoo
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Franks (NJ)
Ganske
Gephardt
Goode
Goodlatte
Gordon
Gutierrez
Hall (OH)
Herger
Hill (IN)
Hilliard
Hinchey
Holden
Holt
Hoyer
Inslee
Jackson (IL)
Jefferson
John
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
LaFalce
Lantos
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (NY)
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McInnis
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moran (VA)
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Paul
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Rahall
Rangel
Rivers
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sanford
Sawyer
Schaffer
Schakowsky
Scott
Shuster
Sisisky
Slaughter
Smith (WA)
Snyder
Stabenow
Stark
Stupak
Tancredo
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wise
Woolsey
Wynn

NOT VOTING—7

Brown (CA)
Hooley
Napolitano
Pastor
Serrano
Shimkus
Terry

□ 1658

Ms. EDDIE BERNICE JOHNSON of Texas changed her vote from ''no'' to ''aye.''

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. PASTOR. Mr. Speaker, on rollcall No. 139, had I been present, I would have voted ''aye.''

□ 1700

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 1654, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION ACT OF 1999

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that the Clerk be authorized to make technical corrections in the engrossment of the bill (H.R. 1654) to reflect the actions of the House, and that the Clerk be directed to make the following specific changes:

In the instruction to strike in the amendment by Mr. TRAFICANT to section 103(4)(A)(i) the phrase ''focused program, and'', and to apply the same instruction to strike to section 103(4)(B)(i) and section 103(4)(C)(i) with respect to fiscal years 2001 and 2002.

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

There was no objection.

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to place extraneous material in the RECORD on H.R. 1654, the bill just passed.

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

There was no objection.

LEGISLATIVE PROGRAM

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

Mr. SENSENBRENNER. Mr. Speaker, I have discussed with the gentleman from Illinois (Mr. COSTELLO), and unless there is an amendment that we do not know about, we will probably not have votes on the next bill that is coming up. I cannot give a complete assurance that there will be no rollcall votes, but my guess is that all of the amendments and the bill will be disposed of by voice vote and the Members can take that into account when making their plans.

NATIONAL WEATHER SERVICE AND RELATED AGENCIES AUTHORIZATION ACT OF 1999

The SPEAKER pro tempore. Pursuant to House Resolution 175 and rule

XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1553.

□ 1702

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1553) to authorize appropriations for fiscal year 2000 and fiscal year 2001 for the National Weather Service, Atmospheric Research, and National Environmental Satellite, Data and Information Service activities of the National Oceanic and Atmospheric Administration, and for other purposes, with Mr. SHIMKUS in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Illinois (Mr. COSTELLO) each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

Mr. SENSENBRENNER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, H.R. 1553, the National Weather Service and Related Agencies Authorization Act of 1999 authorizes a total of $1.391 billion for fiscal year 2000 and $1.468 billion for fiscal year 2001 for the National Weather Service, the NOAA office of Oceanic and Atmospheric Research Programs, the National Environmental Satellite Data and Information Service and related facilities. The NWS, supported by the Atmospheric Research and NESDIS programs, provides around-the-clock weather and flood warning and forecast services to the general public for the protection of life and property. The NWS data is used by private sector, commercial and weather service firms which provide specialized forecasts for a variety of business uses.

The additional funds authorized by this bill will, first, provide an increase of nearly 10 percent in the lead time for tornado warnings, particularly to those areas of the Nation such as Texas, Oklahoma, Kansas, the Midwest and the Southeast that are subject to devastating tornadoes; second, also provide an increase of 10 percent in forecast accuracy of the onset of freezing temperatures, particularly important for agricultural regions; third, provide an increase of nearly 5 percent in the forecast accuracy of heavy snowfall and severe storm warnings; and last, maintain current capabilities and hurricane forecasts and flood warnings. I commend the bill to the House for its adoption.

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

Mr. COSTELLO. Mr. Chairman, I yield myself such time as I may consume.

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

Mr. COSTELLO. Mr. Chairman, I want to commend the full committee chairman, the gentleman from Wisconsin (Mr. SENSENBRENNER), and the subcommittee chairman, the gentleman from California (Mr. CALVERT) for bringing this bill to the floor today.

The Committee on Science has worked quickly this year to bring to the floor several authorization bills to give guidance to the Committee on Appropriations. One of the most significant of these bills is H.R. 1553, which will authorize the operations of the National Weather Service for the next 2 years. The National Weather Service provides critical information and early warning detection of disasters to communities throughout the United States. Timely, accurate weather forecasts save lives and provide us with time to prevent or at least minimize damage to property that results from tornadoes, hurricanes, blizzards and other severe weather.

New technologies pioneered by NOAA research enabled the National Weather Service to issue tornado warnings 30 minutes before they struck communities in Oklahoma. Those tornadoes caused over $1 billion in damage to Oklahoma City and surrounding communities. The loss of life could have been much worse without early warning provided by the National Weather Service. The development and deployment of Doppler radar and the Advanced Weather Interactive Processing System, AWIPS, extended the lead time for storm warnings by 20 minutes or more. More time means more lives can be saved. Emergency services can be deployed and people can take action to protect themselves.

The National Weather Service and its related research programs provide tangible benefits to our citizens every day at the cost of a few dollars per person annually. This bill replaces the Organic Act of 1890, which currently provides the definition of the National Weather Service's mission, with new language defining the duties of the Weather Service. The language was improved through the adoption of an amendment that I offered in committee which clarified the role of the National Weather Service in providing marine and aviation forecasts, and it will be further improved by the manager's amendment that will be offered by the chairman of the committee, the full committee, the gentleman from Wisconsin (Mr. SENSENBRENNER).

I believe the changes we have made in this section have addressed many of the concerns raised by the administration and the aviation industry. I am confident that we have a sound basis for continued work on this issue as the bill moves through the legislative process.

Although we would have preferred to see the authorization for the High Performance Computing and Communications Initiative, the HPCC, in this bill, we are satisfied that its exclusion is not done with prejudice on the part of the chairman of the committee, or the committee. Funding for the HPCC initiative supports advancements will enable NOAA to improve both short and long range forecasting.

The gentleman from Wisconsin (Mr. SENSENBRENNER) indicated the committee will move separate legislation within the coming few weeks to authorize appropriations for the HPCC program in its entirety, including the authorization of NOAA's portion of the program. We understand that this bill will provide authorizations of appropriations for all departments and agencies which participate in the government-wide HPCC program, as well as in the proposed information technology for the 21st century initiative. We look forward to working with our colleagues to advance the HPCC authorization bill, given its importance to the Nation and future technology.

H.R. 1553 reflects the President's request for FY 2000 for both the program accounts and to the procurement and construction accounts of NOAA. I am pleased by the authorization levels for next year. However, I am concerned that the FY 2001 numbers, kept at the same level as FY 2000 for all program accounts, would lead to a real decline in real support for the work of the National Weather Service and related research programs.

Later, I will offer an amendment to increase the FY 2001 authorization by a modest 3 percent. I hope my colleagues will support my amendment and ensure that NOAA has the stable funding required to continue to provide the vital weather forecasting services we rely on every day.

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

Mr. SENSENBRENNER. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from California (Mr. CALVERT), the subcommittee chairman.

Mr. CALVERT. Mr. Chairman, I would like to thank my colleague, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the distinguished chairman of the Committee on Science, for yielding me this time.

Mr. Chairman, as the subcommittee Chair and author of this legislation, I am proud to speak in support of H.R. 1553. H.R. 1553 authorizes funding for the National Weather Service's atmospheric research, NOAA's environmental satellite data information service.

I am pleased to say that the Committee on Science reported this bill by voice vote. It was a tremendous display of how much can be accomplished when we work together in a bipartisan fashion.

Before I go on, I would like to thank the chairman, the gentleman from Wisconsin (Mr. SENSENBRENNER), for his hard work and leadership in bringing this bill to the floor. I would also like to thank the ranking minority member

of the Subcommittee on Energy and Environment and my good friend, the gentleman from Illinois (Mr. COSTELLO), for his leadership on his side of the aisle. While we do not always see eye to eye, I would think it is safe to say we do agree on the importance of passing H.R. 1553.

The National Weather Service plays an important part in protecting the public. The recent violent tornadoes in Oklahoma and Texas demonstrated how important advanced warning can be. Lives were tragically lost. I am afraid that the toll would have been much, much higher if there had not been advance warning given by the National Weather Service. This is just one of many examples of the important, sometimes lifesaving, services provided in the funding of this bill.

The bill funds NOAA's satellite programs at a level consistent with the administration's request. Satellites play a critical role in weather forecasting, as well as providing important environmental data. NOAA plans an ambitious launch schedule over the next decade or so which will not only improve coverage but will also improve satellite data acquisition capabilities.

H.R. 1553 also authorizes funding for NOAA's Office of Atmospheric Research. It is important that we have a clear understanding of how the atmosphere works so that we can better understand the weather and determine if global climate change is in fact occurring. H.R. 1553 continues the committee's tradition of strong support for atmospheric sciences.

Just a quick aside: I woke up this past Saturday morning to read a front page story detailing a crucial court decision overturning EPA's thoughts on P/M and ozone standards. The Court's decision noted that the agency had far exceeded its legal authority and based the regulation on science that was proven to be potentially unsound.

The reason I bring this matter up today in the context of H.R. 1553 is that I have always been a strong proponent of moving the EPA science mission to a nonregulatory governmental body. In my mind, NOAA would be a natural choice. In the light of the court decision, I plan to hold a hearing on the subject of P/M and ozone regulations. This will build on the bipartisan series of three hearings held by the Subcommittee on Energy and Environment last year.

I would like to conclude by saying H.R. 1553 will protect public safety, maintain state-of-the-art scientific research and facilities without busting the budget or raiding the Social Security Trust Fund. This is good legislation. I encourage all my colleagues on both sides of the aisle to support this important bill.

Mr. COSTELLO. Mr. Chairman, I yield 2 minutes to the gentleman from Guam (Mr. UNDERWOOD).

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

Mr. Chairman, I do stand in support of the passage of H.R. 1553 to provide the National Weather Service with the resources to warn our citizens of impending natural disasters.

My constituents, the people of Guam, are probably the most familiar with the destruction that accompanies storms, and though we are thousands of miles away from Washington, D.C., we nonetheless share our prayers and support for stricken communities around the country.

The work of the National Weather Service, along with other Federal agencies like FEMA and the Small Business Administration, is important for communities to prepare for potential natural disasters. There is no question that with the technological advances and improved methods of research, the National Weather Service has been able to relay timely information via TV, radio, computers and other media to communities in the direct path of destruction.

Guam is located in an area of the Pacific known as typhoon alley, which was once the home of a weather reconnaissance squadron employing WC–130 aircraft. Their mission consisted of gathering advanced storm information by flying directly into a typhoon. Today, Guam remains the only part of the United States that is not covered by some kind of hurricane or typhoon aircraft.

□ 1715

I know that this is not directly related to the National Weather Service, but I did want to thank the chairman for accepting in the manager's amendment to make sure that both States and territories are equitably treated in terms of protection of property and life.

Guam is now no longer covered by the Joint Typhoon Warning Center, a casualty of the BRAC process. So it is vitally important that we continue to support the National Weather Service, particularly as they develop new ways of doing weather forecasting and providing information to communities such as Guam. It is important that as they perfect their satellite technology and as they experiment with the possibility of using fixed-wing aircraft, that they consider all parts of the United States in their service.

We in Guam would like to see perhaps the introduction of typhoon chasers once again, but it is very important that the National Weather Service and any kind of typhoon warning for a place like Guam is vitally important. Some years we face as many as 70 storm warnings in one year, and almost every typhoon that one hears about that hits the Asian mainland passes by or near or through Guam; hopefully most by or near.

Mr. SENSENBRENNER. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan (Mr. EHLERS).

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

Mr. EHLERS. Mr. Chairman, I thank the gentleman from Wisconsin for yielding me this time.

I would like to discuss two aspects of the science that is covered under this bill. The first my colleagues have already heard discussed by other speakers and that involves the National Weather Service and its importance. I certainly share that view, particularly since I live in a part of the country that frequently has tornadoes and have personally been in the basement a few times as tornadoes have passed overhead.

A little sideline on that, I depend heavily on the Weather Channel for my weather information, particularly when I travel, and I was struck recently by someone who commented that he did not really see the need for the National Weather Service because he got all of his weather from the TV. I enlightened him about the fact that although I love the Weather Channel and other TV that reports the weather, all that information comes from the National Weather Service, and the other services that are provided by the Weather Channel and so forth are simply massaging, computing and varying the data received from the National Weather Service. Indeed, the Weather Service performs a valuable service for our country in many, many ways.

The main point I would like to make this afternoon is the National Oceanic and Atmospheric Administration is doing a great deal of good science, often in somewhat obscure areas. All of us know how important it was 150 years ago to explore this Nation so that we could learn the details of its geography and, above all, the amount of its national resources. As we have explored our entire earth surface in terms of lands and found all the natural resources or nearly all the natural resources of the various landed areas of our planet, we realize that in another century we are going to have to get many of our natural resources from the oceans.

I wanted to point out and bring to light an important service performed by NOAA last year, and this was published in Science Magazine on September 26 of last year by Dr. Smith of NOAA, Dr. Walter H.F. Smith, and Dr. David Sandwell of the Scripps Institute.

Before their work was done, we only had rough ideas of the topography underneath the oceans, and that was obtained by echo sounding data from ships. But there are many areas that were unexplored, areas as large as the State of Oklahoma which had never been explored. The two scientists I mentioned developed a method by watching the motion of the satellites and measuring their positions very carefully and calculating the gravitational attraction of the various parts of the Earth upon the satellites and calculating backwards, finding the topographic structure underneath the oceans. It is not extremely accurate,

but when we have areas the size of Oklahoma with no data, then any data is worthwhile, and they have done a remarkable job. They found an entire mountain range underneath the ocean which was not known about before.

Now, why is this important? First of all, as my colleagues can see, there are many rifts in the ocean bed. Most of those areas provide a lot of warm water which, in turn, provides for a great deal of activity by various organisms which forms the bottom of the food chain for the fishing industry. By plotting this more carefully, we have been able to aid the fishing industry throughout the world. But even more importantly, those rifts produce tremendous amounts of natural resources of metals which we are running out of on our landed areas and, in the future, we are likely to be mining ocean module and picking up these nodules of material which are quite abundant on the ocean floor. It will be very difficult to operate in that situation, but certainly this is something that has been pursued to a certain extent already, and once the prices of minerals rise this will provide a major source of resources for the next century and beyond.

I personally thank these scientists and others who have worked on this issue and the many other issues they deal with, and I think it is very important for the Congress and for the people of this Nation to realize that this important work is being done and is being done so well by the scientific community of our Nation.

Mr. COSTELLO. Mr. Chairman, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself such time as I may consume.

I understand that the gentleman from Alabama (Mr. CRAMER) wants to engage in a colloquy, and this seems to be about the last chance to do that before general debate is over with.

Mr. Chairman, I yield to the gentleman from Alabama.

Mr. CRAMER. Mr. Chairman, I thank the gentleman, and he is correct, I do wish to engage in a colloquy. It happens to be about Weather Service modernization issues and the process that we have been going through for years, those of us from vulnerable communities and those of us who have expressed concerns. I know the chairman has been aware of that for some time.

NOAA, through the Modernization Transition Committee, is engaged in this process of independently reviewing the necessity of maintaining those Weather Service offices throughout the country, and in fact they have already rubber-stamped the closure of maybe more than 100 of those. Some of those closings, in my opinion, could result in the degradation of service, and that is of particular concern to me and why regularly I have monitored this bill and wanted to make sure that some of our more vulnerable communities had that review process in place.

I wanted to inquire if the chairman would care to comment about where we are currently with that and with regard to those circumstances, whether the Weather Services Modernization Committee is trying to close some of those offices.

Mr. SENSENBRENNER. Mr. Chairman, reclaiming my time, I would like to tell my friend, the gentleman from Alabama (Mr. CRAMER), as well as the gentleman from Arkansas (Mr. HUTCHINSON), who has a similar concern, that the Committee on Science is aware of the NOAA Modernization Transition Committee process and commends NOAA for its efforts in this regard.

The committee is also aware of the efforts of various communities that maintain local weather coverage and shares the gentlemen's view and their concern about the degradation of service that may result from closing Weather Service offices. Consequently, the Committee on Science strongly urges NOAA to continue to aggressively work with local communities in developing comprehensive strategies that will allow high-risk communities to effectively respond to occurrences of severe weather.

I can add that the Committee on Science is known as doing tough-love oversight, and this is one of the areas where the committee will be doing some pretty tough oversight because we do not want NOAA modernization to result in a huge degradation of service, particularly in the high-risk areas. I know the gentleman from Alabama (Mr. CRAMER) represents one of those areas, as does the gentleman from Arkansas (Mr. HUTCHINSON).

Mr. CRAMER. Mr. Chairman, if the gentleman will continue to yield, I would like to add that I appreciate that attitude, and I am aware that the Modernization Transition Committee has its work cut out for it and that NOAA has had to look after closing a number of these offices. But I was also aware that a few of us were in perhaps an extraordinarily exceptional category. So I appreciate the committee's attitude in expressing this tough-love oversight, because I think NOAA needs that, and I think our citizens deserve that.

So I thank the gentleman for that attitude.

Mr. COSTELLO. Mr. Chairman, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill is considered as an original for the purpose of amendment and is considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 1553

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Weather Service and Related Agencies Authorization Act of 1999''.

SEC. 2. DEFINITIONS.

For purposes of this Act, the term—

(1) ''Administrator'' means the Administrator of the National Oceanic and Atmospheric Administration; and

(2) ''Secretary'' means the Secretary of Commerce.

SEC. 3. NATIONAL WEATHER SERVICE.

(a) OPERATIONS, RESEARCH, AND FACILITIES.—There are authorized to be appropriated to the Secretary to enable the National Oceanic and Atmospheric Administration to carry out the Operations, Research, and Facilities activities of the National Weather Service $617,897,000 for fiscal year 2000 and $617,897,000 for fiscal year 2001, to remain available until expended. Of such amounts—

(1) $449,441,000 for fiscal year 2000 and $450,411,000 for fiscal year 2001 shall be for Local Warnings and Forecasts;

(2) $2,200,000 for fiscal year 2000 and $2,200,000 for fiscal year 2001 shall be for Advanced Hydrological Prediction System;

(3) $619,000 for fiscal year 2000 and $619,000 for fiscal year 2001 shall be for Susquehanna River Basin Flood Systems;

(4) $35,596,000 for fiscal year 2000 and $35,596,000 for fiscal year 2001 shall be for Aviation Forecasts;

(5) $4,000,000 for fiscal year 2000 and $4,000,000 for fiscal year 2001 shall be for Weather Forecast Offices (WFO) Facilities Maintenance;

(6) $37,081,000 for fiscal year 2000 and $37,081,000 for fiscal year 2001 shall be for Central Forecast Guidance;

(7) $3,090,000 for fiscal year 2000 and $3,090,000 for fiscal year 2001 shall be for Atmospheric and Hydrological Research;

(8) $39,325,000 for fiscal year 2000 and $39,325,000 for fiscal year 2001 shall be for Next Generation Weather Radar (NEXRAD);

(9) $7,573,000 for fiscal year 2000 and $7,573,000 for fiscal year 2001 shall be for Automated Surface Observing System (ASOS);

(10) $38,002,000 for fiscal year 2000 and $38,002,000 for fiscal year 2001 shall be for Advanced Weather Interactive Processing System (AWIPS); and

(11) $970,000 for fiscal year 2000 shall be for two 1,000-watt National Oceanic and Atmospheric Administration Weather Radio transmitters, to be located in Jasper and Marion Counties, Illinois, and nine 300-watt National Oceanic and Atmospheric Administration Weather Radio transmitters, to be installed in appropriate locations throughout the State of Illinois, and for maintenance costs related thereto.

(b) PROCUREMENT, ACQUISITION, AND CONSTRUCTION.—There are authorized to be appropriated to the Secretary to enable the National Oceanic and Atmospheric Administration to carry out the Procurement, Acquisition, and Construction activities of the National Weather Service $69,632,000 for fiscal year 2000 and $70,120,000 for fiscal year 2001, to remain available until expended. Of such amounts—

(1) $9,560,000 for fiscal year 2000 and $9,060,000 for fiscal year 2001 shall be for Next Generation Weather Radar (NEXRAD);

(2) $4,180,000 for fiscal year 2000 and $6,125,000 for fiscal year 2001 shall be for Automated Surface Observing System (ASOS);

(3) $22,575,000 for fiscal year 2000 and $21,525,000 for fiscal year 2001 shall be for Advanced Weather Interactive Processing System (AWIPS);

(4) $11,100,000 for fiscal year 2000 and $12,835,000 for fiscal year 2001 shall be for Computer Facilities Upgrades;

(5) $8,350,000 for fiscal year 2000 and $8,350,000 for fiscal year 2001 shall be for Radiosonde Replacement;

(6) $500,000 for fiscal year 2000 shall be for National Oceanic and Atmospheric Administration Operations Center Rehabilitation; and

(7) $13,367,000 for fiscal year 2000 and $12,225,000 for fiscal year 2001 shall be for Weather Forecast Office (WFO) Construction.

(c) DUTIES OF THE NATIONAL WEATHER SERVICE.—

(1) IN GENERAL.—To protect life and property, the Secretary, through the National Weather Service, except as provided in paragraph (2), shall be responsible for—

(A) forecasts and shall serve as the sole official source of weather and flood warnings;

(B) the issuance of storm warnings;

(C) the collection, exchange, and distribution of meteorological, hydrological, climatic, and oceanographic data and information;

(D) the preparation of hydrometeorological guidance and core forecast information; and

(E) the issuance of marine and aviation forecasts and warnings.

(2) COMPETITION WITH PRIVATE SECTOR.—The National Weather Service shall not provide, or assist other entities to provide, a service (other than a service described in paragraph (1)(A) or (B)) if that service is currently provided or can be provided by commercial enterprise, unless—

(A) the Secretary finds that the private sector is unwilling or unable to provide the service; or

(B) the service provides vital weather warnings and forecasts for the protection of lives and property of the general public.

(3) AMENDMENTS.—The Act of October 1, 1890 (26 Stat. 653) is amended—

(A) by striking section 3 (15 U.S.C. 313); and

(B) in section 9 (15 U.S.C. 317), by striking '', and it shall be'' and all that follows, and inserting a period.

(4) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report detailing all National Weather Service activities which do not conform to the requirements of this subsection and outlining a timetable for their termination.

SEC. 4. ATMOSPHERIC RESEARCH.

(a) OPERATIONS, RESEARCH, AND FACILITIES.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary to enable the National Oceanic and Atmospheric Administration to carry out the Atmospheric Research Operations, Research, and Facilities environmental research and development activities of the Office of Oceanic and Atmospheric Research $173,250,000 for fiscal year 2000 and $173,250,000 for fiscal year 2001, to remain available until expended.

(2) CLIMATE AND AIR QUALITY RESEARCH.—Of the amounts authorized under paragraph (1), $126,200,000 for fiscal year 2000 and $126,200,000 for fiscal year 2001 shall be for Climate and Air Quality Research, of which—

(A) $16,900,000 for fiscal year 2000 and $16,900,000 for fiscal year 2001 shall be for Interannual and Seasonal Climate Research;

(B) $34,600,000 for fiscal year 2000 and $34,600,000 for fiscal year 2001 shall be for Long-Term Climate and Air Quality Research;

(C) $69,700,000 for fiscal year 2000 and $69,700,000 for fiscal year 2001 shall be for Climate and Global Change; and

(D) $5,000,000 for fiscal year 2000 and $5,000,000 for fiscal year 2001 shall be for Global Learning and Observations to Benefit the Environment (GLOBE).

(3) ATMOSPHERIC PROGRAMS.—Of the amounts authorized under paragraph (1), $47,050,000 for fiscal year 2000 and $47,050,000 for fiscal year 2001 shall be for Atmospheric Programs, of which—

(A) $36,600,000 for fiscal year 2000 and $36,600,000 for fiscal year 2001 shall be for Weather Research;

(B) $4,350,000 for fiscal year 2000 and $4,350,000 for fiscal year 2001 shall be for Wind Profiler; and

(C) $6,100,000 for fiscal year 2000 and $6,100,000 for fiscal year 2001 shall be for Solar-Terrestrial Services and Research.

(b) PROCUREMENT, ACQUISITION, AND CONSTRUCTION.—There are authorized to be appropriated to the Secretary to enable the National Oceanic and Atmospheric Administration to carry out the Atmospheric Research Procurement, Acquisition, and Construction environmental research and development activities of the Office of Oceanic and Atmospheric Research $10,040,000 for fiscal year 2000 and $14,160,000 for fiscal year 2001, to remain available until expended. Of such amounts—

(1) $5,700,000 for fiscal year 2000 and $8,000,000 for fiscal year 2001 shall be for the Geophysical Fluid Dynamics Laboratory Supercomputer; and

(2) $4,340,000 for fiscal year 2000 and $6,160,000 for fiscal year 2001 shall be for the Advanced Composition Explorer (ACE) Follow-On Satellite/GEOSTORM.

SEC. 5. NATIONAL ENVIRONMENTAL SATELLITE, DATA AND INFORMATION SERVICE.

(a) OPERATIONS, RESEARCH, AND FACILITIES.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary to enable the National Oceanic and Atmospheric Administration to carry out the Operations, Research, and Facilities environmental research and development and related activities of the National Environmental Satellite, Data and Information Service $103,092,000 for fiscal year 2000 and $103,092,000 for fiscal year 2001, to remain available until expended.

(2) SATELLITE OBSERVING SYSTEMS.—Of the amounts authorized under paragraph (1), $59,236,000 for fiscal year 2000 and $59,236,000 for fiscal year 2001 shall be for Satellite Observing Systems, of which—

(A) $2,000,000 for fiscal year 2000 and $2,000,000 for fiscal year 2001 shall be for Global Disaster Information Network (GDIN);

(B) $4,000,000 for fiscal year 2000 and $4,000,000 for fiscal year 2001 shall be for Ocean Remote Sensing; and

(C) $53,236,000 for fiscal year 2000 and $53,236,000 for fiscal year 2001 shall be for Environmental Observing Services.

(3) ENVIRONMENTAL DATA MANAGEMENT SYSTEMS.—Of the amounts authorized under paragraph (1), $43,856,000 for fiscal year 2000 and $43,856,000 for fiscal year 2001 shall be for Environmental Data Management Systems, of which—

(A) $31,521,000 for fiscal year 2000 and $31,521,000 for fiscal year 2001 shall be for Data and Information Services; and

(B) $12,335,000 for fiscal year 2000 and $12,335,000 for fiscal year 2001 shall be for Environmental Data Systems Modernization.

(b) PROCUREMENT, ACQUISITION, AND CONSTRUCTION.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary to enable the National Oceanic and Atmospheric Administration to carry out the Procurement, Acquisition, and Construction environmental research and development and related activities of the National Environmental Satellite, Data and Information Service $413,657,000 for fiscal year 2000 and $476,183,000 for fiscal year 2001, to remain available until expended.

(2) SYSTEMS ACQUISITION.—Of the amounts authorized under paragraph (1), $410,612,000 for fiscal year 2000 and $473,803,000 for fiscal year 2001 shall be for Systems Acquisition, of which—

(A) $140,979,000 for fiscal year 2000 and $114,594,000 for fiscal year 2001 shall be for the procurement and launch of, and supporting ground systems for, Polar Orbiting Environmental Satellites (POES), K, L, M, N, and N′;

(B) $80,100,000 for fiscal year 2000 and $113,600,000 for fiscal year 2001 shall be for the procurement and launch of, and supporting ground systems for, the National Polar-Orbiting Operational Environmental Satellite System (NPOESS); and

(C) $189,533,000 for fiscal year 2000 and $245,609,000 for fiscal year 2001 shall be for the procurement and launch of, and supporting ground systems for, Geostationary Operational Environmental NEXT follow-on Satellites (GOES N–Q).

(3) CONSTRUCTION.—Of the amounts authorized under paragraph (1), $3,045,000 for fiscal year 2000 and $2,380,000 for fiscal year 2001 shall be for National Oceanic and Atmospheric Administration Operations Center Rehabilitation Construction.

SEC. 6. FACILITIES.

There are authorized to be appropriated to the Secretary to enable the National Oceanic and Atmospheric Administration to carry out the Operations, Research, and Facilities environmental research and development and related activities required to meet recurring facilities operations costs associated with the David Skaggs Research Center in Boulder, Colorado, $3,850,000 for fiscal year 2000 and $3,850,000 for fiscal year 2001.

SEC. 7. ELIGIBILITY FOR AWARDS.

(a) IN GENERAL.—The Administrator shall exclude from consideration for grant agreements made after fiscal year 1999 by the National Oceanic and Atmospheric Administration, under the activities for which funds are authorized under this Act, any person who received funds, other than those described in subsection (b), appropriated for a fiscal year after fiscal year 1999, under a grant agreement from any Federal funding source for a project that was not subjected to a competitive, merit-based award process, except as specifically authorized by this Act. Any exclusion from consideration pursuant to this section shall be effective for a period of 5 years after the person receives such Federal funds.

(b) EXCEPTION.—Subsection (a) shall not apply to the receipt of Federal funds by a person due to the membership of that person in a class specified by law for which assistance is awarded to members of the class according to a formula provided by law.

(c) DEFINITION.—For purposes of this section, the term ''grant agreement'' means a legal instrument whose principal purpose is to transfer a thing of value to the recipient to carry out a public purpose of support or stimulation authorized by a law of the United States, and does not include the acquisition (by purchase, lease, or barter) of property or services for the direct benefit or use of the United States Government. Such term does not include a cooperative agreement (as such term is used in section 6305 of title 31, United States Code) or a cooperative research and development agreement (as such term is defined in section 12(d)(1) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d)(1))).

SEC. 8. INTERNET AVAILABILITY OF INFORMATION.

The Administrator shall make available through the Internet home page of the National Oceanic and Atmospheric Administration the abstracts relating to all research grants and awards made with funds authorized by this Act. Nothing in this section shall be construed to require or permit the release of any information prohibited by law or regulation from being released to the public.

The CHAIRMAN. During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes

the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

Are there any amendments to the bill?

AMENDMENT OFFERED BY MR. CALVERT

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

The Clerk read as follows:

Amendment offered by Mr. CALVERT:

In section 3(c)(1), insert ''(in all 50 States, the District of Columbia, and the Territories)'' after ''life and property''.

In section 3(c)(2)—

(1) strike ''(other than a service described in paragraph (1)(A) or (B))'';

(2) strike subparagraph (A);

(3) redesignate subparagraph (B) as subparagraph (A);

(4) in subparagraph (A), as so redesignated by paragraph (3) of this amendment, strike ''lives'' and insert ''life'';

(5) at the end of subparagraph (A), as so redesignated by paragraph (3) of this amendment, strike the period and insert ''; or''; and

(6) add at the end the following new subparagraph:

(B) the United States Government is obligated to provide such service under international aviation agreements to provide meteorological services and exchange meteorological information.

Mr. CALVERT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. CALVERT. Mr. Chairman, I would like to thank the gentleman from Wisconsin (Mr. SENSENBRENNER), the distinguished chairman of the Committee on Science.

Mr. Chairman, I rise to offer an amendment to H.R. 1553. This amendment was crafted in a bipartisan manner with my colleagues, the gentleman from Kansas (Mr. TIAHRT), the gentleman from Illinois (Mr. COSTELLO), the ranking minority member of the Subcommittee on Energy and Environment; the gentleman from Pennsylvania (Mr. PETERSON), and the gentleman from Guam (Mr. UNDERWOOD). It contains carefully thought out language which will ensure that we maintain a proper balance between the protection of life and property while promoting a private sector weather forecasting industry.

Mr. Chairman, I urge adoption of the amendment.

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

As the subcommittee chairman indicated, the gentleman from California (Mr. CALVERT), we did discuss this amendment. I am in total support of the manager's amendment.

The amendment addresses the major concerns our constituents in the aviation industry had on the section of the bill dealing with the duties of the Weather Service by making clear that the National Weather Service will continue to be responsible for providing weather information that is vital to protect life and property. Access to reliable high-quality weather information is essential to maintain the excellent safety record that our aviation industry has achieved and that the public expects. The National Weather Service's role in providing this information in support of our aviation industry will continue.

The amendment also clarifies that the U.S. Government, through the National Weather Service, will continue to provide the weather services under our international aviation agreements. I know the administration also had concerns about the language included in the bill as reported to the House by the full committee. I believe this amendment will address those concerns on the part of the administration and the aviation industry.

Again, I thank the gentleman from California (Mr. CALVERT), the chairman of the subcommittee, for offering this manager's amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. CALVERT).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. TRAFICANT

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. TRAFICANT:

At the end of the bill, add the following new sections:

SEC. 9. COMPLIANCE WITH BUY AMERICAN ACT.

No funds authorized pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a-10c, popularly known as the ''Buy American Act'').

SEC. 10. SENSE OF CONGRESS: REQUIREMENT REGARDING NOTICE.

(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the Secretary of Commerce shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

SEC. 11. PROHIBITION OF CONTRACTS.

If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a ''Made in America'' inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to this Act, pursuant to the debarment, suspension, and ineligibility procedures described in section 9.400 through 9.409 of title 48, Code of Federal Regulations.

Mr. TRAFICANT. Mr. Chairman, this is a buy-American amendment that has been added to these bills.

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

Mr. TRAFICANT. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, this is a very good buy-American amendment, and we accept it.

Mr. TRAFICANT. Mr. Chairman, I urge my colleagues to vote for this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. HUTCHINSON

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

The Clerk read as follows:

Amendment offered by Mr. HUTCHINSON:

In section 3, insert at the end the following new subsection:

(d) CLOSING OF LOCAL WEATHER SERVICE OFFICES.—It is the sense of the Congress that the National Weather Service must fully take into account the dangerous and life threatening nature of weather patterns in Wind Zone IV, otherwise known as tornado alley, before making any determination on the closure of any of its local weather service offices.

Mr. HUTCHINSON (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. HUTCHINSON. Mr. Chairman, first of all, this amendment is something that I have worked with the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from California (Mr. CALVERT) in regard to, and I want to thank them for their understanding of this important issue.

The amendment is very simple. It expresses the sense of Congress that the National Weather Service must fully take into account the dangerous and life-threatening nature of weather patterns in wind zone number four, otherwise known as Tornado Alley, before making any determination on its closure of any of its local Weather Service offices.

□ 1730

This sense of the Congress resolution is very important because, as we know, in Oklahoma they have had severe impact, loss of life, because of tornadoes of devastating impact.

In my State of Arkansas we have had similar circumstances, and they are considering and debating whether to close the local Weather Service office in Fort Smith. Only a few years ago, in 1996, there was a devastating tornado that came into Fort Smith and the Van Buren area which caused a loss of life. There was inadequate warning that still embarrasses the Weather Service because of that.

In fact, on that occasion there was a local spotter that called the Tulsa office, which is what we would be under if we totally closed the Fort Smith office, and they were told that there was

a tornado that was spotted in Pocola, only a few miles from Fort Smith, and the response from Tulsa was, where is Pocola? Pocola, of course, is again within the Fort Smith area. It is difficult to give an adequate warning when there is not a grasp of what is happening on the ground.

So this is a great concern, and this I believe expresses the sense of Congress that they have to take into consideration the extraordinarily dangerous weather patterns in tornado alley, and the many States that are affected by the weather patterns in wind zone number 4.

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

Mr. HUTCHINSON. I yield to the gentleman from Indiana.

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

Mr. HOSTETTLER. Mr. Chairman, I thank the gentleman from Arkansas for yielding to me.

While I commend the modernization transition committee for their work, and especially their work regarding the closure of the Evansville, Indiana office, I think it is necessary to chronicle the actual life lost and the loss of property as a result of the inadequate service provided there.

On April 14 of 1996 an F–2 tornado struck Warrick County, Indiana, without warning, toppling two rail cars and tossing a trash dumpster into an electrical transformer at Alcoa's Warrick operations.

Subsequently, a Reed, Kentucky woman was killed by a tornado of which she had no warning to the locale. Neither did the tornado in Warrick County. Likewise, no warning was given prior to a tornado hitting the north side of Evansville, Indiana, the third largest city in the State of Indiana, and damaged two places of business.

Then, most recently, an F–2 tornado touched down in Pike County, Indiana, with no warning, destroying three homes.

So I commend the gentleman from Arkansas for his bringing up this very important issue, and I ask for his sense of Congress amendment to be adopted by the committee and the House.

Mr. HUTCHINSON. I thank the gentleman from Indiana.

Mr. SENSENBRENNER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, with regret, I must oppose the amendment of the gentleman from Arkansas (Mr. HUTCHINSON). While not binding, the gentleman's sense of Congress amendment telling the National Weather Service that it should not close any local Weather Service office for any reason whatsoever is in direct contradiction to the provisions of existing law. It will have a chilling effect that could well bring the service's modernization efforts to a halt, with potentially disastrous consequences for public health and safety.

I would remind the gentleman from Arkansas and the gentleman from Indiana that this bill improves forecast accuracy for tornadoes by 10 percent. The reason we are able to do that without busting the budget is by making the Weather Service more efficient.

The Weather Service plan for its modernization and associated restructuring was approved overwhelmingly by Congress and signed into law by President Bush in 1992. Already this multibillion dollar effort has resulted in dramatic gains in the service's capability to predict severe weather events such as tornadoes, hurricanes, floods, severe thunderstorms, damaging hail, and high winds, and in dramatic gains in its ability to further ensure the public health and safety.

The only way this multibillion dollar modernization effort was and is affordable is because Congress also directed the Weather Service to consolidate its sprawling network of local Weather Service offices. The savings from this consolidation effort allows the modernization effort to proceed.

Congress also established an elaborate procedure to ensure that local Weather Service offices were not closed in a willy-nilly fashion and were not subject to partisan politics.

For example, the Secretary of Commerce may not close, consolidate, automate, or relocate any field office "* * * unless the Secretary has certified", "certified that such action will not result in any degradation of service."

In addition, a public review process was also established, and, as an additional protection, Congress created a 12-member modernization transition committee comprised of five members representing the National Weather Service, the Department of Defense, the Federal Aviation Administration, and the Federal Emergency Management Agency and several members from civil defense, public safety and labor organizations, news media, pilots, and farmers. This committee may review any certification proposed by the Secretary of Commerce to determine if a degradation of service might result.

Unfortunately, Mr. Chairman, the gentleman's amendment would have the implied effect of overriding this elaborate and fair public process. In addition, as I said earlier, it would have a chilling effect that could well bring the service's modernization efforts to a halt with potentially disastrous consequences to public health and safety.

We simply cannot afford to complete the National Weather Service's modernization effort and to operate the new system without the parallel restructuring of Weather Service field offices.

I urge my colleagues to oppose this amendment and to support the committee's effort to complete the modernization.

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

Mr. SENSENBRENNER. I yield to the gentleman from Arkansas.

Mr. HUTCHINSON. Mr. Chairman, I just wanted to thank the gentleman for his comments, and I wanted to remind the gentleman that a substitute amendment has been offered, and that I think it clarifies the objections that have been expressed by the gentleman from Wisconsin (Mr. SENSENBRENNER).

So I hope that with the amended amendment, the substitute amendment that has been offered, that the gentleman will be able to support it, because I believe it is consistent with the goals of the National Weather Service, but also expresses a sense of Congress that they have to take into account the dangerous and life-threatening nature of the weather patterns in wind zone number 4, and these States that are impacted by this are Louisiana, Texas, Alabama, Mississippi, Oklahoma, Missouri, Indiana, Ohio, Illinois, Nebraska, Kansas, Iowa, Kansas, Kentucky, Arkansas, Michigan, Tennessee, and Georgia.

So Members can see the States impacted by wind zone number 4 are significant, and we ask the House or would ask the chairman hopefully to be able to support this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arkansas (Mr. HUTCHINSON).

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

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

The CHAIRMAN. Pursuant to House Resolution 175, further proceedings on the amendment offered by the gentleman from Arkansas (Mr. HUTCHINSON) will be postponed.

Are there further amendments?

AMENDMENT OFFERED BY MR. COSTELLO

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

The Clerk read as follows:

Amendment offered by Mr. COSTELLO:

At the end of the bill, insert the following new section:

SEC. 9. AUTHORIZATION INCREASE.

Each of the amounts authorized for fiscal year 2001 by this Act, except for the amounts authorized by sections 3(b), 4(b), and 5(b), shall be increased by 3 percent.

Mr. COSTELLO (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. COSTELLO. Mr. Chairman, my amendment prevents a cut in services performed by the National Weather Service in FY 2001. The bill before us today leaves funding for NOAA programs flat from FY 2000 to FY 2001. My amendment would increase the authorized levels for FY 2001 by a modest 3 percent.

Construction and procurement accounts are excluded from this increase

because in those areas authorization levels are consistent with real projected outyear numbers. My amendment would increase the bill's total authorization level by just under $27 million. If we are able to avoid major damage from just one major weather event in fiscal year 2001, this investment will have paid off many times over.

There are few programs that match the success of the National Weather Service. The recent tragedy in Oklahoma, where deadly tornadoes leveled residential communities, is our most recent example of the importance that timely and accurate weather forecasting plays in our lives. The extra 15 to 20 minutes of warning that our investments in forecasting and prediction research and in technology improvements at NOAA saved lives.

The May 6 issue of USA Today contained an editorial which provided the statistics on storm-related deaths from the 1950s until today. The number of storm-related deaths has decreased by two-thirds over the past 40 years. Weather Service programs cost each taxpayer a few dollars per year. This is a modest price to pay for the protection of life and property.

The level of increased funding provided in my amendment is consistent with the committee's past views and estimates, which called for a 3 percent increase for FY 1998, a 4 percent increase in FY 1999, and a 3 percent increase for FY 2000. Almost all of the members of the Committee on Science supported these increases. I have purposely stayed within the Chairman's preferred range of increases.

The increased funding is also consistent with the increases the committee is providing in the authorization bills for other agencies and departments under our jurisdiction.

The committee has made a commitment, through the Science Policy Report conducted by the gentleman from Michigan (Mr. EHLERS), to ''stable and sustainable Federal R&D funding'' over the next 5 years. Sustainability is not achieved if we let inflation erode the funding levels.

This amendment meets the stability and sustainability tests set out by my colleagues on the other side of the aisle. In fact, Mr. Chairman, the gentleman from Wisconsin (Chairman SENSENBRENNER) has rightfully, in my opinion, criticized the administration on several occasions for failing to provide adequate outyear funding in its budget request leading to net declines in inflation-adjusted funding. Flat funding means that all the increased inflationary costs for doing work will be absorbed by Weather Service programs leading to an effective cut in funding.

Finally, by providing a modest increase of 3 percent, consistent with the policy of the committee, in FY 2001 authorized levels for Weather Service programs, we send a strong signal to the administration and the Committee on Appropriations that we value NOAA's Weather Service programs, and that we want to continue to provide stable funding to support these programs.

Mr. SENSENBRENNER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I rise in reluctant opposition to the amendment offered by the gentleman from Illinois (Mr. COSTELLO), which would add nearly $27 million to the bill's already generous fiscal year 2001 authorization level.

This bill recommends an increase of $61.1 million, or 4.6 percent, above the fiscal 1999 appropriated level for fiscal year 2000, then an additional increase of $67.1 million, or 4.8 percent, above the fiscal 2000 recommended level for fiscal year 2001.

It is consistent with the administration's request, and also consistent with my pledge to provide stable and sustainable R&D funding over the next 5 years for programs under the Committee on Science's jurisdiction.

I would just point out that I have been talking about 3 percent increases overall for science. This bill has 4.6 percent in the first year and 4.8 percent in the second year, which is over that recommended amount.

While I understand the gentleman's amendment is well-intentioned, I also believe it is unwise, while we are trying to sustain the balanced budget caps in order to preserve and protect social security. I simply cannot be a party to an amendment that threatens the well-being of our senior citizens, and consequently, I urge rejection of the Costello amendment.

Mr. UDALL of Colorado. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I urge adoption of this amendment offered by my colleague, the gentleman from Illinois (Mr. COSTELLO). It would increase authorization levels for the National Weather Service and the atmospheric research functions of the National Oceanic and Atmospheric Administration by 3 percent in fiscal year 2001.

As it stands, this bill includes no increases in program accounts from fiscal year 2000 to 2001. I believe that will be insufficient to provide for the real needs of our Nation.

With no allowance for inflation, this flat funding authorization will produce a decline in the real work being done by NOAA. The nominal dollars from fiscal year 2000 to 2001 appear to be the same, but the level of service it supported will decline, in real terms.

With a major NOAA facility in my district in Boulder, Colorado, I want to avoid this real decline in the level of funding and services.

The Space Environment Center that detects solar storms which can interfere with the operations of our utility companies and cell phones is based also in Boulder. The Forecast Systems Lab, which worked with the Weather Service to develop the advanced weather interactive processing system, or the radar system that is now used across our country, is also based in Boulder.

□ 1745

But this decline in funding and services will affect other Members' districts as well, and the impact of reduced funds on NOAA's Weather Service and its studies on atmospheric and environmental change will be felt nationwide.

The Costello amendment will result in an increase in program authorizations of less than $27 million. The level of increase is consistent with the committee's past reviews and estimates, and those are produced by the majority. The majority endorsed a 3 percent increase in fiscal 1998 and fiscal 2000 and a 4 percent increase in fiscal year 1999. Furthermore, in a February report the majority criticized as too low the out-year numbers and the President's request for programs under the Committee on Science's jurisdiction.

I would add that the Costello amendment is consistent with the findings in the report on Federal Science policy of the gentleman from Michigan (Mr. EHLERS). That report called for stable and substantial funding for science programs. But it is hard to see how funding can be stable and substantial if we routinely let inflation eat away at our programs.

Mr. Chairman, I urge support of this amendment. As it stands, the bill does not enable NOAA and the National Weather Service to do their jobs. We must not marginalize these important programs.

Mr. COSTELLO. Mr. Chairman, will the gentleman yield to me?

Mr. UDALL of Colorado. I am happy to yield to the gentleman from Illinois.

Mr. COSTELLO. Mr. Chairman, let me respond to the increase in FY 2000 and FY 2001 of the gentleman from Wisconsin (Chairman SENSENBRENNER). The increases, in fact the percentages that the gentleman from Wisconsin (Chairman SENSENBRENNER) gave are in fact accurate.

But the point that needs to be made here is that the increases are for construction and procurement. There are no increases for programs. So the point is that the increases are going to construction and procurement. There are no increases in FY 2001 for programs. In effect, the inflation factor will require a cut in program funding for that fiscal year.

The CHAIRMAN pro tempore (Mr. PEASE). The question is on the amendment offered by the gentleman from Illinois (Mr. COSTELLO).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. HUTCHINSON

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Arkansas (Mr. HUTCHINSON) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

Mr. HUTCHINSON. Mr. Chairman, I withdraw my demand for a recorded vote, and I ask for a division.

The question was taken; and on a division (demanded by Mr. HUTCHINSON) there were—ayes 5, noes 0.

So the amendment was agreed to.

The CHAIRMAN pro tempore. Are there further amendments?

If not, the question is on the committee amendment in the nature of the substitute, as amended.

The committee amendment in the nature of a substitute was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. COX) having assumed the chair, Mr. PEASE, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1553) to authorize appropriations for fiscal year 2000 and fiscal year 2001 for the National Weather Service, Atmospheric Research, and National Environmental Satellite, Data and Information Service activities of the National Oceanic and Atmospheric Administration, and for other purposes, pursuant to House Resolution 175, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment in the nature of a substitute adopted by the Committee of the Whole?

Mr. CALVERT. Mr. Speaker, I demand a separate vote on the so-called Costello amendment.

The SPEAKER pro tempore. Is a separate vote demanded on any other amendment?

If not, the Clerk will report the amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment:

At the end of the bill, insert the following new section:

SEC. 9. AUTHORIZATION INCREASE.

Each of the amounts authorized for fiscal year 2001 by this Act, except for the amounts authorized by sections 3(b), 4(b), and 5(b), shall be increased by 3 percent.

The SPEAKER pro tempore. The question is on the amendment.

The question was taken; and on a division (demanded by Mr. CALVERT) there were—ayes 3, noes 5.

So the amendment was rejected.

The SPEAKER pro tempore. The question is on the amendment in the nature of a substitute, as amended.

The amendment in the nature of a substitute as amended, was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

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

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN THE ENGROSSMENT OF H.R. 1553, NATIONAL WEATHER SERVICE AND RELATED AGENCIES AUTHORIZATION ACT OF 1999

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that the Clerk be authorized to make technical corrections in the engrossment of the bill to reflect the actions of the House.

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

There was no objection.

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill, H.R. 1553.

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

There was no objection.

PUT SOCIAL SECURITY FIRST AND POLITICS SECOND

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

Mr. SMITH of Michigan. Mr. Speaker, I said yesterday in my Social Security Task Force meeting that I was going to do some yelling and screaming about encouraging the American people and this Congress to move ahead with Social Security reform. If the American people decide that there should be Social Security reform, then we will do it.

That is what happens in Washington. We have made a tremendous stride forward in saying we are not going to spend the Social Security surpluses for other government expenditures. But if nobody cares, this body and the President are going to spend that money.

I think it is so important that every community, every senior citizen, every young person that is going to end up paying this bill start being active, start writing their legislators, start writing the President, because we have got to put Social Security first and put politics second.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. PEASE). Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

(Mr. PALLONE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. SOUDER) is recognized for 5 minutes.

(Mr. SOUDER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

(Mr. PAUL addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. CUNNINGHAM) is recognized for 5 minutes.

(Mr. CUNNINGHAM addressed the House. His remarks will appear hereafter in the Extensions of Remarks.

IN MEMORY OF CHIEF WARRANT OFFICER THREE DAVID ALLAN GIBBS

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

Mr. REGULA. Mr. Speaker, today, Chief Warrant Officer Three David Allan Gibbs was laid to rest in Arlington Cemetery in a very moving ceremony. He was fondly remembered by family, friends, and colleagues for his bravery and selfless dedication to his country.

David Gibbs entered the United States Marine Corps in 1980 after graduating from Washington High School in Massillon, Ohio. He served in a number of posts both at home and overseas before transferring to the United States Army in 1985.

It was in the Army that David was able to pursue his dream of flying, and he soon became a helicopter pilot of the AH–1 Cobra and later the Apache. As a pilot, he served in Operation Desert Shield and Desert Storm where he earned the Bronze Star Metal.

David Gibbs died in Albania on May 5, 1999, serving on Task Force Hawk as part of the NATO mission in the Balkans. He is survived by his wife Jean, daughters Allison and Megan, son David, mother Dorothy, brother Chuck, and sister Pam.

David Gibbs represents what is best about this country, that young people follow their dreams, stand up for the ideals in which they believe, and in doing so make us all proud and humble.

□ 1800

TRIBUTE TO U.S. ARMY CHIEF WARRANT OFFICER KEVIN REICHERT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. KIND) is recognized for 5 minutes.

Mr. KIND. Mr. Speaker, I rise today to pay tribute to an American hero, U.S. Army Chief Warrant Officer Kevin Reichert.

Last week I attended Officer Reichert's funeral in his hometown of Chetek, Wisconsin, a small town of 2,000 people in the northern part of my congressional district.

Chetek is like any small town in rural America. When a member of the community is recognized for outstanding deeds, everyone shares in the pride and joy; and when tragedy strikes, the community shares in the grief. It is unfortunate that last week the people of Chetek came together to bury a hometown hero.

Kevin Reichert lost his life, along with his copilot Chief Warrant Officer David Gibbs, during an Apache flight-training mission in Albania while in support of Operation Allied Force. These two men were stationed in Illesheim, Germany, with their families and were the first American casualties of Operation Allied Force in Yugoslavia.

Mr. Speaker, Officer Reichert began his military career in the United States Air Force, where he served with great pride and honor. He later transferred to the U.S. Army in order to realize his lifelong dream of flying. Kevin was accepted to an Army aviation flight program. He later distinguished himself as an outstanding and decorated officer. His commitment to his country was an inspiration to those who served with him.

When I attended Kevin's funeral, I had the opportunity to speak with Chief Warrant Officer Paul Clark, who lived with Kevin in Illesheim and served with him in Albania. In his eulogy, Officer Clark honored his fallen fellow soldier by saying, ''Kevin always answered the call. He always cared about everyone. He was proud of what he did and his unit was proud of him.''

Other pilots in Kevin's squadron said that he took great pride in every task that he was given. One pilot even said that Kevin was considered peacemaker of the troop.

Kevin was a devoted husband to his wife Ridgeley and a loving father of their three children, daughter Carrisa, and sons Christopher and Colten. In Chetek, family, friends and teachers remember him as a young man who always contributed to his community and was never shaken by adversity.

While growing up in Chetek, Kevin displayed early signs of his desire to serve his country and fly. One of his biggest hobbies in high school was flying model airplanes. Kevin was so committed to realizing his dream of flying that he enlisted in the Air Force just one year before graduating from high school. Shortly after basic training, Kevin returned to Chetek in his uniform to thank those who had helped him along his way.

The teachers at Chetek High School remembered him as a young man with an incredible desire to learn and a willingness to contribute to the world in which he lived. He touched many lives, and those who had contact with him were proud to call him their friend.

This young man from western Wisconsin wanted nothing more than to provide for his family, to serve his country, and to fly helicopters. He was the son every mother wants, the student every teacher dreams of, the husband and father every family needs, and the soldier every Nation must have.

Mr. Speaker, this tragic accident reminds us that all men and women in our Armed Forces operate in dangerous conditions every day to carry out their mission. It reinforces our respect for the sacrifices that they and their families make in order to serve our country and protect our Nation's interests across the globe.

Kevin Reichert's death is a great loss to our Nation and to our community in western Wisconsin. Our Nation owes Officer Reichert and his family a debt of gratitude that can never be repaid. His service to our country and his ultimate sacrifice will not be forgotten.

Blessed are the peacemakers, for they are called the sons of God. And God bless Kevin Reichert, Officer David Gibb, and their families. And God bless all our young men and women in our Armed Forces throughout the globe who are serving our Nation and protecting our freedom.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4, DECLARATION OF POLICY OF UNITED STATES CONCERNING NATIONAL MISSILE DEFENSE DEPLOYMENT

Mr. HASTINGS of Washington, from the Committee on Rules, submitted a privileged report (Rept. No. 106–150) on the resolution (H. Res. 179) providing for the consideration of the Senate amendment to the bill (H.R. 4) to declare it to be the policy of the United States to deploy a national missile defense, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 883, AMERICAN LAND SOVEREIGNTY PROTECTION ACT

Mr. HASTINGS of Washington, from the Committee on Rules, submitted a privileged report (Rept. No. 106–151) on the resolution (H. Res. 180) providing for consideration of the bill (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, which was referred to the House Calendar and ordered to be printed.

TRIBUTE TO CALVIN EDWIN RIPKEN, SR.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. EHRLICH) is recognized for 5 minutes.

Mr. EHRLICH. Mr. Speaker, I would also like to congratulate the gentleman from Washington (Mr. HASTINGS) for a fine job there on behalf of the chairman of the Committee on Rules.

Mr. Speaker, I rise today to honor Calvin Edwin Ripken, Sr., born on December 17, 1935, in Harford County, Maryland, at a place designated on Harford County maps circa 1940 as ''Ripken's Corner.''

At the age of nine, young Cal was left fatherless due to an accident that took the life of his father, Arend, at the intersection of U.S. 40 and Maryland Route 7 in Harford County. Fostered by two older brothers, Ollie, 18 years his senior, and Bill, some 10 years older, Cal followed his brothers to every sand lot game they played in the old Susquehanna League.

At the age of 12, Cal became the batboy of the Aberdeen Canners, a semi-pro baseball club playing in that same Susquehanna League. One day when his signs were being stolen by an opposing team, Manager Fred Baldwin asked young Ripken, ''Boy, do you know how to give signs?'' Calvin said, ''yes.'' So for the next 2 years, young Cal gave the signs sitting on top of the bats. No one ever figured out where the signs were coming from.

In 1953, Cal Sr. graduated from Aberdeen High School and was offered a soccer scholarship to Washington College in Chestertown, Maryland.

Cal Sr.'s baseball team began when he played for those same Canners in 1955 and 1956. He was a catcher, the same position his older brother, Ollie, had held years before. In 1957, Cal accepted a minor league contract with the Baltimore Orioles and was sent to play in Phoenix, Arizona.

On November 30, 1957, Cal married Violet Gross, a marriage that produced four children in Elly, Cal Jr., Fred, and Bill. Cal Sr. subsequently progressed through the Orioles' minor league system until spring training of 1961. During a game as a member of the Rochester Red Wings, Cal was struck by foul tips twice in succession on the right shoulder, causing a disabling injury. Following a short rehabilitation stay in Little Rock, Arkansas, Cal was given the opportunity to turn his talents to managing and became, at 25 years old, the youngest manager in the Orioles' system. From there he rose through that system to become the Orioles' third base coach. And then, in

1987, he became manager of the Baltimore Orioles, the team he so dearly loved.

Cal Ripken, Sr., and Cal Ripken, Jr., represent the first ever father-son teammates to win a World Series, in 1983. In addition, Cal Sr. is the first manager to ever manage two sons, Cal Jr. and Billy, on the same major league baseball team at the same time.

On March 25, 1999, at the age of 63, Cal Sr. succumbed to lung cancer. Cal Sr. never moved away from his hometown. There he was not known as the father of Cal Jr. but as a neighbor who would help anyone who was in need. After his retirement from baseball, Cal remained involved in the community by lending his support to many causes. Specifically, Cal and Vi dedicated their time and money to many charities, including the Maryland Special Olympics and the Boys and Girls Clubs of Harford County.

Cal also hosted an annual instructional baseball camp for youngsters who wanted to learn how to play the game of baseball. Cal Sr. loved to teach and would spend countless hours helping those who wanted to learn from this man, who had spent his entire life in the game of baseball.

Cal Sr. and Vi were the driving force behind the Boys and Girls Clubs of Harford County in Maryland. Recently, the Justice Department granted the Boys and Girls Clubs $77,777.77 in memory of Cal Sr. The sevens symbolize the number worn by Cal Sr. on the baseball field. The number 7 is now etched inside the third base coach's box at Camden Yards.

I offer my sincerest sympathies to Cal's wife Vi, his children, Cal Jr., Billy, Fred, and Ellen. The loss of Cal Sr. is felt by all who admired this great man who gave back so much to his community.

PILT PAYMENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Montana (Mr. HILL) is recognized for 5 minutes.

Mr. HILL of Montana. Mr. Speaker, as my colleague knows, I have the great honor and great privilege of representing the State of Montana here in the House of Representatives.

Montana is one of the largest districts, both in population and area, in the Congress. I represent an area of 148,000 square miles and approximately 900,000 people.

Mr. Speaker, about 30 percent of Montana is owned by the Federal Government; and that is about 42½ thousand square miles, or 27.2 million square acres. To put that into perspective, Mr. Speaker, the Federal lands in Montana is about equivalent to the size of the entire State of Kentucky or the entire State of Louisiana, or Mississippi, New York, Ohio, Pennsylvania, Tennessee, and Virginia.

As you colleagues know, Mr. Speaker, State and local governments are prohibited from taxing Federal lands. But State and local governments are obligated to provide services: law enforcement services, fire protection, search and rescue, schools, hospitals, and other emergency services.

The Federal Government compensates local governments really in two ways. One, it makes payments to State and local governments in lieu of taxes. We call this PILT payments. In addition to that, the Federal Government provides for revenue sharing. The receipts and certain income from the development of resources go to State and local governments. Certain minerals, timber harvest, oil and gas leases, even a portion of outfitter fees, 25 percent, go to State and local governments.

But, Mr. Speaker, the PILT payments, the payment in lieu of taxes payments, in Montana is about 17 cents per acre of Federal land. Private land in Montana, on average, produces revenues to State and local governments of about $1.48. So the PILT payments are not much more than 10 percent of what private taxes would produce.

In 1995, the Congress authorized the first increase in PILT payments in over 20 years. However, Congress has failed to appropriate the full level of PILT payments authorized and the Clinton administration has never requested the full level of funding.

But even more troubling is the Clinton administration has been locking up the public lands by dramatic reductions in timber harvest, withdraw of mineral districts, the shutting down of oil and gas expiration, and the closing of public lands for recreation and for tourism, and that has further reduced the revenues and income to State and local government.

More troubling than that even, the Clinton administration recently proposed the ending of revenue sharing arrangements altogether. Mr. Speaker, this proposal has been opposed by local governments and it has been opposed by the Montana legislature.

Mr. Speaker, what this resolution says is that Montana local governments, Montana State government opposes the Clinton administration's policies of closing down the public lands and failure to fulfill its obligations under PILT payments. We have to restore resource development, Mr. Speaker, and we have to fully fund the PILT payments.

Mr. Speaker, I include for the RECORD a copy of the resolution passed with 119 votes in the Montana 1998 legislature.

MONTANA STATE CAPITOL,
Helena, MT, March 31, 1999.

Hon. RICK HILL,
U.S. House of Representatives, Washington DC.

DEAR REPRESENTATIVE HILL: On behalf of the State of Montana it is my honor and duty to send you the attached copy of House Joint Resolution 19 for your information.

House Joint Resolution 19 is urging the full funding of payments in lieu of taxes on federal land in Montana, the proper harvest of the allowable sale quota for timber, and a renewal of the federal governments' compact with state and local governments to contribute a fair share of taxes on federal land in Montana.

On behalf of the Speaker of the House, the President of the Senate and all of the members of these esteemed bodies, I thank you for your consideration of this resolution.

Sincerely,

MIKE COONEY,
Secretary of State.

Enclosure.

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA URGING THE FULL FUNDING OF PAYMENTS IN LIEU OF TAXES ON FEDERAL LAND IN MONTANA, THE PROPER HARVEST OF THE ALLOWABLE SALE QUOTA FOR TIMBER, AND A RENEWAL OF THE FEDERAL GOVERNMENT'S COMPACT WITH STATE AND LOCAL GOVERNMENTS TO CONTRIBUTE A FAIR SHARE OF TAXES ON FEDERAL LAND IN MONTANA

Whereas, the ability of Montana's economy has historically been dependent on use of our abundant natural resources; and

Whereas, the natural resource harvest has contributed billions of dollars to Montana's economy by providing employment opportunities to members of our communities and by supporting our business communities; and

Whereas, revenue from industries related to natural resource harvest has produced taxes for the support of local and state governments; and

Whereas, the federal government has long recognized the importance of supporting local governments in counties where the United States controls management of public lands by reimbursing state and local governments by payments in lieu of taxes (PILT); and

Whereas, a variety of federal legislation, such as the Forest Reserve Act of 1890 sought to make equitable distribution to counties and to the education system of 25% of net proceeds derived by the sale of resources harvested on federal land; and

Whereas, the federal government is now reducing the volume of timber cut in relation to the allowable sale quotas (ASQ), redistributing funds historically contained in the 25% fund (outfitter fees), reducing its commitment to full funding of PILT, which was reduced from 100% in 1994 to 53% in 1998, and redefining its commitment to states and counties (a decoupling effort to overturn the 1890 Forest Reserve Act); and

Whereas, this effort has and will cause irreparable financial harm to state and local governments, our natural resource industries, and employment opportunities for Montanans.

Now, therefore, be it resolved by the Senate and the House of Representatives of the State of Montana:

That the Legislature of the State of Montana petition the U.S. Congress to ensure a full commitment by the federal government to full funding of PILT, a commitment toward the proper harvest of the natural resource base by way of already adopted ASQ, and a renewal of its compact with states and local governments to contribute to the federal government's fair share in taxes on land present in Montana but retained by the federal government.

Be it further resolved, that the Secretary of State send copies of this resolution to the President of the United States, the Secretary of State of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the Western Governors' Association, and the Montana Congressional Delegation.

ENACT THE DIABETES RESEARCH WORKING GROUP REPORT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. NETHERCUTT) is recognized for 5 minutes.

Mr. NETHERCUTT. Mr. Speaker, 2 months ago the Diabetes Research Working Group released its report entitled ''Conquering Diabetes: A Strategic Plan for the 21st Century.'' This document was a result of over a year of effort on the part of 12 scientific experts and four representatives from the lay diabetes community. Support was provided by dozens of other individuals both from within the National Institutes of Health and from outside the NIH.

The Working Group was established by Congress as part of the Fiscal Year 1998 Appropriations Act and based on legislation I introduced in the last session of Congress. It requested that NIH establish the Group to develop a comprehensive plan for NIH-funded diabetes research.

Dr. Ronald Kahn is an outstanding physician and scientist. He was selected the chairman of the group. He has spent literally thousands of hours meeting and talking with countless individuals to establish a consensus on the direction of diabetes research. The report has exceeded all expectations. It clearly details the magnitude of the disease both on the individual and on our society.

On an individual level, diabetes affects virtually every tissue of the body with severe damage. Since 1980, the age-adjusted death rate due to diabetes has increased by 30 percent, while the death rate has fallen for other common diseases, such as cardiovascular disease and stroke.

□ 1815

Diabetes affects about 16 million Americans, with 800,000 new cases diagnosed each year. The societal impact is likewise staggering. One in four Medicare dollars are spent to treat people with diabetes. And over one in 10 health care dollars spent are spent for diabetes. In economic terms, the cost to society is over $105 billion each year.

The report identifies five areas of extraordinary research opportunities for making progress in understanding and treating and ultimately preventing and curing diabetes. These five areas are the genetics of diabetes and its complications; autoimmunity and the beta cell; cell signaling and cell regulation; obesity; and clinical trials and research. Within each area, specific research recommendations are made, and in all areas rapid advancements are anticipated.

Finally, ''Conquering Diabetes,'' the name of this report, presents an analysis of current spending and estimates, program-by-program, of the cost of implementing each opportunity. Current spending, the group reports, is far short of what is required to make progress on this complex and difficult problem. They calculate that an increase of $384 million in fiscal year 2000, rising to $1.166 billion in fiscal year 2004 is, quote, required to have a robust and effective diabetes research effort, one which will reduce the rising burden created by this debilitating disease.

The release of the report has generated extraordinary interest among the scientific community, Mr. Speaker. Some argue that advances in research must be present to generate an increased NIH portfolio, while others argue that the presence of research dollars will generate advances as in the case of AIDS. By either standard, the time to establish a national commitment to diabetes research is now.

Mr. Speaker, Congress must seize upon the momentum in diabetes research and fully enact the Diabetes Research Working Group Report recommendations. It will take a commitment of $827 million in the next fiscal year. The scientific community has united to develop a concrete plan and now it is up to the Congress to unite to make this plan a reality.

I must conclude, Mr. Speaker, by saying that this is a very important initiative for our country. I know it is going to be a difficult year economically for the appropriations subcommittee that has to deal with this issue, but I must say it is in the Nation's best interest, it is in the interest of scientific research and the diabetic and all the complications that come from diabetes that the Congress step up and say $827 million is the number. I urge my colleagues to support this initiative in the House.

PROPOSED LEGISLATION SEEKS TO DEAL WITH HIGH COST OF PRESCRIPTION DRUGS TO NATION'S SENIORS

The SPEAKER pro tempore (Mr. PEASE). Under the Speaker's announced policy of January 6, 1999, the gentleman from Maine (Mr. ALLEN) is recognized for 60 minutes as the designee of the minority leader.

Mr. ALLEN. Mr. Speaker, I want to talk tonight about prescription drugs, about the high cost they represent to many seniors across this country, and about legislation that I have introduced in the House that will solve a good part, or allow substantial discounts on the cost of prescription drugs for Medicare beneficiaries.

But first a little history. Last June I asked for a report to be done by the minority staff, the Democratic staff, of the Committee on Government Reform on which I sit. I asked for that study to be done on prescription drugs, for one reason. Every time I spoke to seniors in my district back in Maine, I always heard the same questions: What can we do about the high cost of prescription drugs?

I remember distinctly one gentleman down in Sanford who stood up and said, ''You know, I'm spending $200 a month now on my prescription medication. My doctor just told me that I have to take another pill. The cost is $100 a month, and I'm not going to take it, because I simply can't afford to spend that additional $100.''

I heard that over and over again from seniors who simply could not afford to take the medication that their doctors told them they had to take. It is a serious problem across this country. Let us look at some of the numbers.

Many seniors, as this chart shows, simply cannot afford to take the medication their doctors prescribe. Seniors are 12 percent of the population in this country, but they use 33 percent of all prescription drugs. Approximately 37 percent of all seniors have no coverage at all for prescription drugs.

In fact, there are many seniors who do have some coverage, perhaps under a MediGap policy, but that coverage really does not do them very much good. For example, they may have a deductible of $250, a co-pay of 50 percent, and a cap of $1,200 or $1,500 per year. That does not do people who are paying $5,000 a year for their prescription drugs much good at all.

The average drug expenditure for Medicare beneficiaries is $942 per year. But in listening to seniors in my district in Maine, many are spending much more than that. In fact, many cannot afford to take the drugs that their doctor prescribes. So what do they do? One thing they do is they take one pill out of three, they mix and match, they cut a pill in half, they try to get by by taking some of their drugs but not all of their drugs.

It is a serious health care problem. We have reason to believe that it is sending people to the hospital, where expenses are high, who really do not need to go there if they could afford to take their medications. Thirteen percent of older Americans, that is almost 5 million people, report that they were forced to choose between buying food and buying medicine.

Let me give my colleagues a couple of stories. I hear from women in my district, they send me letters that say, ''I don't want my husband to know, but I am not taking my prescription medication, because my husband's sicker than I am and we can't afford both his medication and my medication. So I'm not taking mine.''

Back in July of 1998 when I did the first report on the study I will describe in a moment, I got a letter from a woman who sent me a letter saying, ''I'm writing to you because I don't know where else to turn. Here is a list of the prescription medications that my husband and I are supposed to take every month.'' The bottom line in prices was $650 per month. ''And here,'' she said, ''are our two monthly Social Security statements that represent all of our monthly income.'' The bottom line was $1,350. You cannot spend $650 of a $1,300 a month income on prescription drugs. You simply cannot do it. People cannot live like that. So they

are making choices that represent serious health risks to them.

Now, let me look at the study. I want to talk about a report that the Committee on Government Reform Democratic staff did. We went into the First District in Maine and asked questions. We wanted to compare the price that the manufacturers, the prescription drug manufacturers, give to their best customers, compared to the price that seniors pay in my district at the retail pharmacy level.

Here is how we did it. We looked at the price that the VA gets for its medications, the price that Medicaid gets for its medications, we looked at the price that large drug wholesalers get. Then we tried to figure out as best we could what hospitals and big HMOs get for a discount. Then we went and looked up the prices at the local retail level.

Here is what we found. The average retail drug prices for older Americans are almost twice as high as the prices that drug companies charge their most favored customers. We did not pick the drugs to investigate arbitrarily. We simply picked the five most commonly prescribed prescription drugs for seniors. These are branded prescription drugs.

You can see that there is Zocor, manufactured by Merck; Norvasc, manufactured by Pfizer; Prilosec, manufactured by Astra and Merck; Procardia XL, a Pfizer drug; and Zoloft, another Pfizer drug. The prices for favored customers, the best prices at which these pharmaceutical drugs are sold, for Zocor was $34.80. This is now a nationwide study, not just the First District of Maine. The retail price nationwide for seniors is $107.07. The price differential is 208 percent. Look at Norvasc. The price for favored customers, $59.71; the retail price for seniors $116.64, 95 percent higher than the price for favored customers. Prilosec, the price for favored customers is $59.10; the retail price for seniors, $114.56, a 94 percent increase. Procardia, $68.35 to favored customers; $130.33 at the retail price for seniors across this country, a 91 percent price differential. Zoloft, $115.70 for favored customers; and retail prices for seniors, $220.45, a 91 percent differential.

In short, for the five most commonly prescribed prescription drugs for seniors, seniors when they walk into a pharmacy, when they walk in without prescription drug coverage, they are paying 116 percent of the price that the favored customers of the drug companies are getting. Now, those favored customers are hospitals, big HMOs, and the Federal Government through the VA and through Medicaid.

That study, which was done first in Maine, has now been replicated in over 40 districts around this country, all of them at the request of Democratic Members of the House of Representatives who asked for the study. The results are the same. That differential means that seniors on average are paying more than twice as much as the drug companies' best customers.

Now, there are some prices that are even higher than that. Here is a price, a chart showing that the price for Ticlid for favored customers is a little bit over $30, but it is $105 for older Americans. Synthroid, a prescription drug that costs about $2 to favored customers, is around $30 for seniors, a huge differential, almost 1,500 percent. Micronase has a differential, its cost according to this chart, $7 or $8 as best we can tell, about $40 for older Americans.

That is happening all across this country. Older Americans are paying inflated prices for their prescription medication. What did our study show about who is getting all the money? The study showed that the pharmacies are not the problem.

The pharmacies in all of these studies are making a markup, to be sure, but a markup that ranges between 3 percent and 22 percent on their prescription medications. They are getting, in other words, an ordinary markup, and they are getting that markup because at the retail pharmacy level we are dealing with a competitive market. People can choose to go to a number of different pharmacies in their area.

When we talk to seniors, we find that they are in fact price shopping. Their price shopping has become more desperate, more anxious now than it was in the past because, frankly, they are having a harder and harder time paying their bills. The bottom line is, of that 116 percent price differential, maybe 25 percent maximum is going to the pharmacies. That means somewhere around 90 percent or so is going straight to the manufacturers.

Now, is the pharmaceutical industry an industry about which we need to have grave concerns? I suggest not. Why do I say that? Fortune magazine reports that the most profitable industry in the country by any measure is the pharmaceutical industry. This chart is hard to read, but if we look at profitability as return on revenues, the number one industry is pharmaceuticals, with an 18.5 percent return in 1998. The next most profitable industry on that is commercial banks at something like 13 percent.

If you look at return on assets, another way of measuring profitability, the pharmaceuticals are at 16.6 percent. Soaps and cosmetics are the second most profitable industry at 11 percent. If we look at return on equity, the number one again is pharmaceuticals at 39.4 percent. Soaps and cosmetics are at 35 percent.

□ 1830

No matter how we look at this subject, we are talking about the most profitable industry in the country charging the highest prices in the country to seniors who do not have prescription drug coverage.

If we look out beyond this country, we will find, as we have done studies comparing prices here versus prices in Canada and prices in Mexico, that the highest prices for prescription drugs in the world are charged in the United States, and within the United States the highest prices in the country are charged to those seniors who do not have any insurance for their prescription drugs.

Now what is one possible way to deal with this problem?

In developing this legislation we worked with the gentleman from California (Mr. WAXMAN), the ranking Democrat on the Committee on Government Reform and Oversight, the gentleman from Arkansas (Mr. BERRY), a Democrat, and the gentleman from Texas (Mr. TURNER), a Democrat, to put together legislation. I have sponsored the Prescription Drug Fairness for Seniors Act. It is H.R. 664, and here are the basic provisions:

H.R. 664 would allow pharmacies to buy drugs for Medicare beneficiaries at the best price given to the Federal Government, and the best price is usually a price that is charged to the Veterans Administration or Medicaid or some other program. What the bill does is it gives senior citizens the benefit of the same discount received by hospitals, big HMOs and the Federal Government. What is unique about this legislation is that it does not cost the Federal Government any significant amount of money. We can achieve a 30 to 40 percent discount in prescription drug prices at no significant cost to the Federal Government, and how does that happen? Because it happens this way:

All we are saying is that the Federal Government should be the negotiating agent, the buying agent, for people who are already participants in a Federal health care plan: Medicare. The Federal Government already provides for hospital care and doctors care and other benefits, but Medicare does not provide any funds at all for outpatient prescription drug coverage.

Why is that? Well, back in 1965 when Medicare was created, prescription drugs did not cost anything. There were not, frankly, that many drugs with the potency and effectiveness of drugs that are available today, and the pharmaceutical industry gets a great deal of credit for developing many new drugs that have improved the quality of life for people. But if someone cannot afford to buy the drugs, they do not do them any good.

H.R. 664 does not establish a new Federal bureaucracy, it does not cost any significant amount of money, but it would reduce prescription drugs for Medicare beneficiaries by 30 or even 40 percent.

This is a bill that has broad support in the Democratic Caucus. There are 111 cosponsors to this bill, the gentleman from Vermont (Mr. SANDERS), our Independent, and Democrats all across this country have lined up to say we want to reduce the cost of prescription drugs for seniors. To date, not one single Republican has cosponsored this legislation.

The bill has been introduced in the Senate by Senators TED KENNEDY and TIM JOHNSON, but again not one single Republican has stood up for senior citizens against the pharmaceutical industry. It is not happening, and people need to ask why. Because a bill that provides a benefit of that magnitude, a 30 percent discount, and yet costs the Federal Government no significant amount of money is not objectionable.

Now, one of the things that I found is that, and it has been interesting, is that as the prescription drug studies have been replicated around the country, people begin to understand that there is a solution out there. This is part of the solution. A Medicare prescription drug benefit of some kind is another part of the prescription. But the fact is that here is something that can be done right now. We do not need comprehensive Medicare reform in order to give seniors a discount that other people in the society already get.

I am pleased to see so many of my colleagues here tonight. I promised the first person here that she would be able to stand up first, our new member from Cleveland, the gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Speaker, I rise to join my colleagues in the discussion of the high price of prescription drugs for the elderly and in support of H.R. 664, the Prescription Drug Fairness Act for seniors, and I would like to thank the gentleman from Maine (Mr. ALLEN) for organizing this special order about this very important issue.

This is a matter that will affect us all at some point in our lives. In my district, greater Cleveland, Ohio, I am currently conducting a study of the cost of prescription drugs for seniors. We are all aware that seniors need more money for prescription drugs. Many seniors cannot afford the medication their doctors prescribe to maintain their health. We shudder when we learn that they must choose between buying food and buying medication. As Congresspersons, we have an opportunity to do something to ease that burden by supporting H.R. 664.

The need is obvious. As we age, our health gets worse. Medical technology has afforded us longer, healthier lives. Our collective longevity places a strain on Medicare, Social Security, health plans and insurance. We know these things. What perhaps we do not know is that seniors are being charged higher prices for medication than are the so-called preferred customers. One would think seniors, consumers of such a high volume of prescriptions, would be preferred customers. This is not the case.

The gentleman from Maine (Mr. ALLEN) was the first Member to request that the Committee on Government Reform and Oversight conduct a study on the price of prescription drugs to seniors in June of 1998. What the study found is alarming, to say the least. My colleague, the gentleman from Ohio (Mr. BROWN) subsequently did a study in the State of Ohio. Let me go just give a couple of examples. Let us take for instance Micronase, a diabetes medication by Upjohn. Micronase for a preferred customer is $10.05, but to a senior the vital medication costs $44.28. That is right, a difference of 341 percent. That is just an example of a laundry list of differing prices.

I believe we need to step in to protect taxpayers from being gouged by drug manufacturers. We must protect our elderly from corporations seeking to profit from their illness. This issue is of particular importance to me because my parents are seniors. In fact, my father, Andrew Tubbs, will be 79 years old tomorrow, 63 years older than my son, Mervin, who turned 16 today.

When I ran for Congress last year, throughout my district I received numerous complaints from seniors on this very issue. I promised to work on this issue, and I always try to keep my promise. That is why I rise in support of H.R. 664 and thank the gentleman from Maine (Mr. ALLEN) and my Democratic colleagues for bringing this issue to the floor.

Mr. Speaker, I encourage everyone to support the Prescription Drug Fairness For Seniors Act.

Mr. ALLEN. I say to the gentlewoman from Ohio (Mrs. JONES) we appreciate her support and hard work on this issue.

I yield now to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. I want to thank the gentleman from Maine (Mr. ALLEN) very much for yielding to me to discuss this very important issue and also commend him for his leadership on it. I think all the Members of this House who are concerned about health care and particularly the health care of older Americans, and in fact every American who is concerned about this for themselves and for their parents owes him a debt of gratitude for the leadership that he has shown on this critically important issue.

Prescription drugs, as we know, are an essential part of health care in America, and they are particularly essential for those who need it the most, and that inevitably is people as they age. As we age, we call upon the health care delivery system much more frequently. The elderly, in fact, spend three times as much of their income on health care as compared to that is which is spent by the average American. Our Nation's largest health care program, Medicare, currently does not provide even a minimal prescription drug benefit. Senior citizens use one-third of all prescriptions that are issued in our country, and yet nearly 40 percent of our seniors have no prescription drug coverage. They, therefore, must incur drug expenditures out of their pocket. Seniors on fixed incomes are the people who can least afford to shell out thousands of dollars a year for drugs on which their health and often their very lives depend.

In short, we are asking them to choose often between the necessities of life, often between the basic essentials of life, choices between buying food or buying the medication they need to sustain their health. The irony in all of this is that in many cases the drug manufacturers are charging senior citizens double what they charge their most favored customers, as our colleague pointed out in those charts he showed us a few moments ago. Their favorite customers, of course, are large HMOs, or Federal Government or other large purchasers.

The Committee on Government Reform and Oversight minority staff under the gentleman's leadership conducted a study on drug prices in the district that I represent as they did in districts across the country. The study surveyed prices at pharmaceuticals for 10 prescription drugs that are most commonly used by elderly Americans. The average price differential between what the drug companies' most favored customers pay and what a senior citizen in my congressional district in New York that stretches from the Finger Lakes across the Catskill Mountains to the Hudson Valley, the difference between what is paid by HMOs and senior citizens averaged 106 percent. So that is an extraordinary differential.

For one drug, Ticlid, the price differential was in fact 270 percent difference. In other words, the senior citizens were paying 270 times what the price was for a person with a member of a large HMO, for example, or someone else who could purchase in bulk.

The difference between what seniors pay and what large HMOs pay is not merely result of volume discounts, however. There are other factors that intervene. Compared to the markup on other consumer products, which average around 22 percent, the markup on prescription drugs was much higher, the average markup there being 116 percent. This price markup is coming directly as a result of the markup from the manufacturers. As my colleague pointed out, it is not the corner drug store that is scalping these prices. It is the drug manufacturers themselves that are causing these enormously high prices, and therefore they are the ones who are getting the huge profits.

Our Nation's seniors deserve fair treatment. The Prescription Drug Fairness for Seniors Act, which we have introduced under the leadership here of the gentleman from Maine, would help ensure more equal treatment, fairer treatment, and better treatment and healthier treatment for our senior citizens. It would do so by allowing pharmacies to purchase drugs for Medicare beneficiaries at the best price charged by the Federal Government.

This bill is estimated to have a benefit to senior citizens in that it will reduce the prices they pay for prescription drugs, as the gentleman has indicated to us in his charts by about 40 percent on average across the board. Each senior citizen will realize a 40 percent saving in the prescription drug

prices they require to maintain their health and in some cases their lives. Making prescription drugs more affordable for seniors is a strong first step as we work toward expanding the Medicare program to include a prescription drug benefit.

So I want to thank the gentleman from Maine (Mr. ALLEN) for the leadership that he has shown. The passage of this bill, which he has indicated, is unfortunately at this moment sponsored only by Democrats. If we manage to pass this bill, it is going to mean an enormous saving for every elderly American across the country.

So I praise the gentleman for his leadership in this very, very important issue, and I am very pleased to join with him in cosponsoring this bill, and he and I and all the others of us that are working so hard to get it passed will succeed, this bill will succeed, and the beneficiaries will be elderly Americans all across our country.

Mr. ALLEN. Mr. Speaker, I thank the gentleman from New York, and I want to thank him for all his work on this legislation here within the House and also for conducting that study back in his district, which shows basically the same kind of pattern that we have seen across the country.

I would like now to yield to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise to participate in today's special order to highlight the high cost of prescription drugs for seniors in America, and I wish to compliment the gentleman from Maine (Mr. ALLEN) for first organizing this special order and, secondly, for introducing the Prescription Drug Fairness for Seniors Act, H.R. 664.

Sooner or later every American will be affected by Medicare. Like death and taxes, the coming of old age is inevitable for the living. The need for affordable and quality health care for seniors, therefore, is in everyone's best interest. When one's resources are limited like many of our constituents, we know we need to give this attention.

Mr. Speaker, Texas is no different from anyone else.

□ 1845

Its health care, the need for health care, becomes even more acute. Currently, Medicare offers health care insurance protection for 39 million seniors and disabled Americans. The program provides broad coverage for the cost of many primarily acute health services. However, there are many gaps in program coverage. The most glaring shortcoming is the fact that Medicare has a very limited prescription drug benefit.

Most beneficiaries have some form of private or public health care insurance to cover expenses not met by Medicare. The reality is that many of these plans do not offer coverage or offer very limited protection for drug expenses. The result is that Medicare beneficiaries pay approximately half of their total drug expenses out-of-pocket.

For many seniors, the existing system imposes quite a financial burden, and for many it means choosing between medication or food or utilities or other essentials. The average drug expenditure for Medicare enrollees living in the community was $600 in 1995. Total spending for persons with some drug coverage was $691 compared to $432 for those with no coverage, according to data compiled by the Congressional Research Service.

The average expenditure per person varied widely depending upon the type of insurance coverage. In every category, spending was significantly higher for those who had supplementary drug coverage than those who did not. Higher spending reflects higher use rates. In 1995, persons with coverage used 20.3 prescriptions per year compared to 15.3 prescriptions for those with no supplementary drug coverage.

One inference that the Congress and the President should take to heart from these figures is obvious. Based on their limited income, some seniors are foregoing the purchase of needed prescription drugs so that they can eat, pay bills or submit their rent checks on time.

It is absolutely amazing to me that the U.S. Government would foster a Medicare policy that directs seniors to choose whether they have prescription drugs or whether their electric bill is paid on time. That is a choice without a favorable outcome.

Based on this problem, the Congress and the President should be spurred into action to approve the legislation of the gentleman from Maine (Mr. ALLEN) or some legislation that brings additional prescription coverage for Medicare beneficiaries. Obviously, this benefit will be expensive, but I am confident that the Congress and the President, working with the drug manufacturers and health care community, can achieve this goal.

A second concern that exists in the current Medicare system, that does not feature a drug benefit, is the difference between what seniors pay versus what other purchasers of health insurance paid. It affects them as their limited income begins.

Studies by the staff of the gentleman from California (Mr. WAXMAN), who is on the Committee on Government Reform, have revealed that pharmaceutical companies are taking advantage of older Americans through price discrimination. These studies show that in Texas and other States seniors pay for prescription drugs, on average, nearly twice as much as the drug companies' favored customers, such as the Federal Government and large health maintenance organizations.

This price difference is approximately 5 times greater than the average price difference in other consumer goods. I intend to work with the Committee on Government Reform to determine the extent of this problem as we complete the study in my district.

In the meantime, the Congress and the President need to address the lack of Medicare prescription drug benefits. As a cosponsor of the bill offered by the gentleman from Maine (Mr. ALLEN), I would urge all Members to cosponsor it. This is not a partisan piece of legislation. This is for all seniors.

This legislation allows pharmacies to purchase drugs for Medicare beneficiaries at the best price charged to the Federal Government through programs such as the Veterans Administration or Medicaid. The legislation has been estimated to reduce prescription costs for seniors by more than 40 percent.

Mr. Speaker, I thank the gentleman for allowing me to participate this evening.

Mr. ALLEN. Mr. Speaker, I thank the gentlewoman for her remarks. She has done great work on this issue. We appreciate her leadership.

Mr. Speaker, I now yield to the gentleman from Massachusetts (Mr. TIERNEY). We have talked about this issue on numerous occasions and he has told me a good many stories about how the high cost of prescription drugs affects people in his district.

Mr. TIERNEY. Mr. Speaker, I thank the gentleman from Maine (Mr. ALLEN) for yielding.

Mr. Speaker, I want to thank the gentleman from Arkansas (Mr. BERRY) for allowing me to step up before him for a second because I do have to leave.

Mr. Speaker, I thought I wanted to come here this evening and talk with all the others that think this is an important issue. I want to take a little leave from the prepared remarks that I had to compliment the gentleman from Maine (Mr. ALLEN) for the leadership that he has shown on this.

To let people know it goes beyond just filing the bill, the gentleman from Maine (Mr. ALLEN) and I shared time on the Committee on Government Reform, which unfortunately under its current leadership has been wasting a lot of time on issues that apparently are not getting that committee too far into anything concrete.

The gentleman from Maine (Mr. ALLEN) has understood that that committee has great progress in line, it has great potential, and he has taken on an issue here that is important to the American people and is what that committee ought to be doing on a regular basis. So I commend the gentleman from Maine for stepping forward on that.

Shortly after the gentleman from Maine (Mr. ALLEN) did his study, he was kind enough to share it. I did another study after the gentleman from Texas (Mr. TURNER) did his, and the gentleman from Arkansas (Mr. BERRY) did his. It was one of those succeeding studies that sort of went domino effect right across the country, as we have heard mentioned here.

The results in my district were no different than they were in others. Seniors that are not covered in a large

plan are paying an extraordinary high amount for prescription drugs.

This whole health care system that we have is imploding at the current time. We said this in 1993 and 1994. We told people then that if we did not do something about the systemic problems that we had in our health care delivery system, we were going to find that managed care companies would take every ounce of profit that they had out of it, squeeze it out and hand back to the American people a problem.

Essentially, that is happening in large part, and aggravating that situation is the huge cost of prescription drugs; the cost to managed care systems themselves, the cost to hospitals, and the cost to individuals that are not covered on a plan large enough to drive a lower price.

The gentleman from Maine (Mr. ALLEN) and I have both heard the prescription drug manufacturing companies come out and tell us that this is cost fixing, price fixing. We both smiled at that because we know it is the exact opposite of that. They do not have a free market system. In fact, the prescription drug companies are running monopolies. They have patents on those drugs and they are determining the prices on them.

They are discriminating in two different ways that we found out through our reports. Overseas, where people have universal or single payer health care or they have some system to buy en gros for people, they are driving the prices down and then that cost is being made up, that profit for the company made up by shifting the higher costs to people that are not covered in this country. Then within this country, people that are covered in plans get a lower price because the plan is large enough to bargain, and that cost is then shifted onto those that are not in that position.

We need to have the majority understand that this is not a partisan issue. They have made it a partisan issue. The fact that we can have 111 or 112 sponsors to a bill and none of them be from the majority party, when it is a bill that talks to an issue that the American people speak about every day, and there is not one person that is going to speak here this evening that is not going to say that they took the studies and reports in their district and went to seniors and went to others in their district and talked about it, received a tremendous response from people who have said, ''That has been an issue for years. We are glad that Congress is listening. Something has to be done.''

Now, obviously, what has to be done is Medicare has to include prescription drugs in that program in long range, and that, I hope, will come to fruition at some point this time. In the interim, the gentleman from Maine (Mr. ALLEN) has had the foresight to put this bill together, and I have been fortunate enough to cosponsor it and move it forward to allow people to have the benefit of the Federal supply system.

Strangely enough, well, it is not really strange, it is no coincidence at all that the gentleman from Maine (Mr. ALLEN) is a cosponsor of significant campaign finance reform, as am I and most of the other people that will speak here this evening.

Amazingly, in the early 1990s when many products were lifted and allowed States to buy under the Federal supply system, originally prescription drugs were on that list. Consequently, by the end of that fall when the appropriations bill was done, there was a single sentence in there that took prescription drugs out. So now prescription drug companies make 28 percent profit in some instances. Other companies in the Fortune 500 would be happy to have 10 percent profits.

Nobody is saying we do not want them to have profits. They have been the top 20 profitable companies across the world in the last years. We want them to make a profit. We do not want them to shift the responsibility to the most vulnerable part of this population. We need to improve our health care system. We need to make sure that people can do it.

And when we get through with this bill, when it passes, I am hoping we move on and allow legislation to pass to take away any impediments, anything that would stand in the way of States or entire regions of this country joining together to get their prescription drugs at even lower prices. We can put in protections for the manufacturers to make sure that their prices are not driven down worldwide, but we have to make sure that we move in that direction.

Let me leave the gentleman from Maine (Mr. ALLEN) with one story that we have shared and that I think drives it home. There is a woman in my district who lives in Newburyport, Massachusetts, who wrote a letter and then she shared it later with the newspaper, and the letter begins, ''I am sitting at my desk with an involuntary flow of tears streaming down my cheeks. My husband sits close by silently eating his heart out. I am angry. I am distraught. I am feeling extremely defenseless.''

She goes on to say, ''My husband just returned from the drugstore. When I read the receipt, I felt a sense of panic and my eyes welled up. $250? This has to be a mistake. No, it is $250. But how can that be? We just paid $400 two weeks ago. We cannot keep on doing this. Our income tax return bailed us out last time. Now what? I took a quick mental inventory of our financial status. Our one credit card is maxed. Our bankruptcy prevents us from obtaining a loan. We are living paycheck to paycheck. We have overdraft but when that is exhausted, what will we do? I have no aces in the hole. All I have left is hope and prayer.''

What people like her are hoping and praying is that Congress will not make this a partisan issue; Congress will understand that we are here not to waste time, as the Committee on Government Reform does all too often. It is here to act on legislation that is important to the American people, legislation like H.R. 664.

Again, I congratulate the gentleman from Maine (Mr. ALLEN) for bringing this matter to the attention of the Congress and helping us getting it passed.

Mr. ALLEN. Mr. Speaker, I thank the gentleman from Massachusetts (Mr. TIERNEY) for his good work. He is working hard on this, and the story that he told about his constituent is repeated in stories from others all across this country, because everywhere across this country there are people who are unable to pay for all their prescription drugs and their food and their electricity and their other living expenses that they have.

Mr. Speaker, I yield now to the gentleman from Arkansas (Mr. BERRY), who as a registered pharmacist took the lead in setting up the prescription drug task force. I can say honestly no one has worked harder on this legislation than the gentleman from Arkansas (Mr. BERRY).

Mr. BERRY. Mr. Speaker, I thank my distinguished colleague, the gentleman from Maine (Mr. ALLEN), for yielding, and I want to thank him for this outstanding bill and for this idea that has helped create this bill. He has provided the leadership that has gotten us where we are with this effort, and I appreciate very much what he has done.

I also want to thank our colleagues, the gentleman from California (Mr. WAXMAN) and the gentleman from Texas (Mr. TURNER), and all of the others that have joined us here this evening and that are cosponsors of this bill.

I think this is something that for most of us it is just a simple matter of fairness. It is unbelievable that we would allow a situation to develop in this country because of our laws and our regulations that we have put in place, that would create a system where our senior citizens could be so grossly abused as they are right now by the prescription drug manufacturers in this country. It is a very distressing thing.

We are the greatest Nation that has ever been in the history of the world. No other country has ever had our economic or our military or political power, and yet we allow a situation like this to become dominant and to take advantage of our senior citizens.

When I first began the campaign in 1996, one of the first experiences I had was encountering a senior citizen that came to me and he said, ''Medicare does not pay for my medicine. I have a $500-a-month Social Security check. My medicine is $600 a month. What do I do?'' I didn't have an answer for him. I thought I knew a lot about this business at that time, but that man has plagued me ever since. I think about him every day.

It seems so unfair that we would let the manufacturers, the pharmaceutical manufacturers in this country, create a situation where that man who had worked hard, played by the rules, tried to do everything that he thought he was supposed to do to be prepared for his old age, get taken advantage of in that way.

□ 1900

If we had someone out here going door to door, taking the food out of our senior citizens' mouths, we would have them arrested, and yet that is exactly what is happening here with our senior citizens in this country. We all pay too much for prescription medication. The gentleman has done an outstanding job this evening of explaining that these are the most profitable companies anyplace. They are the most profitable legal businesses that exist. And yet, we allow them to take advantage of our senior citizens like this. We all encourage making a profit. We want these companies to be profitable, but when they make a profit at the expense of taking advantage and abusing senior citizens who cannot protect themselves, it becomes a moral issue, and that is the reason we have to do something about it.

As the United States Congress, we should pass H.R. 664 and do everything that we can to at least give our seniors an even break. It is almost unbelievable to me that we have not done this a long time ago. This does not cost the government anything. All it does is make our seniors part of a very large purchasing pool and give them a good deal. For once in their lives, they get an even break.

As we see the way the system is structured, it is unbelievable to me that the Federal Government has allowed it to go on and on and on. Every time that we have held the prescription drug manufacturers responsible, when we created generic drugs basically in this country, the prescription drug manufacturers came to us and they said, oh, this will be a terrible thing. We will not get any new products. The fact is, the investment they made in creating new products has more than quadrupled. It just simply does not hold water that they are not going to continue to invest in creating new products. We all know what an essential thing that this is. As I have said, it is a matter of basic fairness.

I appreciate again the gentleman's efforts this evening to bring this to the public's attention, to bring it to our attention. I thank all of my colleagues for being here to support this effort and I look forward to the day when we can stand here and say, this is law. We have done the right thing, we have done the fair thing, and America is going to be a better place for it. I thank the gentleman.

Mr. ALLEN. Mr. Speaker, I thank the gentleman. As I said before, no one has worked harder on this legislation than the gentleman has, and I agree with the gentleman, we will pass this legislation before we are done.

I would now like to recognize one of our new Members, the gentleman from New Mexico (Mr. UDALL).

Mr. UDALL of New Mexico. Mr. Speaker, I thank the gentleman for his leadership on this issue. I think the gentleman has been out there on the front and he has really demonstrated why we need to do something about this cause.

I rise today to talk about the problem of prescription drug costs. I have held a series of town hall meetings around my district in New Mexico and I ask senior citizens in these town hall meetings about health care and what their problems are. It became apparent to me very early on that one of the most frequently mentioned problems was how to deal with rising prescription drug costs.

As one woman put it, she said, on a fixed income, I have to make a tough choice between my prescriptions and food and other essentials. So imagine having to make a choice between food and one's prescription drugs. There could not be a tougher choice.

Well, basically we have heard some discussion here about what the problem is, and I would like to identify a little bit further where I think it is coming from. First of all, I think it is absolutely clear that we have an increasing drug cost situation going on. Clearly, Medicare does not cover the cost of prescription drugs. When I ask in my district, people said they got insurance, supplemental insurance, but found out that it did not even cover most of the cost of prescription drugs. The HMOs, although many of them say they cover the cost of prescription drugs, there are problems getting drugs there. So we have seniors paying out of their own pocket in order to cover those prescription drug costs, and we have big drug companies who are making record profits, and yet they discriminate between preferred customers and senior citizens.

So this is an issue that Congress can really do something about. First, we can attack it with the gentleman's piece of legislation, which I think goes a long way toward trying to sort out this discrimination issue. We can require that the large, big drug companies sell at that preferred customer cost to the small pharmacies who, in my district, have said they would just pass that on to senior citizens, pass on that savings.

Second, we can pass a real tough patient Bill of Rights. That patient Bill of Rights would say that if a doctor prescribes a drug, then it is going to be required that it be paid for, and we have such a proposal, a Democratic proposal that is circulating that I have signed on to and I am sure many others have signed on to here.

Third, when we get into the whole issue of Medicare and making sure that Medicare is solvent, we can at least say that part or all of prescription drugs should be covered under that program which has helped so many since it was put in place in the 1960's.

So let me just finish by saying, it is time we do something now; it is time that we move forward. I appreciate so much having the opportunity to speak and to have all of my other colleagues here that are working on this issue. I want to once again thank the gentleman for his leadership on this issue.

Mr. ALLEN. Mr. Speaker, I thank the gentleman. I read some of the material that came out when the gentleman did his report in New Mexico and it was compelling information. I am so glad to have the gentleman working with us on this issue.

I would like now to yield to the gentleman from Ohio (Mr. BROWN), the distinguished and more-senior-than-many-of-us-Member from Ohio who has shown great enthusiasm and leadership on this issue since we started. I really appreciate all of the gentleman's help. I yield to the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Speaker, I thank the gentleman from Maine and I want to also thank and laud the gentleman from New Mexico (Mr. UDALL) for all of the good work that he has done, and all the others here this evening who have shown leadership on perhaps the most important issue facing America, America's elderly population.

Last year the CEO of Bristol-Myers Squibb made a $1.2 million salary, a $1.9 million bonus, and $30.4 million in stock options. Last year, drug company profits outpaced those of every other industry by more than 5 percentage points. Millions of dollars for executives, billions of dollars in profits.

Last year, 4.5 million seniors filled their prescriptions OR purchased food. They had to make that choice. They could not afford both. Millions of dollars for executives, billions of dollars in profits, yet senior citizens had to choose between food and medication.

Seniors are paying higher prices for prescription drugs than any other purchaser because drug companies simply know they can get away with it. Medications are not luxury items, seniors have little market clout, and drug companies wield monopoly power. As a result, seniors pay prices set high enough to generate unrivaled profit margins and compensate for the discounts offered to other, more influential purchasers. The highest prices are charged to those least able to afford prescription drugs and most likely to need prescription drugs.

What kind of system is that?

Drug companies tell us it is the right system. They say if the United States no longer permits drug companies to gouge individual senior citizens, or even if we provide a meaningful insurance vehicle that puts seniors on an equal footing with other large purchasing groups, drug industry profits, they tell us, will be so stifled that innovation in medical progress will stop dead. That is what they tell us.

But how much do these companies need to earn over and above their research and development costs to feel sufficiently appreciated? Drug companies earn exorbitant profits by charging seniors double, sometimes triple, even occasionally quadruple, what they charge large purchasers inside the United States and individual purchasers, and large purchasers outside the United States.

Even seniors with prescription drug coverage are often overwhelmed by their prescription expenses. In Medicare supplemental plans, for example, when one gets past the deductible, the modest annual limit and the 50 percent coinsurance, coverage just does not look much like coverage anymore.

In 1999, 5 million seniors, some with and others without drug coverage, will pay more than $1,000 out-of-pocket for prescription drugs. About 1 million will pay $2,000 or more for prescription drugs. These numbers could be significantly lower if seniors were simply treated like other customers.

Prescription drug companies claim that if we take action to protect seniors from price gouging, everyone else's prescription drug prices will go up. Apparently, drug companies cannot tolerate any reduction in their record-breaking profits. They must compensate for charging seniors reasonable prices by upping the prices charged to other payers.

I would like to again thank the gentleman from Maine (Mr. ALLEN) for the Democratic proposal, the Prescription Drug Fairness For Seniors Act, which prevents drug companies from singling the elderly out, charging them distorted prices relative to other purchasers. This bill makes sense. I hope the Republican leadership will do its jobs and demand that drug companies are held accountable.

Mr. ALLEN. Mr. Speaker, I thank the gentleman from Ohio for his leadership on this. I welcome the gentleman from Mississippi (Mr. Shows).

Mr. SHOWS. Mr. Speaker, it is good to be here. I thank the gentleman. No Americans, especially our senior citizens, should ever be forced to choose between buying food or medicine and they should not have to decide between paying the electric bill and their prescription bill. That is a shame to say, but in America today we allow that to happen.

Early this month I read an article in The Washington Post where a woman with stomach tumors stopped taking her prescription medication because she could not afford to pay for it. She said not taking her medicine caused unbearable pain, but she really had no choice, because she could not afford it. There is just something about that that is not right.

We have millions and millions of Americans suffering from high blood pressure and diabetes and heart disease and medicines that are absolutely necessary for these people to take. These are not luxuries, this is something that we have to have. It is not an option. Yet, prescription drugs costs continue to rise and many seniors just do not have the money to pay for it.

I can give a personal example. My mother-in-law is on a fixed income. If it was not for family, she really would not be able to do it. Something has to do it for them. If a senior citizen has to pay $250 a month for just one prescription drug, that adds up to $1,000 annually. Think about it. Most of them have more than one.

Our seniors spend a lifetime working hard and paying taxes. They help build our roads, educate our children, help provide for the defense of this country, a lot of them are our veterans; and after all of these sacrifices they have made, they deserve the peace of mind knowing that they can get medication that is affordable.

That is why I am a cosponsor of the gentleman's bill, the Prescription Drug Fairness For Seniors Act of 1999. I think it is a fine piece of legislation.

This legislation would substantially lower the cost of what the senior citizen would have to pay. Right now, they pay almost twice as much for prescription drugs as the drug companies. That is what they call favored customers or volume customers such as the Federal Government and large HMOs. This legislation will allow pharmacies to purchase drugs for Medicare beneficiaries at the same rate as the so-called preferred customers.

But we can do more to help alleviate the cost of prescription drugs. We should also pass H.R. 805, the legislation of the gentleman from New Jersey (Mr. PALLONE), to allow seniors to have access to FDA-approved generic medicines. These generic brands can be bought, as we know, 30 to 40 percent cheaper and they provide the same services. If seniors are having to pay more for a name brand when they can get the same effect from a generic brand they should be able to do that at that reduced price.

Our long-term goal should be to figure out how to add prescription drug benefits to Medicare. Seniors ought not have to worry about that. We ought to be doing it for them.

Let us make prescription drugs more accessible and affordable to our seniors. Let us pass H.R. 664 and H.R. 805 and make it so our seniors in America never have to choose in America between buying food and their medicine. Let us make sure our seniors never have to go without their medication because they cannot afford it. Let us add a prescription drug benefit to Medicare. We know it is the right thing to do. I thank the gentleman.

Mr. ALLEN. Mr. Speaker, I thank the gentleman for being here tonight and for all of his hard work on this issue.

I yield now to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I thank the gentleman from Maine for yielding, but I especially thank him for his consistent leadership on this very important issue.

Yesterday, in the District of Columbia, I had my Senior Legislative Day. There I released the study for the District of Columbia entitled, Prescription Drug Pricing in Washington DC: Drug Companies Profit at the Expense of Older Americans. That study was prepared by the minority staff of the Committee on Government Reform and Oversight on which both the gentleman from Maine (Mr. ALLEN) and I serve.

The gentleman's bill is very important, but it is a very moderate bill.

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It would only level the playing field so that seniors can take advantage of bulk pricing the way many Americans, most of them younger than seniors, already do. I do not have any problem with bulk pricing. It is a standard American practice. In fact, it is a standard practice throughout the world.

In the case of the drug companies, the bill of the gentleman from Maine (Mr. ALLEN) would allow them to share some of the profits, they are now hoarding $25 billion a year, by spreading the standard practice of bulk buying more widely to cover those who can least afford to buy their drugs individually.

But I want to say right here and now that while I support the gentleman's bill, I am a cosponsor of the gentleman's bill, I believe that we can afford a prescription drug benefit in Medicare, and I want to say why.

There has been a revolution in American medicine. At the time that Medicare was passed, seniors could go to the drugstore and for a couple of dollars, buy the couple of pills that were available for what ails them. Today there has been a shift from invasive procedures to drug therapy, in effect.

If I could ask the gentleman a question, does the gentleman know whether there has been a study as to how much the use of drugs and medicines is saving the Medicare program?

Mr. ALLEN. Mr. Speaker, I would tell the gentlewoman that I am not familiar with the study, but it has to be saving substantial amounts. Spending on prescription drugs is going up 15 percent a year, and we all know that the number of hospital beds in use is going down, at the very time that seniors are living longer. So there have to be substantial savings here, but I am not aware of a study that would quantify that.

Ms. NORTON. I raise the question for the gentleman only because this much seems clear: We are forcing down costs in the Medicare program. Nothing is forcing down the costs of drugs. So I would wager that there are billions of dollars being saved by the Medicare program by not having to pay for drugs.

What I am suggesting is that precisely because they are saving that money, that the Medicare program

ought to allow some of those costs to shift to the program itself.

After all, that program is willing to pay for the most costly procedures if prescribed by a physician, but it is not willing to pay for procedures under the direction of a pharmacist. This is absolutely irrational. The cost is greatly out of proportion and is quite outrageous. We will pay for institutional care by allowing a senior to spend down her resources until she gets nursing home care paid for entirely by Medicaid, but we will not pay for a drug benefit that will keep her out of a nursing home altogether.

Seniors cannot possibly take this much longer. I cannot believe that the seniors who have saved colas and social security will not force prescription drugs into their Medicare. If we are going to change how we treat people from invasive procedures and save the taxpayer money, then it seems to me we have a moral obligation to shift some of that savings to seniors who are on limited incomes and cannot possibly continue to shoulder the burden they are shouldering now.

In the report done for my own district, we found that my seniors were paying 137 percent more than preferred customers. An example, and that is six times, by the way, more than they pay for other consumer goods, an example was Synthroid, a thyroid hormone drug where the drug to the preferred customer is $1.75 a dose, and $31.43 a dose to the senior.

The gentleman's bill, minimally, must be passed, and it must move us on to making prescription drugs a benefit of Medicare.

Mr. ALLEN. Mr. Speaker, I thank the gentlewoman, and I will return again on another occasion to the gentlewoman from Texas (Ms. JACKSON-LEE).

I want to thank all Members who have been here tonight.

Mr. FROST. Mr. Speaker, I rise today in support of the Prescription Drug Fairness for Seniors Act. This issue is one of great concern to a number of my constituents who are Medicare beneficiaries who use one third of all prescription drugs in the United States.

On average, seniors pay nearly twice as much as the drug companies' favored customers, such as the federal government and large HMOs and 37% of our nation's seniors do not have prescription drug coverage. In my district in Texas alone, many seniors are forced to pay up to 109% or more for the most commonly used prescription drugs. It is time to show our nation's seniors that their health is more important than drug company profits.

I have had a great number of constituents contact me personally to share their concerns for those seniors that are literally having to choose between buying food and buying their prescriptions. An even greater number of individuals endanger their lives every day by not taking the required dosage or only filling some of their prescription medications since they can not afford to meet all of their medical needs.

It is high time that the U.S. Congress address the issue of a Medicare benefit for prescription drugs. How much longer are we going to allow the pharmaceutical industry, which is currently enjoying record profits, to dictate the health care choices of our senior citizens?

I support H.R. 664, the Prescription Drug Fairness for Seniors Act because it allows pharmacies to purchase drugs for Medicare beneficiaries at the best price charged to the federal government though programs such as the VA or Medicaid. This legislation would reduce prescription drug prices for seniors by more than 40%, and without imposing price controls, but putting an end to price discrimination.

It is time to show our nation's seniors that their health is more important than drug company profits.

GENERAL LEAVE

Mr. ALLEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of my special order today.

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

There was no objection.

TRIBUTE TO DR. LOIS MOORE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

EXPRESSING SUPPORT FOR H.R. 664, LEGISLATION PROVIDING FOR DISCOUNTS ON PRESCRIPTION DRUGS TO SENIOR CITIZENS

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from Maine (Mr. ALLEN) for his kindness in reaching out to me for time.

I am going to take just a moment, Mr. Speaker, before I begin a tribute to Dr. Lois Moore, because it is absolutely appropriate to acknowledge my support for H.R. 664, the legislation that deals with a discount of prescription drugs for senior citizens.

It is interesting that we find it difficult to get such legislation to the floor of the House. I am very pleased that I am engaging in a study in my district with pharmacies, and I was very glad to hear the gentleman from Maine (Mr. ALLEN) say that this is not an issue dealing with pharmacies. In fact, it is with our large pharmaceutical companies.

In fact, there will be processes under H.R. 664 where the burden would not be heavily on the pharmacies, but it is important that just like they give big discounts to hospitals and HMOs, that they give discounts on prescription drugs as well to our senior citizens.

When I traveled in my district and visited five senior citizen sites, every one of them said, I have to choose between eating, paying light bills, heat bills, and getting my prescription drugs, as we well know, hearing from my mother that there is an enormous amount of prescription drugs, because we are living longer, that many seniors have to take.

It keeps them healthy. It keeps them happy. It keeps them able to do the things that they would like to do. Why should we penalize them? I hope that we can move H.R. 664 to the floor very quickly.

Mr. Speaker, let me acknowledge the purpose of my special order this evening is a tribute to Dr. Lois Moore, a selfless leader in our community who has served the Harris County Hospital District, and we will be losing her expertise.

She is known in our community in Harris County, in Houston, Texas, as one of its greatest leaders in the health care community. Her leadership, expertise, commitment, and presence will be truly missed at the hospital district. However, we know that she will continue on to service.

Under her leadership as the President and Chief Executive Officer of the Harris County Hospital District, the hospital district was named among the top 100 hospitals in the United States in 1994 and again in 1995 by Modern Health Care Magazine.

After graduation from Prairie View A&M School of Nursing 35 years ago, Moore began her public health care service in the Jefferson Davis Hospital emergency room. She soon became the emergency center charge nurse.

Through the 1960s and 1970s she moved from evening shift nursing supervisor to assistant director of nursing at Ben Taub hospital. In 1977 she was named administrator at Jefferson Davis Hospital. During this time she earned a Bachelor of Science degree in nursing and a Master of Education degree.

Moore was appointed chief operating officer for the Harris County Hospital District in 1987, and on February 28, 1999, the Board of Managers of the Hospital District appointed her president and CEO. She has, therefore, served us for 10 years in that capacity.

As president and CEO of the Harris County Hospital District, the 6th largest inpatient health care system in the United States, Moore oversaw three hospitals, 11 community health centers, one freestanding HIV-AIDS treatment center, and eight school-based clinics, two very important things.

School-based clinics, they have been proven to be successful in preventative health care, and 11 community health centers, they also have been proven to be successful in preventing disease, in helping people to understand health care.

With the recent statistics that have suggested to us that it has been very difficult for minorities, Hispanics, African Americans, and Asians, as well, to access health care in America, Lois Moore has been a shining star to ensure that her community gets good health care. She has worked with a very good board. We are looking forward to the fact that the board will continue her leadership and her message, and that they will select a person of quality like Lois Moore.

The district has had an annual budget of approximately $528 million with more than 50,000 employees. Ben Taub General Hospital and Lyndon B. Johnson General Hospital treat 77 percent of Houston's serious trauma, and I found it very, very exciting to see Ben Taub on one of our major news network shows, I believe Nightline, citing it as one of the best trauma care hospitals in the Nation, maybe the world.

I would simply say, Mr. Speaker, that Lois Moore has served her community as a stellar leader. I am so proud to call Lois Moore my friend. Ms. Moore has testified before national committees on health care reform, served with Governor Ann Richard's Task Force on Health Care, and is a frequent speaker on public health issues and health care reform.

She has a husband by the name of Hard, a daughter Yolanda, son-in-law Mike Williams, and two granddaughters Kendra and Jasmine.

Let me simply close, Mr. Speaker, by saying that all of the Eighteenth Congressional District and I believe all of the State of Texas salutes Lois Moore, our past president of the Harris County Hospital District, a great humanitarian, a great Houstonian, Texan, and great American.

Mr. Speaker, it is my honor to speak on behalf of Lois Jean Moore, a person who exemplifies what the true meaning of commitment, dedication, strength, service and selflessness is. Not only has the Harris County Hospital District lost one of its greatest leaders but also our entire health care community. Her leadership, expertise, commitment and presence will truly be missed.

Under her leadership as the President and Chief Executive Officer of the Harris County Hospital District, the Hospital District was named among the Top 100 Hospitals in the United States in 1994 and again in 1995 by Modern Healthcare magazine.

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As President and CEO of the Harris County Hospital District, the sixth largest inpatient health care system in the U.S., Moore oversaw three hospitals, 11 community health centers, one free-standing HIV/AIDS treatment center, and eight school-based clinics. The District has an annual budget of approximately $528 million with more than 50,000 employees. Ben Taub General Hospital and Lyndon B. Johnson General Hospital treat 77% of Houston's serious trauma. Under Moore's leadership the Hospital District's programs in outpatient care and disease prevention and health promotion have been enhanced and expanded. New outreach programs in the community health centers now provide mammography, diabetes screening, immunizations, early disease detection, and health care for the homeless.

As one of the nation's top public health care administrators, Mrs. Moore never loses sight of the Hospital District's mission-quality health care for the underserved. In a changing health care environment, she has managed, year after year, to balance compassion with fiscal prudence. Under Moore's leadership, the district, which has the lowest per capita tax rate of all Texas hospital districts, has nearly doubled its non-tax revenue.

In addition to her responsibilities at the Hospital District, Lois Moore also serves her community selflessly. She serves on numerous boards including the American Red Cross, March of Dimes, United Way, Texas Association of Public and Non-Profit Hospitals, and the National Association of Public Hospitals. She is a Fellow of the American College of Health Care Executives and is included in Who's Who in America. Mrs. Moore was awarded in 1994 Tree of Life Award from the Jewish National Fund. In February, 1995, she was named co-recipient of the Houston Area Healthcare Coalition's Healthcare Provider Award. In April of 1996 she was awarded an honorary Doctor of Humane Letters degree from Our Lady of the Lake University of San Antonio, Texas.

Mrs. Moore has testified before national committees on healthcare reform, served on Governor Ann Richard's Task Force on Health Care, and is a frequent speaker on public health issues and health care reform.

With all of this on her plate, Mrs. Moore also found the time to care for her loving family which consists of her husband Hard, daughter Yolonda, son-in-law Mike Williams and two granddaughters, Kendra and Jasmine.

I am stating these things so that they will be inscribed into the CONGRESSIONAL RECORD but her deeds will forever be remembered by those who will try to fill the shoes of this great woman. Congress and the 18th District of Texas is proud to honor Mrs. Lois Moore and we will truly miss her great service.

SETTING THE RECORD STRAIGHT ON THE POLITICS OF THE CENSUS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MALONEY) is recognized for 5 minutes.

Mrs. MALONEY of New York. Mr. Speaker, last week Democrats were accused of trying to place politics in the 2000 Census. A Dear Colleague letter was sent out which implied that the Democratic Party, organized labor, and the Census Bureau were involved in a conspiracy to somehow undermine Republicans through the partnership programs being organized to support the 2000 Census.

This claim would be laughable if it were not so destructive. The decennial Census is a national civic ritual. In order to be successful, partnerships with literally thousands of organizations must be established. The Census Bureau is working hard to do that, regardless of the political leanings of any group. From Fortune 500 companies to the AARP to the NAACP to the National League of Cities, organizational support for the largest national peacetime mobilization in our Nation's history is essential to the success of the 2000 Census.

The claim that it is Democrats who are politicizing the Census is also ironic, coming as it does almost 2 years to the day after the Republican memo which began the blatant politics in the Census.

So I rise today first to set the record straight and share with the Members some of the history of the Republican attempts to place politics in the Census, but also to commend some recent moves by the Speaker which indicate that a more bipartisan spirit may be prevailing over this issue.

On May 20, 1997, 2 years ago, the GOP sent a memo to Republican State chairs. In it, the Chair of the Republican National Committee said that the 2000 Census was, and I quote, ''an issue of unusual importance to the future of the Republican Party,'' and that at stake is ''our GOP majority in the House.''

In that memo was nothing about the importance of counting all Americans, regardless of race, age, or income; nothing about the impact of the Census on the lives of real people: about how State and local governments use Census information to plan schools and highways, about how the Federal government uses it to distribute funds for health care and other programs; and nothing about how businesses use it in making their economic and marketing plans. Instead, we find only cynical, partisan rhetoric about how to make sure the 2000 Census benefits Republicans.

That was just the beginning. In June of 1997 Republicans tried to ban statistical methods for the Census on the disaster relief bill for the flood victims in the Midwest. Then in September of 1997 the majority put language in the Commerce-Justice-State appropriations bill to ban the use of statistical methods.

They tried again in 1998 to kill the use of statistical methods and failed. Then they turned to the courts. In January they lost that battle, too, when the Supreme Court ruled that the Census Bureau could not use modern scientific methods for apportionment, but they are required to use it for everything else, if feasible. The majority has done everything it can to prevent the most accurate Census possible in 2000.

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They have recently begun throwing up legislative obstacles to an accurate census here in the House and have also begun a campaign at the State level to prevent the use of accurate numbers.

The 1990 census had an error rate of over 10 percent. There were 8.4 million missed and 4.4 million people that were counted twice. The 1990 census missed one in 10 African-American males, one

in 20 Latinos, one in eight American Indians on reservations, and one in 16 rural non-Hispanic whites.

Up until just recently, the sole focus of the majority's agenda has been to make sure that these people are left out of the 2000 census. But there are signs of hope. Call me a starry-eyed optimist, but I think the Republican leadership may be coming to its senses.

They have finally agreed with us on one census problem and will not shut down the government this June 15 as they originally planned. The emergency supplemental appropriation which passed last night contained a provision eliminating that artificial deadline. It also included almost $45 million in additional money the Census Bureau will need to conduct the census using old methods. That, too, is a hopeful sign. I welcome these signals of a new spirit of bipartisanship on census issues.

Let me just add that I hope it continues through the fiscal year 2000 appropriations process, as we are about to begin it.

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In it, the Chair of the Republican National Committee said that the 2000 Census was ''an issue of unusual importance to the future of the Republican Party,'' and that ''At stake is our GOP majority in the House. . . .''

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The 1990 census missed 1 in 10 African American males; 1 in 20 Latinos; 1 in 8 American Indians on reservations; and 1 in 16 rural non-Hispanic Whites.

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But there are signs of hope. Call me a starry-eyed optimist, but I think the Republican leadership may be coming to its senses.

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Let me just add that I hope it continues through the fiscal year 2000 appropriations process we are about to begin.

We also need to realize that conducting the Census using the old methods that Republicans have insisted upon will cost a lot of money—as much as $2 billion more than originally planned.

I urge Republicans and Democrats alike to support full funding for the 2000 Census.

There is one clear and simple issue here—will the next census count everyone, or will it repeat the mistakes of 1990 leaving millions of people unrepresented and unfairly left out.

I call upon the Republican Party to build upon its recent gestures and allow the Census Bureau to conduct the most accurate census possible.

The first census of the 21st century must be as accurate and complete as we can make it.

The Constitution of the United States and the American people demand no less.

PRESCRIPTION DRUG PRICING IN THE 7TH CONGRESSIONAL DISTRICT OF MARYLAND: DRUG COMPANIES PROFIT AT THE EXPENSE OF OLDER AMERICANS

The SPEAKER pro tempore (Mr. SESSIONS). Under a previous order of the House, the gentleman from Maryland (Mr. CUMMINGS) is recognized for 5 minutes.

Mr. CUMMINGS. Mr. Speaker, food and medicine are very, very important to people. Sadly, in Baltimore City and Baltimore County and all over this Nation, it has become increasingly clear that after a lifetime of service to family and community, too many seniors are faced with the cruel and difficult choice between paying for the miracle drugs which sustain life and buying food.

The findings of the Committee on Government Reform minority staff study of my district, the 7th Congressional District of Maryland, demonstrates that in Baltimore a senior citizen paying for his or her own prescription drugs must pay on the average more than twice as much for the drugs as the drug companies' favored customers.

For the five drugs investigated in this study, the average price differential was 133 percent. The drug with the highest price differential was Synthroid, a commonly used hormone treatment manufactured by Knoll Pharmaceuticals. For this drug, the price differential for senior citizens in Maryland was an incredible 1,641 percent. An equivalent dose of this drug would cost the manufacturers' favored customers $1.75. An uninsured senior citizen in Baltimore must pay over $30.

Now, because large preferred customers of the drug companies typically buy in bulk, some difference between retail prices and favored customer prices would be expected. But the study found there is an unusually large price differential being enforced for prescription drugs, over six times greater than the average price differential for other consumer goods typically purchased by senior citizens.

Moreover, it appears to be pharmaceutical manufacturers, not our local drug stores, which are responsible for the far higher prices. Local pharmacies appear to have relatively small markups between the prices at which they buy prescription drugs and the prices at which they sell them. Retail prices are just 5 percent above manufacturers suggested price to pharmacies.

It appears that the drug companies are engaged in a form of discriminatory pricing that victimizes those who are least able to afford it. Large corporate governmental and institutional

customers with market power are able to buy their drugs at discounted prices. Drug companies then raise prices for sales to seniors and others who pay for drugs themselves to compensate for these discounts to the favored customers.

By engaging in these cost-switching price practices, drug manufacturers are earning enormous profits, while seniors must choose between food and medicine. America's top 10 drug manufacturers are expected to reap approximately $20 billion in profits in 1999 alone.

Reducing the cost of prescription drugs for seniors and other uninsured individuals is a moral imperative. Until we can achieve expanded Medicare coverage, the Federal Government should not be doing business with drug manufacturers which discriminate against uninsured senior citizens and others in their pricing.

That is why I commend and join the gentleman from Arkansas (Mr. ALLEN) and another 100 of the Members in Congress in cosponsoring the Prescription Drug Fairness for Seniors Act.

This legislation would not enact price controls, but the government would cease buying drugs from companies which engage in cost-switching. It would require drug manufacturers to sell to pharmacies the drugs needed by Medicare patients at the lowest price paid by any government agency or other preferred customer.

This bill would assert the Federal Government's purchasing power to encourage the compassionate and even-handed pricing of live-saving prescription drugs. The bill would allow pharmacies to benefit from the government's purchasing power, effectively reducing the price that they pay for the drugs they dispense to Medicare beneficiaries. Based upon our analysis of Baltimore's prices and those applicable in other areas, I believe that pharmacies would pass most of these savings on to Medicare patients in the form of lower prices.

Today drug companies are utilizing market forces against the interest of senior citizens in a way which is unfair and contrary to our national interests. We can make the market follow morality. Never again should any senior citizen be forced to choose between food and medicine. I urge my colleagues to support the Prescription Drug Fairness for Seniors Act.

LOOKING AT THE RECORD OF THE VICE PRESIDENT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from California (Mr. DOOLITTLE) is recognized for 60 minutes as the designee of the majority leader.

Mr. DOOLITTLE. Mr. Speaker, tonight marks the second in a series of special orders that House conservatives hope to hold on the record of Vice President AL GORE.

The Vice President has been particularly aggressive in attacking the work of congressional Republicans. He likes to call us names and say that we are extreme. That is a frequent theme from the Clinton-Gore administration.

Conservatives believe it is important for the American people to understand why AL GORE finds our record of cutting taxes, balancing the budget, eliminating wasteful government and restoring common sense environmental policies so contemptible. To do this, we must look at AL GORE'S record.

At a future time we plan to call attention to the fact that while in Congress, AL GORE voted to raise taxes more than 50 times. He even voted to raise taxes after he left Congress. As Vice President he broke a tie vote in the Senate in favor of the 1993 Clinton-Gore tax increase, the largest tax hike in our Nation's history.

We also will examine his record on spending, which cannot under any definition be seen as moderate. In fact, he was given the dubious title of ''big spender'' 14 of his 16 years in Congress.

Tonight we will continue the examination of AL GORE'S views on the environment. This examination is important because, upon being elected, President Bill Clinton ceded control of his administration's environmental policy to Vice President AL GORE. In fact, Mr. GORE was given the authority to select the EPA administrator and other high-ranking environmental policy positions.

Now, Mr. Speaker, I have read accounts where people expect us to ridicule Mr. GORE by quoting from some of his writings. The ridicule will have to be done perhaps by the listener. I would just observe that we are not here tonight particularly to focus upon his exaggerated claim to have been, he and his wife, the model on which ''Love Story'' was based, that movie of many years ago, or indeed his claimed fatherhood of the Internet, which frankly is outrageous and laughable, or indeed most recently his claim to being the originator of the idea of a certain web site designed to protect children, to assist parents in protecting children from the dark side of the Internet, the pornography that is available there.

No, tonight I plan to focus on policy. What is the policy of this man who is the Vice President, who has stood largely in the shadow of the President, but who in reality is a key policymaker and whose views are actually set forth by his own hand in his own book, ''Earth in the Balance: Ecology and the Human Spirit,'' a book not actually ghost written but in fact written by the Vice President himself.

So this book is a valuable document because it is in his own hand and reflects his own thinking, thinking which he has repeatedly and very recently backed up and acknowledged that, indeed, this book continues to reflect his views. So I think it is very timely to look into some of these issues.

In the first special order a couple of weeks ago we did this, we looked at one of his writings. I think just by way of review, it would be good to go over this again. Quoting from ''Earth in the Balance,'' he wrote that ''Modern industrial civilization as presently organized is colliding violently with our planet's ecological system. The ferocity of its assault on the Earth is breathtaking, and the horrific consequences are occurring so quickly as to defy our capacity to recognize them, comprehend their global implications, and organize an appropriate and timely response.''

There is a recurring theme throughout his writings of promoting this idea of a crisis and the need for extraordinary measures in responding to this crisis, just as if we are not in a normal situation where we go through normal processes, but because it is a crisis, it justifies extraordinary approaches.

Another quote on the Holocaust and global warming: ''New warnings of a different sort signal an environmental Holocaust without precedent. Today the evidence of an ecological crystalnacht is as clear as the sound of glass shattering in Berlin. It is not merely in the service of analogy that I have referred so often to the struggles against Nazi and Communist totalitarianism, because I believe that the emerging effort to save the environment is a continuation of these struggles.''

Many, I think, Mr. Speaker, would certainly feel this is gross exaggeration at a minimum. Actually, when we think of the very idea of bringing in the Holocaust where people lost all their freedoms, including their lives, lost many of their family members, indeed entire families were wiped out by this horrific, historic event, it seems demeaning to me to be talking in these terms and implying that whatever situation we may face today is in any way related in kind or in degree to what went on during the Holocaust.

Well, here again, we have a very dramatic statement on the coming civil war: ''We now face the prospect of a kind of global civil war between those who refuse to consider the consequences of civilizations' relentless advance and those who refuse to be silent partners in the destruction. More and more people of conscience are joining the effort to resist, but the time has come to make this struggle the central organizing principle of world civilization. God and history will remember our judgment.''

□ 1945

Very, very strong terms that he is using here, implying really that, if we are not on his side, we are not a person of conscience, implying that if we do not refuse to be a silent partner in a destruction, so to speak, that if we are not with them, we are against them, that if we are not part of the solution, we are part of the problem. Very much that kind of dogmatic expression here and really impugning all those who do not join in this particular view of the situation.

And again, whatever we may think of the circumstances we face in the environment, I guess I would just observe we made great strides in the environment by any dispassionate standard.

For example, I grew up in Los Angeles as a young person and I remember my eyes smarting so badly on any number of days and the tremendous air pollution that we had there extending up into the early 1960s. And then we go back today and we do not experience that kind of thing anymore, and on a number of occasions we will find clear days there.

So I mean, I just point out, and the statistics do bear it out beyond my anecdotal experience, but there has been dramatic improvements in the area of for example air pollution, in the area of water pollution, dramatic improvements in the way that we treat the environment.

So I honestly find it difficult to fathom these illustrations of a civil war, of an environmental Holocaust. I mean, it is shameless exploitation. It is a gross exaggeration. It is not indeed the reality.

Well, here is the quote I guess we read last time, AL GORE on the American century:

> The 20th century has not been kind to the constant human striving for a sense of purpose in life. Two world wars, the Holocaust, the invention of nuclear weapons, and now the global environmental crises have led many of us to wonder if survival, much less enlightened, joyous and hopeful living, is possible. We retreat into the seductive tools and technologies of industrial civilization, but that only creates new problems as we become increasingly isolated from one another and disconnected from our roots.

I mean, this is an unbelievable quote. Every time I read it I marvel there is so much to pull out of that. There again we see the Holocaust being pulled into it, two world wars, and then the reference again to what we face as the global environmental crisis, implying that when it is a crisis, it is like a world war, it is like the Holocaust, implying that extraordinary measures are called for and, frankly, implying, when we read the rest of the book, that the compromise of our freedoms is justified in order to meet this crisis, just as in wartime in the United States the Government becomes much more powerful and is able to impose things on the citizenry that it could not do in peacetime because it is involved in a struggle for national survival. And this is the framework that is being set here by the Vice President.

And then this last part I find interesting, paradoxical, frankly, in light of the Vice President's own actions. ''We retreat into the seductive tools and technologies of industrial civilization.''

Well, this is the man who has claimed authorship of the Internet. That is about as high tech as we can get. That is a futurist, if you will. And yet, by his other writings, some of which we have read off these charts tonight, I mean, he is almost anti-technology, almost pre-Colombian, getting back to the time before the European male disturbed everything in the world and caused this environmental crisis, if you will, that we presently suffer from according to him.

I just think these are interesting views for someone holding the second highest office in the United States to have.

Look at the future on cars that he has. Quoting again from the book:

> Within the context of the Strategic Environment Initiative, it ought to be able to establish a coordinate, a global program, to accomplish the strategic goal of completely eliminating the internal combustion engine over, say, a 25-year period.

Well, the internal combustion engine has been a great blessing to modern mankind, perhaps more than anything else we can think of. I do not know about my colleagues, but the thought of having a battery-powered car spewing off horrendous amounts of ozone fumes being highly toxic, we think we have problems with toxic disposal now, what are we going to do when everybody is driving one of these electric cars that has six, seven, or eight huge batteries in it?

By the way, these cars do not have a very long range. I think they are about a hundred miles or so. They are not nearly as fast or as powerful as today's cars. And that is a problem if we are trying to go over the mountains or up a hill or any number of things that sometimes vehicles are called upon to do. We would have to ask ourselves what is really involved.

It says a global coordinated program. A lot of things I read in AL GORE's writings are linked to this globalism. I mean, is the U.N. going to own a department on this too to supervise and wipe out the use of our internal combustion engine? Are we going to have to fill a report as one of the countries giving some U.N. czar an accounting of how we are making progress on this front?

I mean, it is truly alarming the amount of intervention by the United Nations in what has traditionally been regarded as the sovereign affairs of this Nation. So I find that a very bizarre idea as well, talking about getting rid of the internal combustion engine.

By the way, a lot of jobs in this country depend upon the internal combustion engine. And I do not know what would happen to those people, and Mr. GORE does not really offer that in his book.

Former senior ABC news correspondent Bob Zelnick has written a book actually about the Vice President. It is called ''Gore: A Political Life.'' I am sorry I do not have these quotes up on the chart, but I will just share a couple of them with my colleagues, one by Mr. Zelnick, referring to this book ''Earth in the Balance,'' which I encourage everybody to buy a copy of and to read. He says the following:

> The book is pathetically one-dimensional in its view of Western Civilization, shabby in its ignorance of economics, simplistic in its approach to problem solving, and grandly certain of a crisis that has not been proved to exist despite a massive scientific effort funded by the U.S. Government to the tune of more than $2 billion a year.

Then economist Robert W. Hahn said the following, again in comment upon the book. He said, the book contains ''an incredible laundry list which can easily result in central planners selecting environmentally and politically correct products and technologies. It is nothing less than environmental socialism.'' Again, Mr. Hahn's quote on this book written by the Vice President. ''It is nothing less than environmental socialism.'' Very disturbing.

Well, there are some factual contradictions, many, to the assertions made by the Vice President. Let us look into a few of the claims.

AL GORE has claimed that urban sprawl or suburbanization is rapidly reducing the amount of open space, rural areas, and farmland at an alarming pace that strict growth controls are needed to preserve scenic open spaces and protect the Nation's food supply.

So once again, it is a crisis, it is an alarming pace. I left out a word, ''such an alarming pace that strict growth controls are needed to preserve these open spaces.'' So, once again, extraordinary measures to meet extraordinary events. That is the advantage. If they are a demagogue trying to justify intrusions into one's freedom, they have got to set the stage by advancing this crisis, this idea that we are literally under seize, that we are at war, that we need, therefore, to have extraordinary responses. That is why I think Mr. Hahn refers to these writings as ''environmental socialism.''

My colleagues heard the claim, loss of our open space so alarming at its pace that we have got to have strict growth controls. Here is the reality: Only 4.8 percent of the land area of the United States is developed; and in more than three-quarters of the States, over 90 percent of the land is used for rural purposes, such as forestry, pasture, wildlife preservation, and parks.

Indeed, according to the U.S. Geological Survey, each year only .006 percent, that is six ten-thousandths of one percent, of land in the continental United States is developed.

Mr. GORE has made another claim. ''An increase of 1½ degrees Farenheit in global temperatures since 1850 is proof that manmade carbon dioxide emissions are dangerously heating up the planet.'' Have we not heard a lot about that out of the Clinton-Gore administration? And yet here is the fact on that: This claim ignores the fact that the Earth's temperature naturally rises and falls over the course of several centuries.

If we think about it, they cannot even get the weather forecast right for tomorrow let alone deducing that somehow our temperature has risen. Since the last Ice Age ended nearly 11,000 years ago, there have been seven

major warming and cooling trends. Of the six trends preceding the current period of warming, three produced temperatures warmer than today, while three produced temperatures colder than today.

The pattern of the most recent warming, this proves an alleged human contribution. One degree of the warming occurred between 1850 and 1940, when human carbon dioxide emissions were negligible in that 90-year period. Between 1940 and 1979, the temperature increased only one-half a degree Farenheit when rapidly rising amounts of carbon dioxide emissions should have been causing warming to accelerate.

NASA's T–ROSE series of satellites indicate that there has indeed even been a slight cooling trend of .02 degrees Farenheit since 1979, a cooling trend. And yet we heard his assertion that we are dangerously heating up the planet through carbon dioxide emissions.

These results have been collaborated by weather balloons, the results of the T–ROSE satellite that show that, indeed, far from heating up the planet, there is a cooling trend since 1979. The source for this is ''Talking Points in the Economy: Environmental Series'' from the National Center for Public Policy Research.

I have just got three more claims, and then I am going to call on my distinguished colleague from Indiana (Mr. MCINTOSH) to offer his thoughts. By the way, I observe that he has been very involved, through his subcommittee, on analyzing the Kyoto Treaty and measures relating to it dealing with global warming.

Mr. MCINTOSH. Mr. Speaker, would the gentleman yield for one second before he continues on that?

Mr. DOOLITTLE. I yield to the gentleman from Indiana.

Mr. MCINTOSH. Mr. Speaker, let me congratulate the gentleman for bringing these issues before the House because they are extremely important in the current business of this Congress. He mentioned how Vice President GORE has advocated and recently said he stood by every word in the book that we should begin a martial plan of sorts to phase out the automobile, or at least the internal combustion engine.

Well, it seems to me a very relevant fact for the oversight hearings that our subcommittee is having on implementing this global warming treaty. It is a policy that it is very clear this administration is implementing even without the Senate approval of that treaty. And tomorrow, in fact, we are having a joint Senate and House hearing where the administration is testifying about what steps they have taken to follow requirements in last year's appropriations bill to justify all of the spending that they are using in the area of climate change and global warming.

So my colleague brings forward to this House information that is critical to our pursuit of that oversight capacity of this administration on current policies. And some of the goofy ideas that the Vice President put forward and says he still believes in are having a direct effect today on policies in the Clinton-Gore administration and something I think, when most Americans realize, the AFL–CIO even said it could cost us a million jobs if we implemented that treaty as part of this martial plan for the environment.

□ 2000

That is 1 million American jobs that will be sent to Mexico because they are not part of the treaty, or China because they are not part of the treaty, or North Korea or Latin America or India because they are not part of the treaty. And so it has a real impact on the daily lives of at least those 1 million American families that would be affected by the loss of their job when these ideas are implemented by Mr. GORE and the administration. I want to commend the gentleman for bringing this forward. I look forward to hearing his other examples and then have a couple that I would like to add as well.

Mr. DOOLITTLE. I thank the gentleman. I thank him as well for doing his excellent work on this subject with his subcommittee in bringing out these important facts.

Here is another claim by the Vice President. He has said, ''Global warming is responsible for 1998 being the hottest year on record.'' Some of these are just so patently false and absurd that it makes you smile when you read them. The hottest year on record. I mean, that is either true or it is not.

The fact is it is not. This last year's hot weather in North America did not even set records. North America's record high was reached on July 10, 1913 when Death Valley in my State of California hit 134 degrees Fahrenheit. That is pretty hot. None of the other seven continents broke records last year, either. Africa hit its record high in 1922, Asia in 1942, Australia in 1889, Europe in 1881, South America in 1905, Oceana in 1912 and Antarctica in 1974.

Here is another claim. AL GORE has maintained that all old growth forests in America will be wiped out within 20 years. Here is the fact on that. There are a lot of people that have, I think, been misinformed on this, precisely because of comments like this by the Vice President.

The fact is as of 1993, there were 13.2 million acres of old growth forests left in America, old growth defined as forests containing trees over 200 years old. Eight million of these acres were totally protected in national parks and wilderness areas and can never be harvested. So 8 million of the 13.2 million acres of old growth can never be harvested in this country. Furthermore, the harvesting rate for the remaining 5.2 million acres of old growth forest is approximately only 1 percent per year.

Here is another statistic that I will throw out. There is more standing timber in the United States of America today than at any time in the 20th century. That is also a fact. In fact, there is so much standing timber, that is why our forests face catastrophic threat of forest fire. If we quadrupled the cutting of the trees right now, we could not catch up with the amount of growth that is occurring each year. That is how serious this threat really is.

Lastly—lastly for the night—of course there are many other absurd claims that we will focus on, but for the night this is the final one I will address. ''The United States is running out of space for landfills.''

Here is an interesting statistic, an interesting fact. All garbage produced in the United States for the next 500 years would fit in a single landfill measuring 20 miles by 20 miles. That is an interesting statistic. So I do not think we are running out of landfills.

With that, I am going to now call upon the gentleman from Indiana (Mr. MCINTOSH), who by the way is chairman of the Conservative Action Team, a group of conservatives in the House, organized to try and increase their effectiveness in promoting that philosophy. I yield to the gentleman from Indiana.

Mr. MCINTOSH. I thank the gentleman from California (Mr. DOOLITTLE) for yielding. I should point out to our viewers and our colleagues the gentleman's modesty. He was one of the four founders of the Conservative Action Team and has been a true strength of keeping those principles alive in this Congress and in the previous Congresses. I thank him for that diligent work.

Mr. Speaker, one of the anomalies that some of the research showed was this question of whether or not depleting the ozone layer would in fact cause more cancer. All of us are horrified by the increases in cancer rates, and I think all of us can say we have seen loved ones or friends or family members who have been struck by that terrible disease. And so certainly we would want to do everything possible to try to make sure that that was prevented and every step possible to make sure it was in fact cured and treated.

One of the false claims that I understand has been made is that somehow the depletion of ozone will affect the incidence of melanoma, skin cancer. In fact, the scientific studies show that ultraviolet A rays do affect that. Therefore, we need to be very careful about exposing people to that. But ultraviolet B rays do not. The facts are, the scientific community has confirmed this, ozone has nothing to do with ultraviolet A, which is the cancer-causing rays, but does block ultraviolet B which are not linked to increased incidence of cancer. So the claims that having to worry about the ozone layer could increase the incidence of cancer do not seem to be substantiated by the science.

But even more profound, as I was reading through the Vice President's

book, he talks about one of the promising new treatments for cancer, a drug called Taxol which can be produced from the Pacific yew tree. I want to read to you so you can get an idea where this man is coming from, what he had to say about that.

''The Pacific yew tree can be cut down,'' and, by the way, this is on page 119 of his book, ''Earth in the Balance.'' I do recommend people try to read it and get a better understanding of what philosophy is driving this administration and Vice President GORE's actions in particular. On page 119, he says:

> The Pacific yew can be cut down and processed to produce a potent chemical, Taxol, which offers some promise of curing certain forms of lung, breast and ovarian cancer in patients who would otherwise quickly die. It seems an easy choice. Sacrifice the tree for a human life, until,

and this is the part I would like people to focus on,

> until one learns that three trees must be destroyed for each patient treated. Then it becomes a close question.

Well, quite frankly in my book it is a very easy question. Three trees versus a human life, three trees versus the ability to prolong someone's life who is suffering from cancer. I would pick the individual, the person, the human being who is a cancer patient and suffering from that dreaded disease and say it is clear three trees are worth it. We can sacrifice three trees to save one human life. But the Vice President apparently does not think that is so clear. He goes on to discuss that in his book.

That to me is an indication of the larger differences in philosophy that are approached by this administration and many of us in the Conservative Action Team. We set as our priority having government actions that help people, that maximize freedom of individuals, that allow individuals to pursue their lives, that allow businesses to pursue remedies for cancer, whether it is in yew trees or other research. They feel it is better to regulate that, have the government make that larger question, is it worth three trees to save a human life?

Our philosophy is, let the individual make those choices. For me, the answer is clear. It is worth it. But let individuals make that. If they want to seek that remedy, that aid, that treatment for their cancer, give them the opportunity to do it. Do not interpose AL GORE's government to make that decision for us and say, ''We have to consider the larger social ramifications because we think those trees may be important to save and, yes, we regret that some people may lose their lives to cancer but we have these larger considerations.''

That difference in philosophy is profound. It ends up being part of every decision that we make here in Congress. Do we add more regulations and thereby take away freedom in the name of this cause? Do we increase taxes so that government can decide how we should distribute resources among different individuals? To both of those, the Conservative Action Team says no. And let no more regulations unless you can show there is a definite benefit that outweighs the cost. And no more taxes. In fact, we want to reduce the cost of government so that we can lower taxes to allow people to keep more of their hard-earned income.

It is important that we have those fundamental debates from time to time here on the House floor, because they come up bill after bill after bill. There is something that often we do not focus on. And so one of the things that I think is critical as we continue this effort of bringing forward the record of a very important official in our government, someone whose decisions are making an impact on each of our lives every day, that we know both the record but also those philosophical differences that can be discerned from their writing.

If you had told me that perhaps this was written before Vice President GORE had had a chance to be the number two executive in the government, and that he has learned since then that perhaps some of these ideas were a little far-fetched, a little bit goofy, perhaps a little bit out of context for the modern world and that he had rethought some of them, I would understand that perhaps we should not be bringing them forward today and focusing on them. But I am told that as recently as a couple of months ago when asked about it, Vice President GORE said categorically he stood by every word in this book. And so it is in fact relevant to today's thinking what exactly is written in this book.

I was surprised, as I read through many of the pages there, that it is a completely different description of what our goals and aspirations are and should be. I do not think the modern world is like the Nazi Holocaust. I think the modern world has provided incalculable benefits, that people are better off today than they were 10 years ago or 20 years ago or 50 years ago; that we have miracles of modern science that allow us to treat cancer patients, that allow us to extend life, that allow us to provide a better hope for the future for all people; and that that progress has gone forward in spite of the thinking that we need to restrain it because there might be this almost Nazi-like Holocaust in the world if we do not reverse course and undo much of the modern society, much of modern technology, much of the learning that has accrued to our benefit in the last 50 years.

So I do appreciate the gentleman from California (Mr. DOOLITTLE) leading this effort. I hope to be able to join him in the coming months to bring forward other topics. As I understand it, we will be looking at the Gore tax on long distance calls, a tax that Al Gore promoted, that actually was never voted on directly by this House of Representatives, but now every person who places a long distance call in this country pays to the FCC because of this man. I understand that we will also be looking at some of his record when he was in the Senate, what did he vote for, what were his prerogatives, what were his preferences on taxes.

Somebody told me, and we are going to track this down before we say it categorically, but somebody estimated they thought he might even be more liberal than TEDDY KENNEDY. It takes a lot of work to be more liberal than TEDDY KENNEDY in the United States Senate. We will look at the record and bring it out and tell the American people that.

I thank the gentleman from California for giving me an opportunity to participate today.

Mr. DOOLITTLE. I thank the gentleman. I would just observe the motto of the University of California is lifted from the Bible, ''Let there be light.'' We intend to shine as much light as we can so that, as the Bible says, ''The truth shall make us free.''

With that, I would like to now acknowledge our distinguished colleague from Florida (Mr. WELDON) who will share insights with us and perhaps will explain why AL GORE was not allowed to make the taxpayers fund his pet project of raiding money from NASA to show constant images of the earth from outer space.

Mr. WELDON of Florida. Mr. Speaker, I thank the gentleman for yielding, and I commend him for arranging this special order to talk about some of the issues that our Vice President has promoted and some of his policy positions.

Recently I had the opportunity in the Committee on Science, as we were marking up the NASA authorization bill, to offer an amendment cutting the funding to a satellite that had been promoted by the Vice President. The satellite was called Triana.

The Vice President originally announced his concept for this on March 13, 1998 in a speech that he gave at MIT. He is quoted as saying, ''It will help us reach new heights of understanding and insight.'' All this satellite really is is a picture of the sunlit side of the earth that would be available on the Internet; interestingly, a service that is already available right now on several Internet sites. Simply what they do now is, they take several weather satellite images and combine them together to produce what AL GORE wants to spend $70 million producing and then maybe another $100 million launching into orbit.

□ 2015

Now the Washington Post ran an article about the Vice President's speech where they stated, quote, that GORE almost literally dreamed up the idea in his sleep about a month ago, so that would have been in the middle of February of 1998, waking up at 3 a.m. one night, according to a White House official, and I would like to point out to

my colleagues that there were a lot of people waking up at 3 a.m. around that same time in my congressional district, not because they were getting great wonderful ideas for new satellites that they could order NASA to go ahead and produce, but because they had gotten pink slips from NASA because they were supposedly short of money. Indeed, there were actually 600 people laid off because of a supposed $100 million shortfall in the shuttle budget. But then miraculously, after Mr. GORE proposed this idea, NASA, the agency that he to a certain degree has been ceded control over by the President, found tens of millions of dollars has been put towards this project.

Now in my opinion not only was this satellite as proposed by AL GORE not necessary, as it is already available on the Internet, and not only was it a waste of taxpayers' money, but as well it is really bad science. As I understand it, there was really no peer review to indicate that this science project was really needed. Indeed the only peer review that actually occurred, according to my understanding of it, was the peer review of how to build the satellite.

It is planned to be launched on a shuttle mission. This will take up space on the shuttle, space that could be used to deploy other more important research projects.

As I stated, a lot of people were waking up around the same time that AL GORE was waking up worried in my congressional district whether or not they were going to have a job. But I would like to point out to my colleagues that I believe if AL GORE is allowed to fulfill his true environmental vision for America, there are going to be a lot of people waking up in the middle of the night because they do not have a job.

We just heard tonight from the gentleman from California (Mr. DOOLITTLE) about his position on the internal combustion engine and his desire to totally eliminate the internal combustion engine. How many hundreds of thousands of jobs currently are involved in producing automobiles, selling automobiles in the United States, and he would like to eliminate the automobile? And I, for one, could tell my colleagues that there are a lot of good purposes that come out of the use of the internal combustion engine.

Might I just mention that most ambulances run on the internal combustion engine, most fire trucks run on the internal combustion engine, and yet Mr. GORE would like to eliminate the internal combustion engine and probably put millions of Americans out of work currently in the auto industry, and they, too, will be waking up in the middle of the night, but not with brilliant ideas for new satellites, but instead waking up in the middle of the night because they do not have a job.

Might I also point out that AL GORE is the biggest champion of the so-called global warming treaty that would call for the United States to eliminate 25 percent of its industrial production in order to come within these supposed caps on carbon dioxide elimination, something that the Chinese do not have to adhere to, most South American countries, African countries, Asian countries. It is believed by many economists that if we actually implemented this treaty that AL GORE wants us to implement, it could result in the loss of thousands of American jobs.

And then I am so pleased that my colleague from Indiana mentioned the section in AL GORE's book on Taxol. I have taken care of cancer patients who have gotten Taxol, and what a great drug that has been, what a great tool it is in the hands of oncologists as they treat patients suffering from cancer, and to cite in his book that maybe we should not be harvesting this drug from these trees because we have to cut down three trees for every person we save, in my opinion it is shameless.

When I got elected to the United States Congress and left my medical practice and realized that I would be coming to this town and having to work in a government under the authority of Bill Clinton and AL GORE, I got Earth in the Balance, and I read Earth in the Balance, and let me tell my colleagues it caused me to wake up in the middle of the night knowing that the second in command in this country had such values and opinions where he places the value of a tree over that of a person, and I highly commend my colleague the gentleman from California (Mr. DOOLITTLE) for calling this special order. Reading Earth in the Balance to me was a real eye opener. It clearly lays out the reality of AL GORE's true values, and might I point out that he stated those very clearly in his acceptance speech at the Democrat National Convention back in 1992 where he stated that he thought the thing that united all Americans together was the environment.

Point of fact: All Americans support a clean environment, as I do, and there is plenty of evidence to indicate that the Clean Air Act and Clean Water Act are having their desired effect. Water quality standards are improving, air quality standards are improving, and there is not an environmental crisis. We are making good headway in this problem area. If there is an environmental crisis anywhere, it is in these Third World and Communist countries where they do not enforce any kind of environmental standards, it is not here in the United States, and for AL GORE to cite that the environment was the thing that unites all Americans in my opinion is a tremendous insight into what his true values are.

Now I am not going to stand here tonight and speculate on what unites all Americans. We can have great debates about that, whether it is freedom that we all cherish, the right to free speech, worship as we wish, the right to start our own business. We could go on and on about what is it that unites us all. We are truly a diverse Nation. But to cite the environment as the thing that unites us all in my opinion is a tremendous insight into the distorted value system that this Vice President has, and I strongly would encourage all my colleagues and all Americans to read Earth in the Balance, particularly those that work in the automotive industry, to get a better understanding of the values of Vice President AL GORE.

Mr. DOOLITTLE. Mr. Speaker, I thank the gentleman.

I yield to the gentleman from Indiana (Mr. MCINTOSH).

Mr. MCINTOSH. Mr. Speaker, let me take up on a comment that my colleague, the gentleman from Florida (Mr. WELDON), pointed out. Part of my concern about current policy and the Vice President's leadership is that in fact it is not good for the environment even because he is so interested in making a political statement about this that the actual effects end up being negative, and I will give my colleagues an example from my subcommittee, the oversight hearing that we had on EPA's regulation of particulate matter and ozone which came out about two years ago. We heard testimony from governors who told us do not go forward with this, we are making tremendous strides in cleaning up the air in our State based on the old standards. If you go forward in what many think is an illegal rulemaking, and turns out the courts just last week validated that rule. They said they threw it out and said it is unconstitutional, but the governor warned: If you go forward, there will be all this controversy, there will be lawsuits, and the programs in his state, and this was Ohio, will be put on hold effectively because all of the businesses will wait to see which standard do they have to meet.

So the result of very radical posturing on the environment, and by the way, one of the reasons they threw this out was that EPA could not justify the rule itself made any difference on protecting health and safety and the environment, but they wanted to ratchet down the requirements and say we have done something; the result was that for 2 years people all over the country who are trying to comply with the Clean Air Act did not know whether the old standard would apply or the new standard would apply, and so any innovative future-looking plan to reduce emissions, to come up with more efficient engines, to cut back on the use of energy, those were effectively put on hold until they knew which standard they had to meet.

So my problem in part with Vice President GORE'S approach towards the environment, of making it such a political statement that you come up with the goofy analogies that he has got Nazis in the book is that it does not really do a service to legitimate conservation efforts which people are every day taking part of in this country.

So I thank the gentleman for bringing up that point.

Mr. DOOLITTLE. Mr. Speaker, I thank the gentleman. I am going to yield here in just a second to our good colleague from Florida, but just to observe, to corroborate what you said, the very thing Mr. GORE claims to support, the environment, his policies are actually hurting. It is the same thing in the area of national forests. I said earlier we have more standing timber than at any time in the 20th century. We also have the worst forest health than any time in the 20th century. Great over growth in the forests, huge amounts of dead and dying trees, all brought about by the horrific forest management policies of the Clinton/Gore administration catering to these sorts of extreme, bizarre, goofy views, and I yield now to the gentleman from Florida (Mr. WELDON) for his comments.

Mr. WELDON of Florida. Mr. Speaker, I thank the gentleman for yielding again, and I just want to amplify on what my colleague from Indiana was talking about. If you look at all these new areas where the Federal Government has gotten itself involved in in the latter half of the 20th century or the second half of the 20th century, a lot of what the Federal Government has done has really not had a positive effect, and the best example there is education.

The Federal Government in the 1970s, really dating back to the 1960's, began to involve itself in the educational system, and concomitant with that actually educational performance standards in the United States have deteriorated. But the one area where the Federal Government has passed some laws that seem to have had a beneficial effect is in the area of the environment where we have had a good marked improvement in air quality standards and water quality with the implementation of the Clean Air Act and the Clean Water Act.

What is very important about what my colleague from Indiana just said is we are not done with implementing the features of the Clean Air Act and I believe also features of the Clean Water Act, and there are governors and States and municipalities that are still working to adhere to that standard, and it is believed by many who are truly knowledgeable people in this arena that if we just simply allow them to continue, and my colleague is correct in that they have suspended action for the past 2 years because of this concern of a new standard, if we just leave them go, that water quality standards and air quality standards would continue to improve and actually get better.

And I just cite all this to point out that to claim that we have this crisis when actually the air is better and the water is better, I know I did my medical school training at Lake Erie, and Lake Erie was a mess, and now Lake Erie is a clear lake, it is dramatically improved.

I grew up on Long Island not far from New York City in the mouth of the Hudson River. The Hudson River was a disaster. It is now much better. There is still more clean up that needs to be done, but we are heading in the right direction.

And for the Vice President to claim that literally the world is falling apart, that we have this absolute environmental crisis, I believe is absurd, and it certainly is absurd to entertain a serious discussion of a person with such extreme, extreme values be placed in the position of Commander in Chief of the United States, and I really thank the gentleman for yielding again. He has been very gracious in yielding his time.

Mr. DOOLITTLE. Let me just say again, citing another example, of how GORE, Mr. GORE'S views actually are hurting the objective he claims to advance, namely protecting the environment. The Clinton-Gore administration has absolutely resisted any change to the disastrous Endangered Species Act which has probably more than any other single act been of detrimental effect to so many taxpayers who own private property throughout the country, and oddly enough there is a very perverse incentive that the federal law now creates, specifically the Endangered Species Act. If an endangered species should be found on or about your property, you become subject to extensive Federal regulation that can cause the massive loss of value of your property, like up to 90 percent.

□ 2030

So the perverse incentive is that far from wishing to conserve and help the endangered species, the incentive for the property owner is to get rid of the endangered species. There is a phrase, shoot and shovel and bury, something like that, whereby property owners, if they find one, try and get rid of it.

Now, of course, one should not do that. That is a felony under the Endangered Species Act and it is wrong and undesirable, but nevertheless the law should be worded in such a way to encourage people to make the right choices.

This law is just the opposite. It encourages people to make the wrong choices. It is very heavy handed. It is top down. It is punitive. Well, it is socialism. But, of course, as the economist observed, I think Mr. Hahn, whom I believe I cited earlier, he indicated that this is environmental socialism.

What is the basis of socialism? Force. We can go back to George Washington, who understood that. In speaking of government, he said government is not reason, it is not eloquence, it is force, and like fire, it is a dangerous servant and a fearful master.

It appears that Mr. GORE likes the use of force, likes the use of government, and wishes to increase its use and increase the power of the government. In fact, on almost any issue he always has the same answer: more government.

It does not matter what the question is. If the question is how do we stop the killings that occurred in that awful situation in Colorado, well, it is more gun control even though gun control had nothing to do with it. Even though there is no showing that that could possibly work, they always have an answer: more government.

The Endangered Species Act, have to make it tighter; have to raise the fines; have to increase its applicability; we have to go from species to ecosystems and extend our control over the whole ecosystem.

Campaign finance reform, we have to have more of that. That is from the mouth of Mr. GORE, if one can believe it, and yet the fact of the matter is the very reforms that Mr. GORE gave us that are in present law have created disastrous conditions that he now decries.

What is the answer? We just do not have enough government. More fines, more punitive actions, more restrictions on our constitutional freedoms. This is the approach taken by our Vice President.

Mr. Speaker, I yield to Mr. MCINTOSH.

Mr. MCINTOSH. Mr. Speaker, I appreciate what the gentleman from California (Mr. DOOLITTLE) is saying and would just contribute one more example of how the policies that Mr. Gore has put forward are counterproductive to the environment.

The global warming treaty, the U.N. treaty that he signed on behalf of the United States of America, his maiden voyage into the area of foreign policy and representing this country, he neglected to insist in the negotiation that countries like China or Mexico or Latin American countries or India or South or North Korea be bound by the articles of that treaty. Instead, most of the restraint was on the United States.

So it was a treaty that brought us more government here in America, government that would increase the price of gasoline by 50 percent; government that would force coal miners to lose their jobs throughout this country; government that would threaten our auto industry and cost us a million jobs as those jobs are sent to China, Mexico, Latin America and all of the countries that would be exempt.

So he seems to be not concerned about government overseas but concerned about creating government here. The net result for the environment is that the worst polluters are left scot free. China will produce more global warming gasses in the next 20 years than the United States, and yet they will not be subject to this treaty.

He cannot solve the global problem.

Mr. DOOLITTLE. If the gentleman will yield, our policy seems to be to bend over backwards and do everything we can for China, despite the fact they point their missiles at us and take advantage of us in every way.

Mr. MCINTOSH. In the end, the environment is the loser, and so are the American workers who lose their jobs.

The only winners are those people who sought to make a political point and stand up and say, we are for the environment. To my way of thinking, that is not good government, and it reflects a disproportionate emphasis on short-term political gain and no consideration for what is in the best interest of the United States.

Mr. DOOLITTLE. I thank the gentleman from Indiana (Mr. MCINTOSH) for his participation tonight.

I encourage everybody to read ''Earth in the Balance: Ecology and the Human Spirit.'' We will be back for the next chapter as we examine further the dangerous and extreme and outrageous and, as my colleague said, goofy views of the Vice President of the United States, Mr. AL GORE.

RESEARCH AND DEVELOPMENT OF THE 21ST CENTURY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Washington (Mr. SMITH) is recognized for 60 minutes as the designee of the minority leader.

Mr. SMITH of Washington. Mr. Speaker, I do not know that I will take up that entire 60 minutes.

I want to briefly respond actually to some of the comments that we heard in the previous hour, and then talk about the new economy and how we can adopt our government to address the issues that it brings to the fore.

I was interested to hear for an hour, the 2000 campaign is still a ways away, and for any of those who are wondering whether or not it is going to be positive, I guess the gentlemen who preceded me have answered that question in the negative. It is going to be relentlessly negative.

Amongst the charges that we heard tonight, I understand now that Vice President GORE wants to get rid of ambulances and fire trucks. If the other people are to be believed, that is a core of his policy. Those who were not listening to the comments, what they were saying is Mr. GORE has concerns about the internal combustion engine and would like to replace it. They implied that since these engines are now in ambulances and fire trucks, for him to oppose the internal combustion engine must mean he wants to get rid of ambulances and fire trucks.

I think this sort of extreme negative campaigning is bad for our entire system of government. I think my colleagues on the other side of the aisle, many of their issues I actually agree with. I think we can get up and talk about what we stand for and move the country forward, instead of relentlessly trying to pummel whoever emerges as the leader of the party we are opposed to.

I do not think that serves democracy and I am somewhat saddened to see that, as I said, 20-some months before the campaign even starts we are full bore on the ripping apart of the person who we think is going to lead the opposite party. Let us talk about a few positive issues, what we stand for and the direction we want to take the country in.

Towards that end, that is what I want to talk about today. I talk as a member of the New Democratic Caucus. We try to each week as new Democrats to present a message, an issue that we want to talk about, that we think the country needs to address and that our government needs to address.

New Democrats are essentially moderate, pro-business, pro-growth Democrats within our caucus, and the issue that I want to talk about today has to do with the new economy and how our government can institute policies that address the changes that that new economy brings to our country.

First of all I want to talk about what I mean by the new economy. Everyone has heard about the Information Age, about the global economy. It has almost become a cliche to say that we live in a global economy that is based far more on technology, but just because it is a cliche does not make it any less true. It is the dominant feature of the last few years of the 20th century and will be the dominant feature as we move into the 21st century, as our economy changes.

We must adjust to it. We must understand what moves and motivates this new economy and adopt the policies that adjust to those changes to best serve the people of this country.

It is a good news/bad news situation. The good news is it creates so much opportunity, the advances that we have had in the technology from computers to telecommunications to all points in between, to software, have created tremendous amounts of choices and tremendous amounts of opportunities in a wide variety of fields.

It also creates challenges. The central challenge that it creates is adjusting to change. The world simply changes more rapidly today than it did previously. Therefore, we have to be ready to make the adjustments as new technologies come on board, as the world changes.

I am 100 percent confident that we can do this; no question about it. We can benefit from the dramatic increase in productivity, in growth, that high tech industries give us and adjust to the changes, but not if we do not think about the issues in a new light, think about what the Information Age, what the global economy means to the policies that we need to adopt.

To strip this to its core, what I am talking about is people. The reason I care about technology issues is because of the district I represent. The Ninth District of the State of Washington, it is a blue collar district, and one of the most important things that the leaders in our community, whether they be government or business, can do is ensure that a strong economy exists so that the people of districts like mine and throughout the country can get good jobs, make enough money to take care of their family and pursue their dreams and their interests as they see fit.

Maintaining that economy is what is going to bring it home to everybody. Not just the top 5 percent, not just the Bill Gateses of the world, but every single person in the country who needs to have a good job to support their family or just support themselves can benefit from policies that embrace the high tech new economy. It is going to be important to real people from one end of this country to the other.

I think when we talk about the high tech new economy it is important to break it down. There are really five areas of the new economy. First of all we have computers, and in that I include software and hardware. We have the Internet. We have telecommunications; biotech, which is primarily health care products that are developed; and lastly we have all of the products that those first four things help create.

I think there is a mistake sometimes that people make, that technology is just a certain sector of our economy; there are certain, quote, high, unquote companies and then there are low tech companies. Every company is affected by technology. Obviously, some are more affected by it.

Intel, Cisco Systems, Microsoft, these are companies directly in high tech. But even a company, even a retail store that sells clothing apparel is affected by the quality of the software that they have, that can track their inventory and track their customers and find out new opportunities.

One of the examples that I think shows this is a small company that is actually starting up in my district that is trying to develop, coincidentally, back to the internal combustion engine, a new engine that will generate power. I have not figured out a way to make it drive an automobile, but what it can do is it can generate energy and replace some of the old methods of generating that energy.

The advantage of this new engine that is based on the ram jet physics, stuff that I do not even begin to understand except to say that it works and it generates energy much more cleanly and much more efficiently than current methods, the person who was able to generate this product had worked on the technology in the defense sector. He had worked on it with jet airplanes but they had never quite made the connection down to the more civilian use of generating energy.

He was able to generate that because of the rapid advancing in computers and software that enabled him to test theories more rapidly. Stuff that would have taken decades to get through to test, he could literally do in a matter of weeks, and that enabled him to test theories and move forward and get to the point where he actually developed the engine.

In the biotech sphere, I talked to some folks in the biotech industry just

last week, and they said from 1985 to today they have been able, through the use of computers and software, to reduce the time it takes them to analyze data to the point where a project that they did in the mid-1980s took them 5 years to analyze, that data today they could do in an afternoon.

This application spreads all across our economy. So those five sectors need to be encouraged and fostered to grow because they impact all aspects of our business.

As we get into an increasingly competitive global economy, we want our companies in the U.S. to be the ones that advance fastest and furthest and do it first so that we can take the advantage and get the economic benefit of that for our country. Therefore, we need to adopt policies that reflect this. We need to look to the future and say, as the world changes, as technology moves forward, what do we need to do to be ready for it?

Certainly we cannot go with policies that we had 50, 20, even 10 years ago, when technology has changed. Remember 5 years ago the Internet was pretty much a nonfactor. It was an idea. It was out there, certainly, but the explosive growth in the last five years was not foreseen but by the smallest number of people. Now that affects every aspect of our economy. We need to be ready for those sorts of changes.

Towards that end, I have six main policy areas that I want to make people aware of, that we in government need to address to try to adjust to this high tech economy. The first one has to do with export controls, and this is one that actually applies to more than just the high tech economy. It just becomes more of a factor because of the global nature of our economy that the Information Age makes possible.

We have a number of policies in this country that restrict the exportation of our products, specifically restrict the exportation of technology products or create unilateral economic sanctions against the export of all products. This creates a problem for one simple fact, and for one simple reason: Ninety-six percent of the people of this world live someplace other than the United States, yet the United States is currently responsible for 20 percent of the world's consumption.

□ 2045

What that means is that if our companies are going to grow, if markets are going to increase, they are going to have to have access to markets outside of this country. Currently, our policy on unilateral economic sanctions places sanctions on dozens of different countries that limit our ability to export.

Now, the reason we place those economic sanctions is because we disapprove of something that that country has done, and that makes a certain amount of sense, if our action to place those sanctions would change the action by that other country that we disapprove of. But the reality is it does not. All it means is they go someplace else to buy their products. In essence, what we are doing is we are punishing these other countries by telling them that we will not take their money and that is not much of a punishment. It drives them into the arms of our competitors.

We need to rethink our unilateral economic sanctions policy. Multilateral sanctions make sense. If we can get enough people together, enough of our allies together to condemn an action, condemn a country and place sanctions on them, then that can work. But taking the action unilaterally does nothing to advance the policy aims and only hurts us economically.

In the technology realm, we place restrictions on the exportation of encryption technology; that is, technology that is used basically to protect data on a computer, to make sure that people cannot access it who you do not want to access your information. We also place restrictions on the exportation of so-called supercomputers. The problem with that is because computers are leaping ahead so fast and so quickly, a laptop basically could have been, will some day be a supercomputer and is close to getting there under the definition that we have in policy today.

We need to understand that in trying to restrict the exportation of this technology, the world has changed. I think this is one of the key areas that shows how we need to adjust. In the old days, we did not want this technology to get out there because it had national security implications, and it clearly does. If one has good encryption technology, if one has good computing technology, it affects one's ability to have weapons basically to commit harm, to do a variety of things. It has military significance.

But the question is, how do we prevent other people from getting that technology. Can we simply as the United States put our arms around it and say we are not going to let it out and nobody else is going to get it? No. Encryption technology in particular. One can download it off the Internet, dozens of other countries sell it. It is going to get out there. In fact, this is going to hurt our national security. Because if we restrict the exportation of encryption technology in this country, our companies will slowly fall behind. They will not be able to get the customers because they will not be providing the best product. As we fall behind and other countries get further ahead of us in this technology, we lose our ability to be the leaders in the technology.

The encryption companies, software companies in this company who produce encryption technology cooperate with the FBI and the NSA to help them, show them the advances in the technology. That helps us be ready to deal with the national security implications. If we lose that leadership role, countries in other parts of the world are not going to share that information with our National Security Agency or the FBI. We need to be sure that we allow the exportation of that encryption technology so that we can continue to be the leaders in that area.

Another important area is education, and that gets to the change points. In a rapidly changing world, we need to constantly update our skills. We live in a society where all of us are going to need to continually be learning. We need to adjust our education system to understand that. In the good old days when basically all one needed was a high school education and could go out and get a job and probably take care of their family; my father did, he had a high school education, got a job as a ramp serviceman for an airline and ready did not update his skills very much during his 32 years with that airline and was able to take care of his family.

In today's world, we need to update our skills. We need to make sure that our education system is ready for that, and that our education system is also ready to educate our children in technology issues and to enable them to change as rapidly as they need and update their skills.

The Internet is the key to all of this. The way the system basically works, what computers and software enable us to do is they enable us to generate and store a large amount of data, and that is very valuable, as in the engine example I cited earlier. By being able to generate that information, they were able to develop a product. That is the start of it. The Internet basically is the step that enables one to transmit that data.

Back to the example of a retail clothing shop, if it is a chain, if they have 25 or 30 stores spread throughout the country, they can share data. Basically being in any one of those stores is like being in the home office and by being able to share that data enables the company to move forward, or, if they are designing something, they can trade the design back and forth and not have to be in the same place.

What we need to do is we need to encourage the Internet. Overregulating the Internet would be one of the biggest mistakes our government could make. It would put us in a position of restricting its ability to grow, and it is very important that we allow the Internet to grow and prosper and do the things for our economy that it has already started to do.

There is also an issue, and this is primarily in the area of biotech, but also in other areas of patents. We need patent reform so that people have the incentives necessary to develop new products, secure in the knowledge that they will be able to keep the patents on those products and benefit from them. Otherwise, they will not get into the field and try to develop them.

Research and development is also a critical element. We have in this country the research and development tax

credit. Unfortunately, it is only good for one year and every year we have to come back and renew it. Well, we need to make that permanent. The reason is because if one is a company planning for the future and deciding how much to put into research, a lot of these products are not developed in one year, and if one does not know if the resources are going to be able to be there for more than one year, it hampers one's ability to make that investment. We have the opportunity to permanently extend the R&D tax credit this year and give companies that incentive to go out there and continue to develop the new products that they need to develop.

Lastly, and this is tied into the Internet, we have the issue of broad band, basically access to the Internet. The Internet is great, but currently only about 20 percent of households in this country have access to it, and a much smaller number, very minute number, have access to so-called broad band Internet access.

Put simply, broad band means that the Internet moves more quickly for us. Now, if one is just sending e-mail or simply surfing the net, that may not be such a big issue, but if one is trying to send data, if one is developing that new design, if one is in the automobile industry, one develops a new design for an automobile and one wants to send it out to one's top 25 executives throughout the world, to be able to send that much data over the Internet requires a larger pipe. Otherwise, it will take forever to send the data out and to download it to whoever has received it.

The most important thing in this area is we need to build the infrastructure. Think of the Internet today in the same way that the railroad was in the 20th century. In the 20th century, the railroad gave us the ability to connect our country, but first, we had to build the track, and it was very expensive to build that track, so we gave incentives to go out there and build it, and it made a lot of sense because it helped grow our economy rapidly.

We need to do the exact same thing with broad band technology. We need to give companies ever incentive out there to go out there and build the infrastructure. Lay the fiber, lay the cable, put in the phone lines, do whatever is necessary to connect as many people in this country as possible, not just to Internet access, but to fast, broad band Internet access.

Overregulation can kill this. If we regulate companies too much so that they do not have the proper economic incentives to go out there and build the infrastructure, it will not happen. Because yes, there is a pot of gold at the end of the rainbow if you are the company that best develops Internet access, but you have to make a major investment up front to get there and you may not be willing to do that if the environment is too regulated.

Those are just six issues that I think we need to touch on, but the important thing is simply to embrace change, understand the new economy. We cannot fight it. It is not an option. It is here. We need to understand it and try to make sure it works. I think one of the greatest challenges for this country is to make sure that it works for everybody. Because right now, it works fairly well for the top 20 percent, but the potential is there to make it work for everybody, and we need to understand it and go about addressing the issues in a way that make it available to the entire country, because it has the massive potential to keep our economy moving forward, to keep productivity high, and to create good jobs. That is why I think that the new economy and the high tech aspects of that new economy is so critical.

I am pleased to have with me the gentleman from New Jersey (Mr. HOLT), who is going to address these issues as well.

Mr. HOLT. Mr. Speaker, I would like to thank the gentleman from Washington (Mr. SMITH) for highlighting these issues. Of course, the gentleman has made very clear that what we are talking about here is not just a sector of the economy. We are talking about the economic growth for all people. In fact, to borrow from a campaign slogan of a few years ago and modify it, rather than saying it is the economy, stupid, I think we would say, it is the productivity, stupid. In order to have the kind of productivity growth we have had in recent years, it calls for just what the gentleman has been laying out.

The gentleman and some of our colleagues here may have heard a speech by the Chairman of the Fed, Chairman Greenspan a week or so ago marveling at the productivity growth of the United States. We know to have good growth in productivity we need a well-trained workforce and we need new ideas, and we need to have systems for exchanging ideas rapidly. We need the kind of openness that the gentleman from Washington (Mr. SMITH) has been calling for. We need the kind of high technology that is not, as the gentleman says, just one sector of the economy, but that is found throughout the economy and throughout all sectors. And, we need training and education to make it work. The gentleman has laid out the ingredients, no doubt about it.

High technology has fueled so much of our Nation's economic growth in recent years, and whether it is in New Jersey or in Washington or in Michigan or in California; in fact, in all of the States of this country, it explains why our economy is doing so well compared to many other countries around the world. In order to keep it going, we need to maintain an education system that is as good as the technology demands.

There are no unskilled jobs in today's economy in America. The car one drives no doubt has more computing power than an Apollo spacecraft. It demands good education; it demands openness of ideas and exchange of ideas, freedom of exchange; and it also demands an investment in research and development.

The gentleman spoke about the R&D tax credit. It was created nearly two decades ago in 1981. It has been extended nine times, but it has only been extended year by year. An R&D investment decision, a research and development investment decision requires years of advanced planning. If a company cannot count on an R&D tax credit in the future, it is hard to do the necessary planning.

So I wanted to join with my friend here and commend him for highlighting these points and join him in talking about the importance of these issues for all people in America.

Mr. SMITH of Washington. Mr. Speaker, I thank the gentleman. Actually, I should point out that the gentleman from New Jersey is not just a Congressman, he is also a physicist, which means he actually understands the details of a lot of this stuff a lot better than I do, and I am wondering if the gentleman could offer us any perspective, because research in dealing with high technology is something that the gentleman has some background on in his work as a physicist. I wonder if the gentleman could apply that in some of the work that he has done and how important it is and what can be developed, particularly concerning research and development, and how that can be applied.

Mr. HOLT. Mr. Speaker, I spent much of my career in research and development and there is no question, one has to take a long-term perspective. We cannot lose sight of the day-to-day activities, but one has to take a long-term perspective. A permanent extension of the R&D tax credit would be very valuable to industries that engage in research and development.

I should say that as a scientist I do understand, in fact, the jet engine concept that the gentleman was describing earlier. In fact, it is becoming widely used now in so-called cogeneration plants to generate both heat and electricity that can be used for powering say a research campus or a cluster of apartment buildings or a small community, and it came about because of research in an area that was not directly related to energy generation. It was research in aerospace. And as a result, in fact, we were talking about it today in connection with the NASA authorization.

□ 2100

There is a need for investment in research in such things as jet engines. In this case, the benefit came not only in providing better commercial aircraft, better military aircraft, but it also turned out to be a more efficient way of generating electricity. That is providing savings throughout the country, throughout the economy. So research and development does not always pay off the most in the area where you expect it to.

Mr. SMITH of Washington. I think that is a very important point.

When we look at a lot of the products out in the market today, it would be very interesting for everybody in society to sort of track one of those products, how it came into being, the steps that were taken, the investment that was necessary, the people power that was involved, and it makes us understand the importance of research and development.

I think biotech is a great area to look at this. Everyone is aware of the drugs that have come out that have generated tremendous amounts of money, but we also have to look at the process that these companies had to go through to get to that product.

Basically they were working for sometimes as much as 8 or 15 years without ever generating any revenue, without ever getting any return on the product that they were trying to develop. I am not talking about not making a profit, I am talking about not generating any revenue, because their product was not yet developed and being sold.

If you have that type of situation, who is going to spend money for 8 years and not have any revenue? We need incentives, we need incentives for investors and incentives for the companies to make that sort of long-term commitment. It is not just biotech products, but the engine we are talking about was researched for years before someone generated one and they could generate the electricity that they were looking for.

Mr. HOLT. If the gentleman will yield, Mr. Speaker, my district in New Jersey, and as the gentleman knows, New Jersey is indeed a research State, going from Thomas Edison to Albert Einstein to the biotech companies of today, I have two biotech companies in my district, of the many, many dozens around the country, two that have actually started to generate a profit.

They have started to generate a profit after, one is 18 years and the other is about 14 years, and they have some very clever, I think probably very desirable, and ultimately very successful products. But it took a long time and a lot of work to develop those, and there are many, many biotech companies that are not turning a profit, they are living on hope and investment at this point.

Mr. SMITH of Washington. And there are many that never will turn a profit.

Mr. HOLT. But those that do can change our lives.

Mr. SMITH of Washington. Exactly. So we need to set up a system that gives the incentives to invest in these sorts of products. It is not just biotech, it is in every single aspect of the high-tech community, giving the incentive to put the money into research helps us move forward.

Mr. Speaker, I thank the gentleman very much.

Mr. HOLT. I thank the gentleman. It is my pleasure to join him in this special order, and I thank the gentleman for doing it.

Mr. SMITH of Washington. The gentleman is quite welcome. It is nice to have a physicist in Congress to help out with these very difficult issues.

I just want to wrap up this topic by emphasizing how important it is and how it touches our lives. I think one of the biggest challenges we have right now as a society is to make sure that the message gets out that technology is for all of us, that it affects all of us in a variety of different levels.

I think there is a tendency, and in fact, I was never that computer literate until a few years ago, and I always thought, you know, of first computers and then the Internet that that is just not something that I deal with.

Well, it is something that everybody is going to have to deal with, and it is a good thing. It is a positive change in our lives. Yes, it is change and change is difficult, but it will open up windows of opportunity that we could never imagine if we simply understand that change, understand what the information economy has brought to us, and how our society needs to adjust to it.

I think in the long run it is going to give us a better society and a stronger society, but it is not only a matter of embracing it but understanding it, and advancing the policies that are going to make sure that we all benefit from it.

The Internet has the ability to connect people, just for example. I have heard some people say, well, they are worried that the Internet is going to divide our society even more between the haves and have nots, those that have technology, those that do not.

I see the Internet just the opposite. The Internet basically enables anybody, for the ever-decreasing price of a laptop and the ability to hook up a telephone line, to get access to information that was previously the exclusive purview of the few. You would have to go off to institutes of higher learning or know people who were highly educated in order to get access to this information. Now it is right there on our computers, virtually anything we could imagine, for us to access for a very cheap price.

That has the possibility, I think, to really broaden the opportunity of this country, to make it more inclusive and bring more people along on these issues.

Government has a role to play. Sometimes that role is getting out of the way. As I mentioned, do not regulate the Internet, and do not overregulate the telecommunications industry so people do not have the incentives necessary to build that all-important infrastructure.

Ms. SANCHEZ. Mr. Speaker, there is no question that the United States is a leader in the development of new technology. Historically, the R&E tax credit has played a major role in elevating this great Nation to such a significant and influential leadership position.

However, with greater market challenges in the future, we will have to fight hard to maintain the U.S. lead in new technology and innovation.

Simply put, the tax credit is an investment for economic growth and the creation of new jobs.

It strengthens our international position, and often results in an enhanced quality of life for consumers.

Mr. Speaker, the R and E tax credit has been on the books for many years, and there is no doubt that it has proved beneficial to our Nation's technology enterprise.

But, there is also no doubt that its benefits could be even greater if the credit were made permanent and the perennial uncertainty were eliminated.

I urge my colleagues to support this concept of a permanent R&E credit and support the type of research activities that will maintain American technological leadership into the 21st century.

Mr. SMITH of Washington. Mr. Speaker, sometimes it has a more positive role to play, like in education, giving people access to higher education, continuing education, through grants, loans, incentives to companies, whatever. That is an active role the government can play.

So it is a matter of balancing between those two things. Sometimes government needs to get out of the way, sometimes it needs to help, but more than anything, it needs to understand, needs to understand what the new economy is and how to make it best work for all of our citizens.

A DISCUSSION ON MURDER SIMULATION AND ON THE SITUATION IN KOSOVO

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Colorado (Mr. MCINNIS) is recognized for 60 minutes.

Mr. MCINNIS. Mr. Speaker, I want to visit about a couple of subjects tonight. I thought the first half hour we would talk about the murder simulators that are being created or are created and are currently in existence in our country, and then perhaps spend the last half hour, I have invited a colleague of mine to come over and talk with me. He is an expert in foreign relations. We are going to talk a little more about the situation in Kosovo.

First of all this evening, I want to talk about murder simulation, murder simulation.

Last weekend I had the opportunity to have dinner with a good friend of mine, good friends of mine, Dr. Mohamed and Simi Hasan, and their heritage is in Pakistan. I asked them about Pakistan. We got on the subject, obviously, of the shootings in Colorado, at the Columbine High School. I asked them about the situation in Pakistan.

In Pakistan, they told me that there at a very young age young boys are given fully automatic weapons, fully automatic weapons. Those are the types of weapons that have been outlawed in this country, against the law in this country since about 1937.

I asked my friends, the Hasans, as we had this discussion, do you have these kinds of incidents in Pakistan? And the answer was no. I said, what do you think is the difference? Why does it not happen in Pakistan but happens in the United States? It happens even here in our home State of Colorado. As many know, I am from the State of Colorado.

They said, I will tell you why. Give me just a minute. And Mrs. Hasan excused herself. She came back to the dinner table and she had this magazine. I hope the publishers of this magazine have an opportunity to visit with me at some point in the near future.

This magazine is called ''Next,'' the Next Generation. It is about video games. It would be more properly titled ''Next, Murder Simulator.'' What do I mean by murder simulator? As I go on with this discussion this evening, remember a couple of things.

First of all, simulators in our society are very common. Any Members who have ever studied the art of flying know that we have simulators to teach our pilots how to fly airplanes. We even have simulators today that show people how to drive cars. Now, unfortunately, we have simulators that train and put impressions on very young minds in our country, how to murder.

There are a few questions this evening we should consider as I continue with my remarks. Let me go through some of them.

Number one, what kind of responsibility and accountability are reflected by our society, and even more specifically, what kind of responsibility and accountability are reflected by the editors and the board of directors and the contributors to this Next Generation video magazine, as well as some of the games or video murder simulators that I am going to talk about?

What types of values, what kinds of values are we teaching our young people with the types of murder simulators I am going to show the Members in just a couple of minutes? What type of values are being taught here? What types of values do we want to teach our young people?

These are young, fresh minds. Impressions can be made very easily on these young minds. This is the next generation that is going to lead our country, and the generation that is going to create a generation behind them to take their place. What kinds of impressions do we want to make? What kinds of accountability do we want from the people who make those impressions? What kind of future does it offer for our country?

Let us talk about what kinds of responsibilities the video game industry has. Here, as I am about to show the Members, they celebrate the most explicit form of violence that a teenager can experience. They celebrate it, they show it off, the most violent type of experience that a teenager can experience. We sell it, not we but video producers out there. The murder simulators are sold by corporations in this country. They are highlighted in magazines, like this magazine right here, The Next Generation.

These games appeal to the worst values in our society. We know what kinds of values we want to teach our young people. We have some great young people in this country, and they have a wonderful future, but we have to guide them. We have been there. As adults, we have had that experience. We know that we were blessed, most of us, with experienced guiders, our parents, who guided us, helped take us through life. Now we have that obligation.

Why should we have games that appeal to the very worst of elements, the things that all of us would dread the most, the things that horribly, horribly went wrong at Columbine High School in Colorado 3 weeks ago? We glorify these kinds of things in video games in this country.

What are the relationships that exist? What kinds of relationships do these types of games portray in our society?

In a single video game, remember this, in a single video game, a teenager will see more death and violence than they would in a week's worth of TV. We could take any programs we want and take one week's worth of TV, and we will see in one video game more violence simulation than that whole week of TV.

Does this turn on, does this ask a question? What is the mystery here? What is going wrong here? Something is wrong with these games.

Do the producers of these games, and I am going to ask this, in fact, we have some of their names, and I would be very interested at some point to talk to them out there to find out if they have children, and if their children are allowed to play these kinds of games that they advertise in magazines like this or the kinds of games that they manufacture, that they go and sell to our teenagers, to our young people.

Do they allow their own children to do this? It will be a very interesting question to be asked of some of these corporate executives.

Are they legally empowered to deliver this kind of thing? Yes, they are legally empowered to do it. Sure they are. People can talk slut talk, too. People can talk terrible things.

Let me tell the Members, we are about to get into this game. Let me caution all of my friends out there who have children, if there are any children watching this evening, anybody on C–SPAN that might be watching our discussions here on the floor, please be advised in advance that there are some very gruesome situations that are going to be portrayed by video games.

By the way, we do not find this on the House floor, we can find it in any video arcade, practically any video arcade Members want to walk into. I have not been to a video arcade in many years. This last weekend, as a result of my discussion with my friends over dinner, my wife and I actually went to a mall and went to a video arcade place located within the mall.

I was amazed. We can see it right there. There are kids in there with their guns. Of course, every once in a while they put money in, they pay money, and there it is, murder simulation, blowing this person away, blowing that person away.

By the way, people do not just drop. There are depictions of their insides, of the exit wounds, of all kinds of things on these video games. These are young people. This was a fairly conservative community, of which I went into the mall to go into this video arcade. These kids were everywhere, I would guess, from 7 years old to 13 or 14 years old, playing these video games.

What do Members think the impression is that goes on the mind of a young 7-year-old boy who sits in front of this game shooting, and the more he shoots, the more body parts fly out on this video arcade?

□ 2115

Well, hold on, because let us take a look. I went through this magazine right here. Again, I want to keep showing this because if any of my colleagues have any questions or doubts about my comments this evening, before they criticize me, before they pick up the phone and call my office, I urge my colleagues to go out, go to their local mall this weekend, and go to a video arcade store and see what kind of games, what kind of murder simulation is taking place in there, and then draw the question upon your own mind:

One, what kind of values are we teaching our young people? Number two, does this have an impression on the mind and could somebody possibly, through some kind of devious thought, extend these to the kind of murder situations that we see with gangs on the streets or in the worst case scenario as we saw at the Columbine High School?

Let us go ahead and begin the video murder simulator. This is an advertisement. This is a two-page ad and it is found in the ''Next Generation'' magazine. This magazine, this is the June issue, so their ad is found inside this magazine.

The video game is titled ''You're Gonna Die.'' Now I have got a red laser here. Follow my light. My light is right there at ''You're.'' ''You're Gonna Die,'' that is the name of the video game.

Right here is a human body. By the way, the weapon they are holding is a fully automatic, it looks like a fully automatic weapon outlawed in this country since 1932. Surrounded by the head of the human body, that is not red hair. This body is laying in a pool of blood.

Remember, this game can be played by a 7 year old. This game can be played by a 10 year old. This game can be played by a 13 year old.

Here is some of the advertising that is contained within this ad. This, by the way, is called ''Kingpin, Life of

Crime.'' That is the name. This is the ''Kingpin'' game, ''Life of Crime.''

Up here, ''Target,'' now my colleagues may not be able to see this but I will read it for them here, ''target specific body parts and actually see the damage done, including exit wounds.''

Well, by gosh, let me tell my colleagues something. This Saturday, I am going to be in Cortez, Colorado. Do my colleagues know what I am going to be doing in Cortez, Colorado? I am going down there for a memorial service for a gentleman named Dale Claxton. Who is Dale Claxton? Dale Claxton was a police officer who was shot and killed in the line of duty in the State of Colorado 1 year ago. He was shot 27 times.

If these people, the people that produce this game, want to see exit wounds, maybe they ought to come visit with me and I will show them some pictures of exit wounds. I do not think it is very funny, and I do not think it is an amazing game. I do not think it ought to be something that should be sold in the marketplace. I sure as heck do not think it is something we ought to expose to our young, young children as a game. Put in the quarter, get to simulate murder.

Let us go on. Let us go on to our next box right over here. ''Even the odds by recruiting the gang members you want on your side.'' So even the odds. One gets to go out in this game, and one has vicious gang members that they get to pick, kind of like when one lined up in school and one got to pick who goes on which team. You are on the blue team, you are on the red team, you are on the blue team, you are on the red team.

In this particular game, one gets to pick which vicious gang members one wants on one's team so one can go out and play the game ''You're Gonna Die''. Or steal a bike or hop a train to get around town. On the game, it simulates a train so that one can figure out how to jump onto it, or to steal a bike. Steal a bike, not borrow a bike, not take one's own bike. It is also incorporated within here.

Built on top of the revolutionary Quake II engine. Includes multiplayer gang bang death match for up to 16 thugs. Actual game play screens. Talk to people the way you want, from smack to pacifying. Talk to people the way you want under this game, from smack to pacifying.

Here are the people that really ought to be proud of it, ''Kingpin, Life of Crime.'' We will go through some of the names of the corporations that actually make this product and market this product, and then go to this magazine and ask this magazine to put it in the hands, like the hands of that young man whose parents I had dinner with last week. We are going to talk about those people in just a moment.

Let me say to my colleagues that I used to be a police officer. I do want my colleagues to know that I am a member of the House Entertainment Task Force. I believe in good entertainment. I think one has a right to good entertainment. I think there is a lot of good entertainment out there without having to revert to this.

But when one puts these kind of video games in a video arcade in a mall, it is almost as if one has a magnet drawing these young people into this thing. Really, I just want all of my colleagues, I know that I have said this already, but I think it would be so important for my colleagues, this weekend or as soon as they go by a mall or a video arcade store, go on in there. Walk through there. Just observe what one sees.

Then think about. Well, was Congressman SCOTT MCINNIS way off base when he talked about this? Does this game really belong out here in the mall for kids to come in and spend their money on? Does a game that talks about target specific body parts and actually see the damage done, including exit wounds, is that what we ought to do?

Should we not have a question about where some kid in our society, and I say some because we have a lot of good kids, a lot more good kids by a large, large margin than bad kids, but is it possible that some of the kids that take the wrong path in our society are influenced by these kind of games?

We know that simulation influences pilots when we have pilots on a flight simulator. We know that puts an impression on their mind. We know it trains them to fly an airplane. Same thing with the car simulator. We know that if we put one in that car simulating machine, one will learn how to drive a car better. One will actually think one is driving a car, and it will put impressions on one's mind. It imbeds them on one's mind.

This game does exactly the same thing, except it does not do it for flying, it does not do it for driving, it does it for murder. Murder. Kingpin. We will talk about him in a minute.

There is another game. This is an ad for the D–Link video game. Remember, I did not have to search, go out and do a lot of research to find these games. I got one magazine, this magazine right here. I got one more magazine similar to it in my office. So I just picked up two magazines randomly. This was sent to the House. It is a June edition.

One does not have to search very far to find what I am finding. This is not a rare kind of thing, a unique circumstance, and a Congressman just happened to go pull this stuff up through a lot of extensive research. One can buy it probably, I would guess, at any magazine shelf, rack.

Let us look at this game. ''Gratuitous violence is 200 times faster with the D-Link network.'' Gratuitous violence, those are the key words. Let us define what Webster's Dictionary says is meant by the word ''gratuitous.'' It is very important. Apply their definition to the game.

Gratuitous, in the dictionary. Gratuitous: not called for by the circumstances. In other words, there are no circumstances calling for this kind of action. It is without reason. This kind of action is without reason. There is no reason for it. It is without reason. It is without cause. It is without proof. It is adopted or asserted without any good ground. So it is adopted or it is asserted without any good ground, as a gratuitous assumption.

Now look it up here. Let us just put this in here. Not called for by circumstances, without reason, cause, or proof, and adopted without any good ground, et cetera, with a D-Link network 200 times faster than other online games. Violence. It is exactly what it does. Gratuitous violence.

Here is the next one. This caption is used to promote the game ''Legacy of Kain, Soul Reaver.'' ''Destroying your enemies isn't enough, you must devour their souls.'' ''Destroying your enemies isn't enough, devour their souls.'' Of course the game helps one do that.

For those of my colleagues who use the Internet, I think they would find it very interesting to go ahead and download this. If one downloads this on one's computer, and Next Generation publishes this, this is owned by Kingpin, if one downloads it, it allows one to see, and this is a quote, this is a quote from my download, we did this on the Internet, ''Now available, a wonderful,'' look at the word it uses, wonderful, ''a wonderful depiction of a massive gang hit. Blood splatters galore.''

So from the Kingpin web site, go ahead and put Kingpin in the search on the Internet, pull up their web site, and that one is going to find in quotes. Here is their definition. ''It is now available, a wonderful depiction of a massive gang hit. Blood splatters galore.''

That is what we are making available in our society. People that do this, they make money off of this. Do my colleagues know what drives this? Not a conscious, not a conscious decision to do something that contributes to society. That is not what drives this kind of video game and the mind behind it. It is not somebody trying to educate our young people. It is not somebody that, with good intent, is trying to give a strong impression and education for our young people. It certainly not somebody that is trying to create some kind of religious base for our young people.

This is driven by one word, greed, G-R-E-E-D. That is exactly what makes these people create these games where one can call, like ''Kingpin, Life of Crime,'' ''You're Gonna Die''.

Think about it, folks. We are allowing greed to drive these kind of games, and these kind of impressions are being made on our young people, and then we question, gosh, what went wrong in Littleton, Colorado? Why did that happen in Littleton, Colorado? What is happening to our young people?

What is happening to our generation that allows our young people to have

these kind of things? What is happening to our generation that, driven solely by the word ''greed,'' manufactures, sells, and advertises these kind of programs?

As I mentioned, I want to talk about, for a minute, Interplay executives. As I said to my colleagues, it is my opinion there are people, this by the way, and I am not sure of the complete corporate structure, other than we have the corporation names down in the bottom of the advertisement, one of the corporations is called Interplay, another corporation is called Xatrix, another one is Crystal Dynamics, and Eidos.

On this one, who is Interplay, and what do they stand for? Interplay Entertainment Corporation is a worldwide developer, publisher, and distributor of award-winning entertainment software for both core gamers and the mass market.

Interplay Corporation, Interplay Entertainment Corporation was founded in 1983. Interplay offers a broad range of products in the action, adventure, role playing, strategy and sports categories across multiple platforms, including Nintendo 64. The company completed its initial public offering in June 1998.

There are other things about it. Interplay, on the maximizing franchise and brand value, Interplay seeks to publish hit titles whose strong consumer appeal and resulting consumer loyalty will create opportunities for franchise titles, sequels, add-ons and merchandising.

As we went further in the web site, we found out who some of the Interplay Executives are. Brian Fargo, Mr. Fargo is chairman of the board of directors. He is the chief executive officer, and he is the president. I am going to contact Mr. Fargo.

I am going to contact Mr. Kilpatrick. Mr. Kilpatrick, Christopher J. Kilpatrick in fact is the president. I am going to contact Mr. Kilpatrick.

Manuel Marrero, he is the chief operating financial officer. He is the corporate secretary. Phil Adam, Phil Adam is the vice president of business development. I am going to contact Phil. Kim Motika, vice president of strategic development; Trish June Wrightt, vice president of product development; James C. Wilson, vice president of finance; Jim Maia, vice president of North American sales; Cal Morrell, vice president of marketing; Jill Goldworn, president of Interplay and OEM, Inc.; David Perry, president of Shiny Entertainment, Inc.; Peter Bilotta, president of Interplay Productions Limited.

I am going to contact each of these people. In fact, I am sending a letter to them. I am going to ask them a few questions.

Let us talk about Brian, Brian Fargo, chairman of the board of directors, chief executive officer and president. He could put a stop to this that fast. Brian, all you would have to do in the morning is pick up a telephone and say, take that thing off the shelves now.

□ 2145

And the next time, Brian, somebody comes up to you and says, hey, this is the kind of video game, ''You're Going to Die,'' Mr. President, it is going to show body parts and it will show exit wounds and they can pick their own gang members, what do you think, Mr. Fargo? Do you think this is good for his company? Do you think that he can make a lot of money off this, should we put it on our shelves?

And, Mr. Fargo, you are going to have the opportunity to say, ''No, our company does not need money like that. Our company is not in this for greed. Our company sees no values in putting this kind of game on the market. Our company, Interplay, is ready and prepared to accept responsibilities.''

You know why you should be saying this, Mr. Fargo? Because my bet is your children, Mr. Fargo, do not play these games. My bet, Mr. Fargo, is that you and your wife probably have never sat down with any child, any child, probably not any adult and played this game.

In fact, Mr. Fargo, I bet if I sat down with your family and wanted to explain this game to them in the front room of your house, you probably would be deeply offended and you would probably say to me, ''I have more values. My family deserves more than what you are about to exhibit to them.''

Well, Mr. Fargo, today you have a responsibility to set in your own mind that the first thing you want to do when you get in your office tomorrow morning is to call up your production manager and say to your production manager, ''Stop production of the video game called 'You're Going to Die'.''

And if you do not, Mr. Fargo, then I want you to think about Littleton, Colorado, and Columbine High School. Every time there is a gang shooting in this country, every time there is any kind of violence like that that could possibly come as a result of playing your murder simulation machine, which you allow to be produced for money, which you market out there, you ought to think about it. You ought to think about your own kids.

And, Brian, I am not just talking to you. Colleagues, I am talking to everybody that works for this corporation and every other corporation out there that makes video games. We all have a responsibility as adults. It is not a free ride anymore. We are adults. The responsibility of the future of this country does not belong to our parents anymore. It belongs to us. And before too long, it is going to belong to the generation behind us.

We now have values and principles that we have to stand up for, even when it means that we could get money instead. It is our generation that has the responsibility. And everybody that works for a corporation like this, every chief executive officer in this country that has a video arcade game manufacturing facility or any other type of product that simulates murder, ought to go to the office tomorrow morning and pull it off the shelves. They ought to tell their research and development people, ''Do not ever bring another product like that to my desk. Because, if you do, you are going to work for somebody else if you are lucky enough to find a job.''

Let us see tomorrow how many executives really carry out what I think is a responsibility incumbent upon them not just as chief executive officers but as concerned parents and as concerned citizens in this country.

I am going to write them all a letter, these names, I am going to write these people letters. I would be happy to copy my colleagues on them. I am going to ask them to do just what I have talked about.

Let us talk about another entertainment company, Xatrix, X-A-T-R-I-X, Entertainment. Now, they are somehow connected with Interplay Entertainment Corporation to produce ''You're Going to Die.'' Here is what Xatrix's mission is:

''Our goal is to create games that are revolutionary, innovative, inspiring, and, most of all, fun to play.'' That is fair enough. ''Truly a development lead organization, Xatrix seeks to customize its titles with new and emerging technologies in an effort to give gamers what they want. As third acceleration of on-line gaming emerged, Xatrix looks at the forefront with an unparalleled game play technology and design. Technological and creative vision has no boundaries.'' Think of that. This is a corporation saying to you ''technological and creative vision has no boundaries, and we intend to push the limits of interactive gaming.''

Well, who accepts advertisements? Put ourselves in the mind of a magazine. Who on Earth, if they brought this game to us, which one of my colleagues would be willing, if they owned a magazine or a newspaper, which one of my colleagues sitting on this House floor tonight or any of my colleagues that are listening to me, how many of them would be willing to run an ad for this video game ''You're Going to Die,'' which, as I said earlier, targets specific body parts where they actually get to see the damage done, including exit wounds? How many of you, raise your hands, how many of you would be willing to sell this advertisement to help these people market these murder simulators?

Well, we have got a list and we have got some people that are very, very willing to do it.

Let me read for my colleagues, Imagine Media. This, by the way, is an organization that is willing to take these kind of ads. They are not only willing to take these kind of ads, they are willing to place these ads in the hands of

young children throughout this country and they are willing to do it for a buck. That is what is driving it.

Remember, as I said earlier, this is not being driven by good will, obviously. It is not being driven by an intent to educate our children. It is not being driven to simulate somebody how to drive a car better. It is not being driven to show simulation for flying an airplane so they know how to fly a plane better. It is being driven out of greed to make a buck off murder simulation.

And it is done through this magazine. I will hold it up again. ''Next Generation,'' which is published by Imagine Media, Incorporated, in Brisbane, California, I think. It is 150 North Hill Drive.

At any rate, let us get into what they are saying. This is inside the magazine: ''Imagine Media is aimed at people who have a passion, a passion for games, for business, for computers, or for the Internet. These are passions we share frequently. Our goal is to feed your passion with the greatest magazine web sites and CD ROMs imaginable. We love to innovate. We love to have fun and we seem to love to say 'passion' a lot. We have a cast iron rule always to deliver spectacular editorial material. That means doing whatever it takes to give you the information you need. That means doing whatever it takes. With any luck, we will even make you smile sometimes. Thanks for joining us.

''Next Generation also has a passion for changing the text that the marketing people give us if it gets in the way of a section that we usually put funny text in. Heck, sometimes it is all that that keeps us going. See above this box for more funny little text.''

So what they are saying here is that they have a passion. They have a passion. You do whatever it takes whatever it takes to market this kind of trash. That is exactly what this magazine does.

Now, this magazine, granted, has some other advertisements in it that are not offensive in nature. It would be very easy for this magazine to sell copies off the news stand without putting this on their middle fold-out page. They could do it without this advertisement.

This advertisement that you see right here, this is what this duplicates. This is exactly that ad right here, ''You're Going to Die.'' Now, this one right there, look at it, for greed. For greed. I wonder if the people at Imagine Corporation that print this ''Next Generation'' magazine, I wonder if they sit down with their families, the editor in chief. And we have got the names here. Let us ask them.

Chris Charla, C-H-A-R-L-A. He is the editor in chief; Sarah Ellerman, managing editor; Tim Russo, senior editor; Jeff Lundgran, review editor; Blake Fischer; Lisa Chido, assistant art director.

I want to know something on the Imagine. That is ''Next Generation.'' I want to ask them a question. Have they sat down with their children as the editor here, Chris, or Sarah as the managing editor, Sarah, have you sat down with your children and showed them that ad? Have you sat down and showed them this particular ad? Have you, Sarah? Have you done it, Sarah?

What have you said to your children, Sarah? ''This is how I make money''? ''This is how your mother goes out and makes money''? Chris, how about you? Do you sit down with your children and say, hey, ''I am your dad. That is what I do for a living right here. I sell it. I sell murder simulators to young kids not much older than you kids''? ''And by the way, kids, as soon as we get time, maybe we will go down to the video arcade and play the game that daddy advertises or that mommy advertises.''

Come on, colleagues, it is trash. We know doggone right that the people that publish that magazine, that editor and that managing editor whose names I just mentioned, we know darn right their kids do not play these games. We know darn right that they do not talk to their kids in the kind of language that they put in this magazine.

You know why? Because when it comes to their own children, I would guess, I do not know them, I would guess they have pretty strong values. And when it comes to their own children, I would guess they have pretty definite dreams for them. And when it comes to their own children, I bet they are very protective of what those children are exposed to. But when it comes to other people's children, there is a little different interruption that comes in, and it is called ''greed.''

They do not protect other children. They are not concerned about other children. And they put this right in the middle of their magazine. And not only that, this corporation, which is a different corporation now, puts it on the Internet and allows you to zoom in and see some very graphic, as they say, blood splatters.

Well, how about the corporation that owns this particular magazine? You know what was real interesting that I found out when we went on the web? This is not detective work, by the way. This is information on the web site. I did not have an agency go out and look it up. We pulled it up on the web site very easy.

We found out about Imagine Corporation, the executives. And what really surprised me was the executives listed their family. They listed their family members. For example, the president of the Entertainment Division, Jonathan Simpson-Bint, one of the things in his biography is Jonathan lives in San Francisco with his wife Caroline and their infant son Milo. John, have you sat down and showed Caroline what you advertise? Would you ever in your wildest dreams, in your sickest moments, would you ever sit down with Milo, your son, who I am sure is a beautiful, beautiful young son, a son whom you have big dreams for, would you ever sit down and show this to him?

Answer it for me. Answer the question, Jonathan. You know what? I hope when you do that tomorrow morning you too go to your corporate offices and say, ''Pull the ad. We do not need to sell this kind of trash through our magazine to make a buck. We can make plenty of money without reverting to doing these kind of video murder simulation machines to the young people of this country.''

And it does not end. We have somebody else, the president of the Business and Computer Division, Mark Gross. Mark Gross says on the web page he is the father of the coolest 8-year-old, the coolest 8-year-old on the planet, and lives with his family in Burlingame.

Can my colleagues imagine a father saying, hey, I have got the coolest 8-year-old on the planet? Now, there is a proud father. There is a father that cares about his kid. There is a father that is beaming with pride. That is when he goes home at night when he is with the family. But when he is at work, this is what they do. This is the kind of stuff they market, not to his children, not to Jonathan's child Milo, but to my children, to the children of my colleagues, to everybody's children in this chamber. That is what these people market.

Tom Balentino. This surprised me. He is the Chief Financial Officer. He makes sure they make money off this. He is the one that does the accounting on this ad.

□ 2145

Remember, I am not complaining about the ad, it is the message in the ad. Let us not be confused in these comments. Do you know how many children he has? Five. He has five of his own children. Why would somebody with five children just endanger a family who has just one child? Just one child. Why would you, if you owned a corporation, feel a necessity to go out there in your magazine and create and allow this kind of advertising, or how could you as a parent go out and produce this kind of game?

How can you sit down with your bright mind while your children are playing in another room, and what kind of sick mind does it take to devise this type of video arcade murder simulation game called ''Kingpin, Life of Crime,'' where you get to pick your gang members, where the video game allows you, and I will repeat it up here, to target specific body parts and actually see the damage done, including the exit wounds. What kind of father or mother could do that? Well, our society has produced some of them.

And Holy Klingel, Holy is the mother of two preschool children. It is either Holy or Holly, I am not sure which. Let us just say it is Holly. Holly, have you done it with your two preschool children? Have you taken them to play

this game? Would you let them be exposed to this game? Why do you participate in this? Driven by greed, I guess?

Does anybody want to go out there on the streets today and put in our video arcades this kind of murder simulation game? I think I have gotten my message across pretty clear to you. There are a couple of things that I am going to ask.

First of all, the Internet providers, you have a responsibility. I know we have got the freedom of speech. I am not asking for the creation of a new governmental agency to come down and force you to surrender your freedom of speech.

But I am asking you to exercise responsibility as an adult. Exercise responsibility as a business executive and pull some of this garbage off your Internet sites. You do not need it. You do not need it to pay your bills. You do not need it to make your company well known throughout the country. And for gosh sakes, the children of this country do not need it. Think about the kids.

I will bet a lot of the names I just mentioned to you are soccer parents. I bet a lot of the names of the people that I just mentioned to you talk with pride about the children in the next generation, that we need more schools for them and we need better teachers, et cetera, et cetera, et cetera. Yet in the background, in the background they are the creators and the advertisers and the marketers and the profiteers of this game.

There is one other thing I am going to try and do as a Congressman. I hate to take this down because I want you to see how grotesque it is, but I feel I have a responsibility as well. I was giving some thought to what can I do as a Congressman to help here? How can I help?

One, I think it is important to come to the House floor of the U.S. House of Representatives and pass on this message, which is what I have been doing for the last half an hour or so. Second, I think it is important for me to figure out how to devise some type of action that we can take. I do not want to create more laws. I am not sure that is the answer.

Obviously we need to spend more time in our families. When you get down to it, the bottom line is family. It is not just your family. So these corporate executives that produce this kind of murder simulator ought to have a family responsibility beyond their own family.

But there are other things that we can do, too. Here is what I am going to do on my part. I am going to contact the Consumer Product Safety Commission. Everybody has thought the Consumer Product Safety Commission is about seat belts or child restraint seats or dangerous toys. I think this video arcade game and games similar to it which are murder simulators, are dangerous toys. I am going to ask them for their thoughts on it.

I am going to contact the video game makers, many of whom I have mentioned tonight, and ask them for a voluntary recall. I am also going to contact their board of directors. I am going to contact the video game magazines and ask that they pull all their advertising. They do not need it.

I am going to notify Parent-Teacher Associations and other child advocacy groups and make them aware of these video games. I am going to sit down with every PTA I can. I am going to sit down with every parent organization I can. I am going to sit down with every group that has been formed as a result of the shooting in Littleton, Colorado, and I am going to show them your advertising. And I am going to say it is time for us to take some parental marketing strength to the marketplace.

We need to talk about this. We need to publish the fact that these kind of games are out there, and we need to urge parents, we need to urge every parent in this country in the next few days, not months from now but in the next few days, every father and mother and every grandmother and grandfather in this country should take enough time to go to your local video arcade amusement center and take a look at what kind of games are in that facility. If you do not agree with that, you ought to file a complaint with the owner.

I notice that as I begin to change subjects here, that I have had a colleague of mine join me from the State of Georgia. I am glad the gentleman from Georgia (Mr. KINGSTON) is here. If I might, if the gentleman would not mind, I would be happy to yield to the gentleman for a couple of minutes.

Mr. KINGSTON. I thank the gentleman from Colorado for that. I am a father of four children. Of course our kids like to play video games here and there. So I share your concern and I appreciate your raising this issue with the Members of Congress because it is something that, as you have said, does not necessarily take a new law but we need to raise the awareness about it.

I wanted to ask you, when children buy these games or go into a video arcade where these games are offered as one of the choices, is there any kind of label, any kind of warning the way there is with explicit CD lyrics when you buy, that has the warning? Is there any kind of warning on these?

Mr. MCINNIS. There is a label. Mind you that this particular advertisement which I show right here to the gentleman from Georgia is contained within this magazine. This magazine can be bought by anybody. A 5-year-old can buy the magazine. In addition, this particular game is made by Interplay Entertainment Corporation. We pulled it up on the web. So anybody that knows how to use the Internet, and I know kids, 6, 7-year-old kids that can begin to use that, young children, they can pull it up as well.

There is over here in the corner, a little label, a little M, that says mature audience. There is a little warning label right here in the corner. There is absolutely no kind of restriction. This magazine, of course, does not say for mature audiences only. When you get onto the web site, you can access it, so in essence this little warning system means nothing.

But what amazes me, to my good colleague from Georgia, is this game is so grotesque. As I mentioned earlier, it talks about the exit wounds, the body parts, splattering of blood. It is so grotesque, we should not be asking the question to the manufacturer, ''Is it better if we put a warning label on it?'' We ought to say to the manufacturer, ''Don't you have your own family? Don't you have your own kids? Would you take this game home tonight?''

My bet, as the gentleman from Georgia knows, is I will bet there is not one executive associated with any of these corporations that has this game at home for their video arcade for their own children.

Mr. KINGSTON. I have had actually some of these action items which you had listed, I have done on explicit CD lyrics, and basically from the large vendors gotten the shoulder shrug. ''Your kids don't have to listen to it. We have lots of people. Your kids don't have to play it.''

If following your action items a parent wants to write the manufacturer and ask the question, do you feel proud making this, do you feel good about 13-year-olds who are on the edge, high risk kids who are left alone for hours as Klebold and Harris were doing, they played these type games, not necessarily this game but they played violent video games for hours, as I have read the news reports. If parents want to do that, how can they get the address? I know that the manufacturer's name is listed on there, but how do they get the address on who to write the letter to?

Mr. MCINNIS. That is a good question. The first thing on the awareness level, and I agree with the gentleman from Georgia and I appreciate his points, I think that just the gentleman and I talking on the House floor to these manufacturers and asking them to stop production of these gruesome murder simulators will not work because I think they will just disregard us. But what will work on the awareness level is for parents to actually physically go into these arcade amusement centers.

We can urge people, anybody who has a child or anybody that knows a child, cares about children, should in the next 3 or 4 days make it a point to go into a video arcade amusement center and see what kind of games are being played in your neighborhood center. And then what they should do is go to the owner of that store, of that arcade facility and say, ''That game doesn't belong in our community. That game doesn't belong in this store. You ought to send it back.''

In the meantime, I can tell you, I do not want this magazine to have more

sales, at least with the kind of advertising. Mind you, there is some advertising in this magazine to me that seems very legitimate, that is fine advertising. I would not use the products, but it is not a death message in there that they are selling.

But this magazine, Next Generation, you can go to any store, I would guess, any large magazine store, and you will find these magazines on the racks, video game on the racks. Simply pull it up, look for an ad, if you see an ad on this kind of game, ''You're Gonna Die,'' it is very easy, pull it up on the web. It also has addresses in there and addresses of the magazine.

On top of this, you have got the name of the corporations in the bottom of this ad and they have a web site there, www.interplay.com, king in corpse. Notice the web site, king in corpse. That is their web site. Sick web site. Nonetheless, it has addresses for the corporation.

But to my colleague, I think the best thing for us to do for awareness is urge parents just in the next few days, go down to the video store and take a look for yourself. Do not take our word for it, take a look for yourself. If you are offended as I am by these games, tell the local proprietor about that.

Mr. KINGSTON. Or as you pointed out that web site, and you might want to read it again, if people have the Internet, to call up the web site and that would maybe be the starting point in the search.

But when you are talking about the sponsors of the Next Generation magazine, even if somebody is legitimately selling tennis shoes, which is certainly an innocuous and a healthy product, they still are sponsoring this magazine. This magazine could not get in the hands of 12-year-olds without that tennis shoe commercial.

One of the things that I have always advocated to people is you have a lot of power through the voting booth but you have a lot more power every day at the cash register. If you write a letter to XYZ Widgets and say, ''I'm going to quit buying your product because of who you support through your advertising,'' they are going to respond to that if they get enough letters.

Here we are right now in a society that is trying to come to grips with this terrible Columbine High School situation. We are looking for things. This is not going to solve it by itself, but is this a piece of the puzzle? I would say that it is a piece. It is part of the toxin that our children have to live, breathe and eat and sleep and be exposed to in one form or the other.

And is this healthy as an influence on your child? Will this bring your child better to a healthy, normal type life-style or will it take him away from it? Then if you say, ''Oh, I'm not worried about it,'' well, how many hours are you comfortable with them playing the ''You're Gonna Die'' video? Do you want your kid playing it 1 hour, 2 hours, 3 hours, 5 hours a day? As parents we have to ask ourselves these questions. And will exposure to this move your kid along in the right direction that you want him or her to be moving in? Probably not. That is why we have to be very aware of all the things that are after our children's minds and their souls.

Mr. MCINNIS. As the gentleman from Georgia knows, these young people can be impressed so easily. The mind impressions. There are a lot of studies that have been done to see what kind of impact these kind of things have. We know they have an impact. Just the same as this simulator has an impact for a pilot that is learning how to fly.

Your question was about urging the letters. My reluctance tonight to give addresses for, for example, Interplay Entertainment Corporation, which is very easy to find on the web and so on, my reluctance in giving addresses is if a lot of letters do not go there, I do not want these corporations to think people do not care.

That is why I have decided to take the route of urging every parent, I hope some people are watching this evening that have children or know children or care about children, or a local PTA or a local school association or the local teachers' union or teachers association. Go yourselves to that video arcade store and see what is happening.

I was mesmerized the other day when I went in and I saw this video game. There was a kid there, I could not believe how fast that finger was going. He has got two guns and he is shooting like this in this video arcade, and the people are blowing up, blood all over the video screen and things like that. The way that kid was moving that and even going like this, across, it amazed me. That is what is going on in that mind. That kid is not out playing football or baseball.

By the way, the community where this is has wonderful recreational facilities for their young children. It is not like this kid had no other choice. But I hope to get some parents into these video arcade stores and they are saying, ''Hey, my kid's not coming in here.''

The question that should be asked, as the gentleman from Georgia brought up, I think the standard here of every chief executive officer in this country, every chief executive officer in this country, before he or she approves this kind of product, they ought to ask, ''Am I willing to take it home for my children?'' Instead of asking, ''Is it going to make us a buck?'' is it going to drive the greed of this corporation, the question that should be really asked is, ''Would I show it to my own children? Would I let my children or my grandchildren play this game? Would I want them exposed to this?''

□ 2200

As my colleague knows, it is just not the Littleton disaster, as he pointed out. Every day we have shootings or violent incidences, not just shooting, but violent incidents in this country. This cannot help but play a part, but my colleague said it all comes back to the core of the family, family responsibility, corporate responsibility.

Mr. KINGSTON. I get very concerned when you raise an issue like this, that people say, well, as my colleague knows, this is a First Amendment. But my colleague has touched on it, that we are not trying to pass a new law, we are not trying to amend the First Amendment at all. We are saying, ''You know what? This is out there, and it's going to be out there, but bombarding children with it, particularly high-risk children who already maybe have trouble in their home, emotional trouble at school, drug problems, alcohol problems that are already after their minds and after their hearts; then this comes along. And, as my colleague says, instead of going out there playing soccer or football with kids where they experience interaction and teamwork and sportsmanship and so forth, they are holed up in some dark little room in the house, and they are just poking away at the keyboard or on the joy stick, and I also think one of the things is we lose a lot of our generational imparting knowledge because these kids become such, and I do not know if we have a word for it yet, but it is cyber introverts, where they can compete, communicate in cyberspace on the Internet or with high-tech video, but they cannot talk to their fellow human beings any more.

Mr. MCINNIS. Well, it is cyber youth, and I want to let my colleagues out here know, because you are listening to the gentleman from Georgia (Mr. KINGSTON) and myself, we are fathers. We have had some experience. We both have children, and our wives have children, and I mean share that same kind of experience. So we are not speaking as novices.

And so I think my colleague's points are very valid, and I do want to say that in the last hour, as my colleagues know, we have been talking about this horrible video game which I call a murder simulator, but I do not want it to cast too black a cloud because we should all remember that in this country we have a lot of things going right with our young people. We have a lot of parents who do care. Most of the parents in this country would never let their children play this game. Most parents in this country, because they love their children, would never let this in their facility. Most schools in this country would never let this be played. Unfortunately, a lot of businesses and many video arcades might, but there is so much more goes right with our children than goes wrong. When we find something that goes wrong, we still need to work on it, but there is a lot more that goes right.

So I yield to my colleague to wrap up, but I do appreciate the gentleman coming over. I think we both share the view, obviously we share the same viewpoint, and I hope we have done some good with awareness.

Mr. KINGSTON. I thank the gentleman from Colorado (Mr. MCINNIS) because as a father he is doing the right thing, as a representative from Colorado that has all the eyes on us. As my colleagues know, we are trying to put these puzzle pieces together, and I do think that exposure to this, excessive exposure to unnecessarily violent video games, certainly is something that we should talk about, and as my colleagues know, as a father of a 16, 13, 10 and 8 year old, I am glad that there are people like the gentleman from Colorado (Mr. MCINNIS) who is bringing this out because frankly I do not know about all this, and we parents have to talk and see what our kids are up against and be more alert.

And, as my colleague knows, what we do is we raise our antenna a little bit higher and a little bit different direction, and then we, as parents, as my colleagues know, are watching out. But I think the gentleman's action plan is a sound one, and we might want to look at that one more time, but to contact the Consumer Product Safety Commission, contact the video game manufacturers and makers, ask for a voluntary recall, contact the Video Game Magazine and ask them if they will pull all their advertising, notify the parent-teacher associations and other child advocacy groups, and my colleague said there are a lot of groups that have sprung up as a result of Littleton, and they should be looking at this, and then find others games that could desensitize children to violence.

And I know the story of one little girl who was crying one time when she watched the evening news, and she did not get to watch much TV at home, and she said, ''You know, I know when there's a TV show where somebody is murdered that it is just a TV show, but this was the evening news, and, Daddy, there was a mommy who killed her little girl, and it was real life,'' and the little girl telling me the story was in tears because she had not been desensitized, and when you think about a mother killing her own daughter, it should bring tears to all of us. As my colleagues know, big and small, that this is a real situation, and so often we blend okay because it happens a lot on violent TV or on violent video. It desensitizes us to real life, but when you see somebody who has not been desensitized, how they react to life is totally different.

Mr. MCINNIS. As my colleague knows, on this particular video game, You're Going to Die, when you kill somebody on this video simulator, it puts points on the board. You score. You get a positive reaction from the game. You win. A little light goes on, here is the score. The more you kill, the more points you put on the scoreboard.

Mr. KINGSTON. Unfortunately for young children, high-risk victims and perpetrators of Columbine, Harris and Klebold, there is no reset button. Once you did it, it is forever.

Mr. MCINNIS. Reclaiming my time, I do thank the gentleman very much, and as I said, to conclude this evening, there is a lot that has gone right with our young people, and we have millions of kids that go to schools every day, and we do not have these kinds of incidents that occur, and we do not have gang killings in every community every day of the week, but we do have some problems out there.

So we have tried to do our part, and I ask you to do your part.

In conclusion, I would ask that each and every one of you in the next three or four days commit to your spouse, commit to your children, that you as an adult will go to your video arcade amusement center, just walk through and see what kind of games you think those young people should be exposed to.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. RYAN of Wisconsin). The Chair would remind all Members that remarks in debate should be addressed to the Chair and not to the viewing audience.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. UDALL of Colorado) to revise and extend their remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mrs. MALONEY of New York, for 5 minutes, today.

Mr. KIND, for 5 minutes, today.

(The following Members (at the request of Mr. CALVERT) to revise and extend their remarks and include extraneous material:)

Mr. EHRLICH, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes, on May 26th.

Mr. PAUL, for 5 minutes, today.

Mr. CUNNINGHAM, 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 May 18, 1999:

H.R. 669. An act to amend the Peace Corps Act to authorize appropriations for fiscal years 2000 through 2003 to carry out that Act, and for other purposes.

ADJOURNMENT

Mr. KINGSTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 7 minutes p.m.), the House adjourned until tomorrow, Thursday, May 20, 1999, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2206. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Commuted Traveltime Periods: Overtime Services Relating to Imports and Exports [Docket No. 99–022–1] received May 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2207. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Fludioxonil; Pesticide Tolerance for Emergency Exemption [OPP–300832; FRL–6073–1] (RIN: 2070–AB78) received April 14, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2208. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Diflubenzuron; Pesticide Tolerances [OPP–300844; FRL–6075–4] (RIN: 2070–AB78) received April 14, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2209. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Clofentezine; Pesticide Tolerance [OPP–300843; FRL–6075–6] (RIN: 2070–AB78) received April 14, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2210. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Emamectin Benzoate; Pesticide Tolerance [OPP–300856; FRL–6079–7] (RIN: 2070–AB78) received May 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2211. A letter from the Managing Director, Federal Housing Finance Board, transmitting the Board's final rule—Amendment of Affordable Housing Program Regulation [No. 99–25] (RIN: 3069–AA–73) received May 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

2212. A letter from the Managing Director, Federal Housing Finance Board, transmitting the Board's final rule—Amendment of Affordable Housing Program Regulation [No. 99–26] (RIN: 3069–AA82) received May 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

2213. A letter from the Acting Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Department's final rule—Integration of Environment, Safety and Health into Facility Disposition Activities—received May 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2214. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants Allegheny County, PA; Removal of Final Rule Pertaining to the Control of Landfill Gas Emissions from Existing Municipal Solid Waste Landfills [PA107–4066a; FRL–6111–8] received April 29, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2215. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans: Oregon [OR 48–1–7263a; FRL–6127–4] received April 29, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2216. 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 State Implementation Plans, Texas; Recodification of, and Revisions to the State Implementation Plan; Chapter 114 [TX98–1–7386; FRL–6117–3] received April 29, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2217. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision; Sacramento Metropolitan Air Quality Management District (SMAQMD), Mojave Desert Air Quality Management District (MDAQMD), and the Ventura County Air Pollution Control District (VCAPCD) as revisions to the California State Implementation Plan (SIP) [CA 164–0112a; FRL–6324–8] received April 14, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2218. 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; North Carolina; Revised Format for Materials Being Incorporated by Reference [NC–9915; FRL–6335–8] received May 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2219. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Implementation Plans; Wyoming [WY–001–0002a and WY–001–0003a; FRL–6344–2] received May 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2220. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants for Ferralloys Production: Ferromanganese and Silicomanganese [IL–64–2–5807; FRL–6345–7] (RIN: 2060–AF29) received May 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2221. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants for Source Categories; National Emission Standards for Hazardous Air Pollutants for Mineral Wool Production [FRL–6345–4] (RIN: 2060–AE08) received May 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2222. 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; Georgia; Revised Format for Materials Being Incorporated by Reference [GA–9915; FRL–6335–9] received May 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2223. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Identification of Additional Ozone Areas Attaining the 1-Hour Standard and to Which the 1-Hour Standard is No Longer Applicable [FRL–6344–4] received May 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2224. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants for Polyether Polyols Production [FRL–6344–7] (RIN: 2060–AE–86) received May 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2225. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval of State Operating Permit Rule Revision; New Jersey [NJ002; FRL–6333–8] received April 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2226. A letter from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting the Administration's final rule—Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers [Docket No. 98F–0130] received May 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2227. 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.

2228. A letter from the Director, Division of Policy, Planning and Program Development, Department of Labor, transmitting the Department's final rule—Affirmative Action and Nondiscrimination Obligations of Contractors and Subcontractors Regarding Special Disabled Veterans and Vietnam Era Veterans; OMB Control Numbers for OFCCP Information Collection Requirements—received May 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

2229. A letter from the Director, Office of Insurance Programs, Office of Personnel Management, transmitting the Office's final rule—Federal Employees' Group Life Insurance Program: New Premiums (RIN: 3206–AI54) received May 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

2230. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Prevailing Rate Systems; Change in Survey Cycle for the Southwestern Michigan Appropriated Fund Wage Area (RIN: 3206–AI68) received May 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

2231. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—West Virginia Regulatory Program [WV–077–FOR] received May 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2232. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Texas Regulatory Program [SPATS No. TX–045–FOR] received April 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2233. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Virginia Regulatory Program [VA–110–FOR] received April 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2234. A letter from the Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries Off West Coast States and in the Western Pacific; Western Pacific Bottomfish Fishery; Amendment 5 [Docket No. 981204297–9091–02; I.D. 110698B] (RIN: 0648–AK21) received May 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2235. A letter from the Assistant Secretary for Fish and Wildlife and Parks, National Park Service, transmitting the Service's final rule—Kaloko-Honokohau National Historical Park, Hawaii; Public Nudity (RIN: 1024–AC66) received May 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2236. A letter from the Chief, Operations Division, Directorate of Civil Works, Corps of Engineers, Department of the Army, transmitting the Department's final rule—Final Rule Establishing an Administrative Appeal Process for the Regulatory Program of the Corps of Engineers—received May 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2237. A letter from the Program Analyst, Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Hallock, MN [Airspace Docket No. 99–AGL–5] received May 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2238. A letter from the Program Support Specialist Aircraft Certification Service, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Alexander Schleicher Segelflugzeugbau Model ASH 26E Sailplanes [Docket No. 98–CE–98–AD; Amendment 39–11142; AD 99–09–09] (RIN: 2120–AA64) received May 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2239. A letter from the Program Support Specialist Aircraft Certification Service, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter France (Eurocopter) Model SE 3130, SE 313B, SA 3180, SA 318B, and SA 318C Helicopters [Docket No. 98–SW–54–AD; Amendment 39–11150; AD 99–09–16] (RIN: 2120–AA64) received May 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2240. A letter from the Program Support Specialist Aircraft Certification Service, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model MD–11 Series Airplanes [Docket No. 99–NM–87–AD; Amendment 39–11138; AD 99–08–51] (RIN: 2120–AA64) received May 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2241. A letter from the Chief, Regs and Admin Law, USCG, Department of Transportation, transmitting the Department's final rule—Special Local Regulations; Charleston to Bermuda Sailboat Race, Charleston, SC [CGD07–99–024] (RIN: 2115–AE46) received May 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2242. A letter from the Chief, Regs and Admin Law, USCG, Department of Transportation, transmitting the Department's final rule—Waiver application; tank vessel; reduction of gross tonnage [USCG–1999–5451] received May 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2243. A letter from the Chief, Regs and Admin Law, USCG, Department of Transportation, transmitting the Department's final rule—Oil Pollution Act of 1990 (OPA 90) Phase-out Requirements for Single Hull Tank Vessels [USCG–1998–4620] received May 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to

the Committee on Transportation and Infrastructure.

2244. A letter from the Program Analyst Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directive; Raytheon Aircraft Company Beech Models A36, B36, TC, 58, 58A, C90A, B200, B300, and 1900D Airplanes [Docket No. 99–CE–11–AD; Amendment 39–11148; AD 99–09–15] (RIN: 2120–AA64) received May 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2245. A letter from the Program Analyst, Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29543; Amdt. No. 1926] received May 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2246. A letter from the Attorney, Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule—Alternative Means of Compliance for the Pilot-In-Command Night Takeoff and Landing Recent Flight Experience Requirements [Docket No. FAA–1999–5584; Amendment No. 61–106] (RIN: 2120–AG77) received May 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2247. A letter from the Deputy Director, National Institute of Standards and Technology, Department of Commerce, transmitting the Department's final rule—Professional Research Experience Program (PREP) (RIN: 0693–ZA29) received May 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

2248. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Equitable Relief from Joint and Several Liability [Notice 99–29] received May 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2249. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Low-Income Housing Tax Credit—1999 Possessions Population Figures [Notice 99–22] received May 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2250. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Start-up Expenditures [Rev. Rul. 99–23] received May 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2251. A letter from the Railroad Retirement Board, transmitting the Board's justification of budget estimates for fiscal year 2000, pursuant to 45 U.S.C. 231f; jointly to the Committees on Appropriations, Transportation and Infrastructure, and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. REYNOLDS: Committee on rules. House Resolution 179. Resolution providing for the consideration of the Senate amendment to the bill (H.R. 4) to declare it to be the policy of the United States to deploy a national missile defense (Rept. 106–150). Referred to the House Calendar.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 180. Resolution providing for consideration of the bill (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 (Rept. 106–151). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BLILEY (for himself, Mr. DINGELL, Mr. TAUZIN, Mr. MARKEY, Mr. OXLEY, and Mr. TOWNS):

H.R. 1858. A bill to promote electronic commerce through improved access for consumers to electronic databases, including securities market information databases; to the Committee on Commerce.

By Mr. CAMP:

H.R. 1859. A bill to require the United States Postal Service to submit certain reports to Congress before implementing the next rate increase for first-class postage, and to provide certain procedures regarding the use and sale of postage stamps during the initial period of such rate increase; to the Committee on Government Reform.

By Mrs. CHRISTENSEN (for herself, Mrs. JONES of Ohio, Mr. RUSH, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CLYBURN, Mr. WYNN, Mr. THOMPSON of Mississippi, Ms. KILPATRICK, Mrs. MEEK of Florida, Mr. MENENDEZ, Mrs. CLAYTON, Ms. CARSON, Ms. MILLENDER-MCDONALD, Mr. WATT of North Carolina, Mr. JEFFERSON, Ms. LEE, Mr. BISHOP, Mr. OWENS, Mr. HILLIARD, Mr. PAYNE, Mr. DAVIS of Illinois, Ms. NORTON, Mr. MEEKS of New York, Ms. BROWN of Florida, Mr. SCOTT, Mr. FATTAH, Mr. CLAY, Mr. LEWIS of Georgia, Ms. JACKSON-LEE of Texas, Mr. TOWNS, Mr. CUMMINGS, Ms. WATERS, Ms. MCKINNEY, Mr. DIXON, Mr. CONYERS, Mr. HASTINGS of Florida, Mr. JACKSON of Illinois, Mr. FORD, and Mr. RANGEL):

H.R. 1860. A bill to require managed care organizations to contract with providers in medically underserved areas, and for other purposes; to the Committee on Commerce, and in addition to the Committees on Education and the Workforce, and 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. COLLINS (for himself and Ms. DUNN):

H.R. 1861. A bill to amend the Internal Revenue Code of 1986 to increase the deductibility of business meal expenses for individuals subject to Federal hours of service; to the Committee on Ways and Means.

By Mr. CONYERS (for himself, Mr. HOEFFEL, and Mr. UDALL of New Mexico):

H.R. 1862. A bill to combat nursing home fraud and abuse, increase protections for victims of telemarketing fraud, enhance safeguards for pension plans and health care benefit programs, and enhance penalties for crimes against seniors, and for other purposes; to the Committee on the Judiciary.

By Ms. DUNN (for herself, Mr. TANNER, Mr. HERGER, and Mr. MATSUI):

H.R. 1863. A bill to amend the Internal Revenue Code of 1986 to modify the treatment of bonds issued to acquire renewable resources on land subject to conservation easement; to the Committee on Ways and Means.

By Mr. HANSEN:

H.R. 1864. A bill to standardize the process for conducting public hearings for Federal agencies within the Department of the Interior; to the Committee on Resources.

By Mr. HORN:

H.R. 1865. A bill to authorize the Secretary of Transportation to make grants for the construction of an addition to the American Merchant Marine Memorial Wall of Honor located in San Pedro, California; to the Committee on Transportation and Infrastructure.

By Mr. HANSEN:

H.R. 1866. A bill to provide a process for the public to appeal certain decisions made by the National Park Service and by the United States Fish and Wildlife Service; to the Committee on Resources.

By Mr. HUTCHINSON (for himself, Mr. HILL of Indiana, Mr. HULSHOF, Mr. BRADY of Texas, Mr. MORAN of Kansas, Mr. PETRI, Mr. ENGLISH, Mr. BACHUS, and Mr. COOK):

H.R. 1867. A bill 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 House Administration.

By Mr. JOHN (for himself, Mr. HOLDEN, Mr. SHOWS, Mr. THOMPSON of California, Mr. PHELPS, Mr. BOYD, Mr. TURNER, Mr. FROST, Mrs. CLAYTON, Mr. HILL of Indiana, Mrs. THURMAN, Mr. THOMPSON of Mississippi, Ms. HOOLEY of Oregon, Mr. BERRY, Mr. MCINTYRE, Mr. GORDON, Mr. JEFFERSON, Mr. ETHERIDGE, Mr. LUCAS of Kentucky, Mr. BISHOP, Mr. STUPAK, Mr. CRAMER, and Mr. BOUCHER):

H.R. 1868. A bill to provide for a rural education development initiative, and for other purposes; to the Committee on Education and the Workforce.

By Mrs. KELLY (for herself, Mr. ROYCE, Mrs. JOHNSON of Connecticut, Mr. FROST, Ms. GRANGER, Mr. HORN, Mr. GILMAN, Mr. ENGLISH, Mr. UNDERWOOD, Mr. GREEN of Wisconsin, Mr. MCKEON, Mrs. JONES of Ohio, Mr. FRANKS of New Jersey, Mrs. MYRICK, Mr. GARY MILLER of California, Mr. MCNULTY, Mrs. MORELLA, Mr. LUCAS of Oklahoma, Ms. BERKLEY, Ms. ROS-LEHTINEN, and Mr. CONDIT):

H.R. 1869. A bill to amend title 18, United States Code, to expand the prohibition on stalking, and for other purposes; to the Committee on the Judiciary.

By Mr. LARSON (for himself and Mr. WELDON of Pennsylvania):

H.R. 1870. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for contributions to a volunteer firefighter savings account; to the Committee on Ways and Means.

By Ms. LOFGREN:

H.R. 1871. A bill to amend the Immigration and Nationality Act to make permanent the special immigrant religious worker program; to the Committee on the Judiciary.

By Mr. MORAN of Kansas (for himself, Mr. HINCHEY, Mr. TERRY, and Mr. BARCIA):

H.R. 1872. A bill to direct the Secretary of Transportation to establish a program to designate as an Interstate Oasis certain facilities near the interstate highway system; to the Committee on Transportation and Infrastructure.

By Mr. SCARBOROUGH:

H.R. 1873. A bill to amend the Internal Revenue Code of 1986 to increase the maximum taxable income for the 15 percent rate bracket; to the Committee on Ways and Means.

By Mr. SCHAFFER (for himself, Mr. MCINNIS, Mr. SHOWS, Mr. WATTS of Oklahoma, Mr. DICKEY, Mr. SESSIONS, Mrs. CHENOWETH, Mr. TERRY, Mr. HANSEN, Mr. HASTINGS of Washington, Mr. NETHERCUTT, Mr. HILL of

Montana, Mr. HAYES, Mr. DOOLITTLE, Mr. WATKINS, Mr. ISTOOK, Mr. LEWIS of Kentucky, Mr. RAHALL, Mr. HOSTETTLER, Mrs. CUBIN, Mr. BURTON of Indiana, Mr. PICKERING, Mr. CHAMBLISS, Mr. EWING, Mr. DAVIS of Illinois, Mr. GOODE, and Mr. GREEN of Wisconsin):

H.R. 1874. A bill to amend the Internal Revenue Code of 1986 to increase the maximum amount of wages that a farmer can pay for agricultural labor without being subject to the Federal unemployment tax on that labor to reflect inflation since the unemployment tax was first established, and to provide for an annual inflation adjustment in such maximum amount of wages; to the Committee on Ways and Means.

By Mr. GOODLATTE (for himself, Mr. BOUCHER, Mr. BRYANT, Mr. MORAN of Virginia, Mr. DELAY, Mr. ARMEY, Mr. HYDE, Mr. SENSENBRENNER, Mr. MCCOLLUM, Mr. GEKAS, Mr. SMITH of Texas, Mr. GALLEGLY, Mr. CANADY of Florida, Mr. CHABOT, Mr. BARR of Georgia, Mr. HUTCHINSON, Mr. CANNON, Mr. ROGAN, Mrs. BONO, Mr. BLILEY, Mr. COX, Mr. CRAMER, Mr. DREIER, Mr. GOODE, Mr. HOLDEN, Mr. JOHN, Mrs. JOHNSON of Connecticut, Mr. LINDER, Mr. OXLEY, Mr. STENHOLM, Mr. SUNUNU, and Mr. UPTON):

H.R. 1875. A bill to amend title 28, United States Code, to allow the application of the principles of Federal diversity jurisdiction to interstate class actions; to the Committee on the Judiciary.

By Mr. TALENT (for himself and Ms. DANNER):

H.R. 1876. A bill to amend the Clean Air Act to incorporate certain provisions of the transportation conformity regulations, as in effect on March 1, 1999; to the Committee on Commerce.

By Mrs. THURMAN (for herself, Mr. CRANE, Ms. PELOSI, and Mr. LEVIN):

H.R. 1877. A bill to amend the Harmonized Tariff Schedule of the United States to provide for duty-free treatment of personal effects of participants in certain world athletic events; to the Committee on Ways and Means.

By Mr. GREEN of Wisconsin (for himself, Mr. FARR of California, Ms. LEE, and Mrs. MINK of Hawaii):

H. Res. 181. A resolution condemning the kidnapping and murder by the Revolutionary Armed Forces of Colombia (FARC) of 3 United States citizens, Ingrid Washinawatok, Terence Freitas, and Lahe'ena'e Gay; to the Committee on International Relations.

By Mr. HANSEN:

H. Res. 182. A resolution expressing the sense of the House of Representatives that the National Park Service should take full advantage of support services offered by the Department of Defense; to the Committee on Resources.

By Mr. SANFORD (for himself, Mr. GOODE, Mr. HEFLEY, Mr. SAXTON, Mr. LAMPSON, Mr. MCINNIS, Mr. CUNNINGHAM, Mr. DELAY, Mr. MCGOVERN, Mr. DOYLE, and Mr. GILCHREST):

H. Res. 183. A resolution expressing the sense of the House of Representatives regarding the settlement of claims of citizens of the United States against the Government of Germany with respect to the deaths of members of the United States Air Force resulting from the collision off the coast of Namibia of a German Luftwaffe aircraft with a United States Air Force aircraft on September 13, 1997; to the Committee on International Relations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Ms. LEE:

H.R. 1878. A bill for the relief of Geert Bozen; to the Committee on the Judiciary.

By Mr. PORTER:

H.R. 1879. A bill for the relief of Edwardo Reyes and Dianelita Reyes; 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. 73; Mr. METCALF, Mr. MANZULLO, Mr. PACKARD, and Mr. HASTINGS of Washington.

H.R. 116; Mr. ENGEL.

H.R. 125; Mr. CLYBURN.

H.R. 141; Mr. LATOURETTE.

H.R. 206; Ms. JACKSON-LEE of Texas.

H.R. 216; Mr. CHAMBLISS.

H.R. 271; Mr. MCDERMOTT.

H.R. 274; Mr. HALL of Ohio, Mr. BERMAN, Ms. LOFGREN, Mrs. MCCARTHY of New York, Ms. BROWN of Florida, Mr. WEYGAND, Mrs. JOHNSON of Connecticut, Mr. VENTO Mrs. NAPOLITANO, Mr. MOLLOHAN, Mr. FILNER, Mr. MCHUGH, Mr. LEWIS of Georgia, Mr. QUINN, Ms. PRYCE of Ohio,and Mr. HASTINGS of Florida.

H.R. 306; Mr. BERMAN and Ms. GRANGER.

H.R. 348; Mr. SKELTON.

H.R. 351; Mr. HILL of Indiana.

H.R. 352; Mr. CRAMER, Mr. TAUZIN Mr. DEFAZIO, Mr. MALONEY of Connecticut, and Mr. GREEN of Wisconsin.

H.R. 353: Mr. MOORE, Mr. HOEFFEL, Mr. CONDIT, Mr. PETERSON of Minnesota, Ms. WOOLSEY, Mr. KANJORSKI, Mr. GONZALEZ, Mr. STARK, Mr. RAHALL, Mr. MORAN of Virginia, and Ms. LOFGREN.

H.R. 355: Mr. WU.

H.R. 357: Mr. UDALL of New Mexico.

H.R. 372: Mrs. MALONEY of New York, Mr. BONIOR, and Mrs. LOWEY.

H.R. 405: Ms. VELAZQUEZ, Mr. MOAKLEY, Mr. JENKINS, Mr. QUINN, Mr. CAPUANO, Mr. LUCAS of Kentucky, and Mr. MCGOVERN.

H.R. 406: Mr. LUCAS of Kentucky.

H.R. 410: Mr. BLUMENAUER and Mrs. LOWEY.

H.R. 413: Ms. BROWN of Florida, Mr. HILLIARD, Mr. TOWNS, Mr. THOMPSON of California, Mr. OWENS, Mr. FROST, Mr. HASTINGS of Florida, Mr. PAYNE, Mr. NEAL of Massachusetts, Mrs. MINK of Hawaii, Mr. LUCAS of Oklahoma, Ms. MILLENDER-MCDONALD, Mr. HINOJOSA, Ms. ROYBAL-ALLARD, Mr. RANGEL, Mr. WATTS of Oklahoma, Mr. SHERMAN, and Mr. MOORE.

H.R. 461: Mr. BAKER.

H.R. 483: Mr. DAVIS of Florida.

H.R. 486: Mr. CONYERS, Mr. HUTCHINSON, Mr. FILNER, Mr. ISAKSON, Mr. RYUN of Kansas, Mr. LUCAS of Oklahoma, Ms. ESHOO, Mr. HOEFFEL, and Mr. HASTINGS of Washington.

H.R. 534: Ms. BALDWIN.

H.R. 567: Mr. THOMPSON of Mississippi, Mr. LIPINSKI, and Mr. SCHAKOWSKY.

H.R. 632: Mr. THOMPSON of Mississippi, Mr. ISAKSON, Mr. BURR of North Carolina, and Ms. DANNER.

H.R. 642. Ms. ESHOO, Mr. JACKSON of Illinois, Mrs. NAPOLITANO, Mr. CLAY, Mrs. BONO, Mr. FILNER, Mr. HASTINGS OF FLORIDA, Mrs. CAPPS, Ms. SANCHEZ, Mr. CUMMINGS, Mr. COX, Ms. WATERS, Mr. THOMPSON of California, Mr. LEWIS of California, Mr. GALLEGLY, Mr. OWENS, Mr. HILLIARD, Ms. MCKINNEY, Mr. BROWN of California, Mr. LANTOS, Mr. RADANOVICH, Mr. THOMAS, Mr. DREIER, Mr. PACKARD, Mr. ROHRABACHER, Mr. ROYCE, Mr. GARY MILLER of California, and Mr. OSE.

H.R. 643: Ms. ESHOO, Mr. JACKSON of Illinois, Mrs. NAPOLITANO, Mr. CLAY, Mrs. BONO, Mr. FILNER, Mr. HASTINGS of Florida, Mrs. CAPPS, Ms. SANCHEZ, Mr. CUMMINGS, Mr. COX, Ms. WATERS, Mr. THOMPSON of California, Mr. LEWIS of California, Mr. GALLEGLY, Mr. OWENS, Mr. HILLIARD, Ms. MCKINNEY, Mr. BROWN of California, Mr. LANTOS, Mr. RADANOVICH, Mr. THOMAS, Mr. DREIER, Mr. PACKARD, Mr. ROHRABACHER, Mr. ROYCE, Mr. GARY MILLER of California, and Mr. OSE.

H.R. 668: Mr. SMITH of Washington.

H.R. 670: Mr. JACKSON of Illinois, Mr. WAMP, Mr. HEFLEY, and Mr. PICKERING.

H.R. 709: Mr. SHOWS and Mrs. CLAYTON.

H.R. 749: Mr. SCHAFFER.

H.R. 776: Ms. SANCHEZ and Mr. SHOWS.

H.R. 804: Mr. QUINN and Mr. HINOJOSA.

H.R. 827: Mr. FRANK of Massachusetts, Mr. PAYNE, Mr. PICKETT, and Mr. ROTHMAN.

H.R. 828: Mr. WU and Mr. KENNEDY of Rhode Island.

H.R. 852: Mr. SHIMKUS, Mr. THUNE, Mr. HOBSON, Mr. WELLER, Mr. GREEN of Wisconsin, Mr. MCHUGH, and Mr. GUTIERREZ.

H.R. 870: Mr. COBLE.

H.R. 875: Ms. PELOSI, Ms. WATERS, Ms. JACKSON-LEE of Texas, Ms. MILLENDER-MCDONALD, Mr. LEWIS of Georgia, and Mr. CLAY.

H.R. 881: Mrs. NORTHUP and Mr. SCHAFFER.

H.R. 987: Mr. RILEY, Mr. HASTINGS of Washington, Mr. LUCAS of Oklahoma, Mr. OXLEY, Mr. GUTKNECHT, and Mr. MANZULLO.

H.R. 997: Mr. CASTLE and Mr. HASTINGS of Florida.

H.R. 1006: Mr. SHAW.

H.R. 1053: Mr. WATT of North Carolina.

H.R. 1063: Mr. SABO and Mr. NADLER.

H.R. 1083: Mr. BOYD and Mr. DEAL of Georgia.

H.R. 1102: Mr. THOMAS, Mrs. THURMAN, Mr. SAWYER, Mr. NEY, Mr. FOLEY, and Mr. DOYLE.

H.R. 1109: Mr. THOMPSON of Mississippi.

H.R. 1111: Ms. DANNER.

H.R. 1127: Mr. ENGLISH and Mr. WICKER.

H.R. 1130: Mr. LAFALCE, Mr. MALONEY of Connecticut, Ms. NORTON, and Ms. ROYBAL-ALLARD.

H.R. 1154: Mr. WELDON of Pennsylvania and Mr. WEYGAND.

H.R. 1180: Mrs. CUBIN, Mr. LAFALCE, and Mr. PICKETT.

H.R. 1195: Mr. RAHALL, Mr. MCNULTY, Mr. WELDON of Florida, Mr. JEFFERSON, Mr. MCCOLLUM, Ms. PRYCE of Ohio, and Mr. HUTCHINSON.

HR. 1217: Mr. LOBIONDO, Mrs. MALONEY of New York, Mr. HILL of Indiana, Ms. LEE, Mr. SANFORD, Mr. MENENDEZ, Mr. KLINK, Mr. WU, Mr. FALEOMAVAEGA, and Mr. BORSKI.

H.R. 1227: Mr. PHELPS.

H.R. 1238: Mr. LUTHER, Mr. LEWIS of Georgia, and Ms. MILLENDER-MCDONALD.

H.R. 1239: Ms. BALDWIN, Mr. CROWLEY, Ms. SLAUGHTER, Mr. LARSON, Mr. LATOURETTE, Mr. DAVIS of Illinois, and Mrs. JONES of Ohio.

H.R. 1256: Mr. COX, Mr. SHADEGG, and Mr. EHRLICH.

H.R. 1260: Mr. WELDON of Pennsylvania, Mr. UNDERWOOD, and Ms. HOOLEY of Oregon.

H.R. 1272: Mr. LATHAM and Mr. LOBIONDO.

H.R. 1300: Mr. CLAY, Mr. FRELINGHUYSEN, Mr. BACHUS, and Mr. DICKS.

H.R. 1304: Mr. LUCAS of Oklahoma, Mr. WELDON of Florida, Mr. BARTON of Texas, Ms. PELOSI, Mrs. TAUSCHER, Mr. MANZULLO, Ms. HOOLEY of Oregon, Mr. FARR of California, Mr. WEINER, Ms. STABENOW, Mr. FORD, Mr. THOMPSON of California, and Mr. MALONEY of Connecticut.

H.R. 1325: Mr. MATSUI, Mrs. THURMAN, Mr. WATKINS, Mr. ENGLISH, and Mr. MCNULTY.

H.R. 1349: Mr. MILLER of Florida.

H.R. 1350: Ms. HOOLEY of Oregon.

H.R. 1354: Mr. GONZALEZ.

H.R. 1355: Mrs. JONES of Ohio.

H.R. 1402: Mr. SMITH of Washington, Mr. SPENCE, Ms. HOOLEY of Oregon, Mr. SIMPSON, Mr. YOUNG of Alaska, Mr. LARSON, Mr. INSLEE, Mr. SPRATT, Mr. CANNON, and Mr. GARY MILLER of California.

H.R. 1420: Mr. VENTO and Mr. FORD.

H.R. 1445: Mr. UPTON, Ms. SLAUGHTER, Mrs. ROUKEMA, Mr. LAFALCE, Mr. DREIER, and Mr. SPRATT.

H.R. 1450: Mr. FRANK of Massachusetts and Mrs. THURMAN.

H.R. 1525: Mr. GILMAN, Mr. BONIOR, Ms. SLAUGHTER, Mr. PASTOR, Mr. PHELPS, and Ms. ESHOO.

H.R. 1527: Mr. LARSON.

H.R. 1530: Mrs. FOWLER.

H.R. 1546: Mr. SAXTON.

H.R. 1584: Mr. PASTOR, Mr. LAFALCE, Mr. KING, Mr. BARRETT of Wisconsin, Mr. STARK, Mr. LEWIS of Georgia, Mr. MEEKS of New York, Mr. MEEHAN, Mr. TRAFICANT, Mr. MCGOVERN, Mr. OXLEY, Ms. RIVERS, Mr. BONIOR, Mr. WALSH, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LIPINSKI, Mrs. MORELLA, and Ms. KILPATRICK.

H.R. 1598: Mr. FILNER, Mr. CANNON, and Mr. LINDER.

H.R. 1622: Mr. SHAW and Mr. BONIOR.

H.R. 1631: Mr. DAVIS of Illinois and Mr. CROWLEY.

H.R. 1649: Mr. SCHAFFER.

H.R. 1659: Mr. DIXON, Mrs. MALONEY of New York, Mrs. LOWEY, Mr. WYNN, Mr. HUTCHINSON, and Mr. GEKAS.

H.R. 1684: Ms. SCHAKOWSKY, Mr. MEEK of Florida, Mr. OWENS, Ms. LEE, Mr. THOMPSON of Mississippi, Ms. BROWN of Florida, and Ms. JACKSON-LEE of Texas.

H.R. 1689: Mr. SHAYS and Mr. PASCRELL.

H.R. 1690: Mr. GREEN of Texas.

H.R. 1706: Mr. HOSTETTLER.

H.R. 1739: Ms. ESHOO.

H.R. 1777: Mr. TRAFICANT and Mr. LAFALCE.

H.R. 1778: Mr. STENHOLM, Mrs. WILSON, Mr. SANDLIN, and Mrs. THURMAN.

H.R. 1791: Mrs. KELLY and Mr. FARR of California.

H.R. 1798: Mr. CAPUANO.

H.R. 1819: Mr. SANDLIN and Ms. BERKLEY.

H.R. 1857: Mr. KLECZKA.

H.J. Res. 47: Mr. FROST, Mr. OSE, Mr. FARR of California, Mr. WEINER, Ms. KAPTUR, Mr. BONIOR, Mr. SANDLIN, Mr. LUCAS of Kentucky, and Mr. PHELPS.

H.J. Res. 48: Mr. BILIRAKIS, Mr. CAMP, Mr. GOODLATTE, Ms. KILPATRICK, Mr. WEXLER, Mr. BENTSEN, and Mr. HANSEN.

H. Con. Res. 38: Mr. COSTELLO, Mrs. MINK of Hawaii, Mr. THOMPSON of Mississippi, Mr. SANDERS, Mr. WATT of North Carolina, Mrs. CLAYTON, Mr. ROMERO-BARCELO, Mr. CUMMINGS, Mr. MEEKS of New York, Mr. LEWIS of Georgia, Mrs. MEEK of Florida, and Mr. SHIMKUS.

H. Con. Res. 62: Mr. BERRY, Mr. CLAY, Mr. DEFAZIO, Mr. ENGLISH, Mrs. JOHNSON of Connecticut, Mr. SKEEN, and Mr. TRAFICANT.

H. Con. Res. 66: Mr. CALVERT.

H. Con. Res. 77: Mr. BOEHLER and Mr. PETERSON of Minnesota.

H. Con. Res. 106: Mr. THOMPSON of Mississippi.

H. Con. Res. 107: Mr. BURTON of Indiana, Mr. GREEN of Wisconsin, Mr. BALLENGER, Mrs. ROUKEMA, and Mr. HANSEN.

H. Con. Res. 109: Ms. MCCARTHY of Missouri, Mr. ROEMER, Mr. WU, Mr. MENENDEZ, Mr. DOYLE, Mr. JACKSON of Illinois, Ms. ESHOO, Ms. ROS-LEHTINEN, Mr. WATT of North Carolina, Mr. MCDERMOTT, and Ms. BERKLEY.

H. Res. 169: Mr. OLVER, Mr. KENNEDY of Rhode Island, and Ms. LOFGREN.

H. Res. 178: Mr. FRANK of Massachusetts, Mr. BERMAN, Mr. HOYER, Mr. UNDERWOOD, Mr. PAYNE, Mr. DELAY, Mr. BURTON of Indiana, and Ms. RIVERS.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 883

OFFERED BY: MR. SWEENEY

AMENDMENT NO. 2: Page 5, line 6, insert ''State Government, local government, and'' after ''To protect''.

H.R. 883

OFFERED BY: MR. SWEENEY

AMENDMENT NO. 3: Page 5, line 6, insert ''State Government, local government, and'' after ''To protect''.

Page 9, line 16, after ''management plan'' insert the following: ''that specifically ensures that the designation does not affect State or local government revenue, including revenue for public education programs, and''.

H.R. 883

OFFERED BY: MR. SWEENEY

AMENDMENT NO. 4: Page 9, line 16, after ''management plan'' insert the following: ''that specifically ensures that the designation does not affect State or local government revenue, including revenue for public education programs, and''.

H.R. 883

OFFERED BY: MR. UDALL OF COLORADO

AMENDMENT NO. 5: Page 9, line 6, after ''in the United States'' insert ''(other than an area within the State of Colorado)''

H.R. 883

OFFERED BY: MR. VENTO

AMENDMENT NO. 6: Page 11, beginning at line 25, strike ''conserving, preserving, or protecting'' and insert ''governing the management of''.

H.R. 883

OFFERED BY: MR. VENTO

AMENDMENT NO. 7: Page 12, line 1, strike ''or protecting'' and insert ''protecting, or managing''.

H.R. 883

OFFERED BY: MR. VENTO

AMENDMENT NO. 8:

Page 12, line 1, strike ''or protecting'' and insert ''protecting, or managing the use of''.

H.R. 883

OFFERED BY: MR. VENTO

AMENDMENT NO. 9: At the end of the bill, add the following new section:

''SEC. 7. INTERNATIONAL AGREEMENTS CONCERNING THE DISPOSAL, MANAGEMENT, AND USE OF LANDS BELONGING TO THE UNITED STATES.

Title IV of the National Historic Preservation Act Amendments of 1980 (16 U.S.C. 470a–1 et seq.) is further amended by adding at the end the following new section:

SEC. 405.—No Federal official may enter into an agreement with any international or foreign entity (including any subsidiary thereof) providing for the disposal, management, and use of any lands owned by the United States and located within the United States unless such agreement is specifically authorized by law. The President may from time to time submit to the Speaker of the House of Representatives and the President of the Senate proposals for legislation authorizing such agreements.''.

H.R. 883

OFFERED BY: MR. YOUNG OF ALASKA

AMENDMENT NO. 10: on page 9, line 13, strike ''2000'' and insert instead ''2003''.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 106th CONGRESS, FIRST SESSION

Vol. 145 WASHINGTON, WEDNESDAY, MAY 19, 1999 No. 73

Senate

The Senate met at 10 a.m. and was called to order by the Honorable MIKE CRAPO, a Senator from the State of Idaho.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Loving Father, as we begin this day we are very aware of a stirring in our minds and a longing in our hearts to renew our relationship with You. We have learned that this is a sure sign that You are urging us to come to You in prayer long before we call on You. You have created the desire to know, love, and serve You. The feeling of emptiness inside alerts us to our hunger and thirst for a right relationship with You. It is a great encouragement to realize that our longing for truth, knowledge, insight, and guidance is a response to Your desire to give us exactly what we need for each challenge or opportunity. We trade in our old habit of self-reliance for Your supernatural strength and superlative wisdom. It is a joy to be reminded that this is Your Nation. You are waiting to bless us and have specific answers to our needs prepared to give us as we listen to You in prayer all through this day. We place our trust in You. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. THURMOND].

The legislative assistant read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 19, 1999

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MICHAEL D. CRAPO, a Senator from the State of Idaho, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. CRAPO thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Utah is recognized.

SCHEDULE

Mr. HATCH. Mr. President, this morning the Senate will resume debate on the juvenile justice bill. Under a previous order, amendments that qualify under the list may be offered until 12:20 p.m. today. At 12:20 p.m., the Senate will begin debate on amendments numbered 357, 358, 360, and 361 which were previously offered to the bill. Each of the four amendments will have 10 minutes of debate equally divided with stacked votes to begin at 1 p.m. Senators are encouraged to offer their amendments this morning so we can finish this important legislation in a timely manner.

I thank my colleagues for their attention.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

VIOLENT AND REPEAT JUVENILE ACCOUNTABILITY AND REHABILITATION ACT OF 1999

The ACTING PRESIDENT pro tempore. The Senate will now resume consideration of S. 254, which the clerk will report.

The legislative assistant read as follows:

A bill (S. 254) to reduce violent juvenile crime, promote accountability by and rehabilitation of juvenile criminals, punish and deter violent gang crime, and for other purposes.

Pending:

Frist amendment No. 355, to amend the Individuals with Disabilities Education Act and the Gun-Free Schools Act of 1994 to authorize schools to apply appropriate discipline measures in cases where students have firearms.

Wellstone amendment No. 356, to improve the juvenile delinquency prevention challenge grant program.

Sessions/Inhofe amendment No. 357, relating to the placement of a disclaimer on materials produced, procured or disseminated as a result of funds made available under this Act.

Wellstone amendment No. 358, to provide for additional mental health and student service providers.

Hatch (for Santorum) amendment No. 360, to encourage States to incarcerate individuals convicted of murder, rape, or child molestation.

Ashcroft amendment No. 361, to provide for school safety and violence prevention and teacher liability protection measures.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

Mr. LEAHY. Mr. President, I ask unanimous consent to continue for 1 minute, the time not taken from either side.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, also for the advice of our colleagues, the distinguished Senator from Utah and I continued work on the managers' package, which we worked on over the weekend, last night, and we will be prepared to present that fairly soon.

If I could have the attention of the Senator from Utah for just a moment, I suspect what we would probably do at that time, when it is prepared, is to move to set aside other things so we could do that and go forward with it.

I mention this because several Senators had asked about where it was—it is a complex thing—to help make sure we get the drafting all right.

Mr. HATCH. Mr. President, I think we are just about done with the drafting of it. I know staff on both the minority and the majority side are finishing that up as we speak, so I agree

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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with the Senator. When we get that finally done, we will interrupt everything and set matters aside so we can pass the managers' amendment.

I notice the distinguished Senator from New Jersey is prepared to offer his amendment again. Could I ask the other side, how many further gun amendments are we going to have? I would at least like to know.

Mr. LEAHY. The Senator asks a legitimate question. That is why I asked about the managers' package. Some are holding to see where the managers' package goes, and it will probably depend upon what happens with the amendment of the distinguished senior Senator from New Jersey.

Let me try to get a more specific answer. That does not answer the question of the Senator from Utah. As this debate starts—we are running some traplines now—I will try to get that answer for the Senator as quickly as I can.

Mr. HATCH. The reason I bring that up is we have had enough time on gun amendments, it seems to me. There has been a lot of getting together, and I have helped to lead that. I think it is about time we get on to the rest of this bill, which is much more important than the gun aspect of this bill. There is a huge number of things we do in this bill to try to stop juvenile crime in this country, and especially violent juvenile crime. This bill will help to alleviate that. So I want to finish the bill, and I think we ought to do the very best we can to do that.

Mr. LEAHY. If the Senator will yield, I would note that we had a list of over 90 amendments entered under a consent agreement last Friday. We have pared that back to about a dozen or less. So we are making significant progress. I think what we want to do is make sure as amendments are coming up, the few that are left, Senators are not blocked by objection, as the Senator from California, Mrs. BOXER, was yesterday, or Senator LAUTENBERG last Friday.

Now we can move on. We have gone from 90 down to about a dozen. The managers' package is making a lot of that possible. Again, I commend the Senator from Utah for his work on this, and we should continue.

But while the Senator from New Jersey is debating his amendment, I will try to get a clearer answer for the Senator from Utah.

Mr. HATCH. Mr. President, let me say one other thing. This is an amendment that has already been debated, and it was defeated. So it is coming back again substantially in the same form.

Now, I was told yesterday that the minority believes they have narrowed their amendments down to about eight. As I understood it, they figured they would have three more gun amendments, including this, and possibly a fourth.

All we want to know is how many are we going to have and what are they so we are sure of what is going to come up. But in all honesty, I do not want to just keep debating the same subject over and over when we have made real honest and decent efforts to try to resolve these problems.

Be that as it may, I would like to know, as soon as I can, just exactly how many more gun amendments we are going to have to put up with or are we going to do the rest of the bill. Are we going to get something seriously done about juvenile crime or are we going to make political points in the Chamber, to the extent Senators think they are making them?

That is what I am concerned about. I would like to pass this bill which will make a real difference on accountability, making kids who commit violent acts responsible for their actions. For the first time, we actually have prevention moneys, more than accountability moneys. We are doing something about the cultural problems in this society—not something, a whole lot about the cultural problems—that really will work if we can just get this bill passed. Of course, we are going to get tougher on violent juveniles in the sentencing phase and a number of other ways from a law enforcement standpoint.

We have spent most of our time in the last 6 days—now 7 days—on gun amendments. We have made a real effort to try to accommodate people on the other side—and some on our own side—to resolve these matters. I think we have largely resolved them. Be that as it may, we will go on from here.

Mr. LEAHY. Mr. President, again, I ask consent not to have my time come from anybody else.

We are making progress. As I said, we had 90 possible amendments entered as a consent agreement last Friday. We pared that back to a dozen or less. The distinguished Senator from Utah said over the weekend that it appeared they would need about seven from their side. They offered four. That leaves about three more.

I point out that sometimes this debate is wise. When the Craig amendment first came up, the Senator from New Jersey, the Senator from New York, Mr. SCHUMER, and I came on the floor and said there were some very serious problems with it, that part of the drafting was left out, that it did things different from what the Senator from Idaho, Mr. CRAIG, had said it did. We were told by the Senator from Idaho that we were flatout wrong, that there was no such thing. It was a good amendment. It was adopted, then, on virtually a party line vote.

The next day, as soon as the press had analyzed it, they found exactly what the Senator from New York and I had said was accurate, that what the Senator from Idaho said was not accurate. There was a great flapdoodle over it—that is from the early unpublished Jefferson's ''Manual on Parliamentary Procedure,'' I tell Mr. Dove, the Parliamentarian.

It comes back again now, redrafted. And then, after that, it was pointed out that there were other errors, and we were told again we were wrong. A third part of the draft is coming back. Frankly, Mr. President, sometimes the debate takes a little bit longer if amendments do not do what the sponsors say they do.

With that, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Jersey is recognized.

AMENDMENT NO. 362

(Purpose: To regulate the sale of firearms at gun shows)

Mr. LAUTENBERG. I thank the Chair, and I thank my colleague from Vermont.

I particularly pay a note of respect to our colleague from Utah, the chairman of the Judiciary Committee and the manager on the Republican side, for this juvenile justice bill. I know how anxious he is to effect a compromise that permits us to move ahead with legislation which is constructive. I have never known him to obstruct for the sake of obstruction. I appreciate his interest in moving this bill, as we all would like to do.

Mr. President, I ask unanimous consent to set aside the pending amendments and send a compromise gun show amendment to the desk.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. HATCH. Reserving the right to object, I did not hear.

The ACTING PRESIDENT pro tempore. Will the Senator restate his unanimous consent request.

Mr. LAUTENBERG. Surely. I first paid extensive compliments to the Senator from Utah.

Mr. LEAHY. There was no objection to that part.

Mr. HATCH. I am happy to hear that.

Mr. LAUTENBERG. Did I hear an objection from the Senator from Vermont?

Mr. HATCH. Could I understand what the unanimous consent request is?

Mr. LAUTENBERG. Mr. President, what I want to do is to see if we can present a compromise position that takes care of some of the problems which still exist after we passed the Craig-Hatch amendment, which differs from my original language to an extent that I think makes it more palatable to our friends on the other side. I would be happy to discuss those as I go through my presentation on the amendment. It is obvious that we want to do what we can.

While the Senator from Utah was occupied, I did say that I have never known him to obstruct for the purpose of obstruction but, rather, to effect change. I think it is fair to say there is a significant amount of interest on the Republican side in the changes we have made to try to limit the definition of gun shows, to try to make certain we have not increased the bureaucratic or the regulatory requirements such that substantially more paperwork is involved. We are not attempting to keep

files open on people for whom there is no discredited information, changes of that nature.

Mr. President, I hope the Senator from Utah and other Members of the Senate will look at what we have and give us a chance to have a review of it.

Mr. HATCH. Could I ask——

The ACTING PRESIDENT pro tempore. The Chair notes that under the previous order, the Senator has the right to send his amendment to the desk, and the Chair does not interpret the unanimous consent request to be anything other than that. Does that clarify the situation?

Mr. HATCH. His amendment will go in order after the amendments that were——

The ACTING PRESIDENT pro tempore. That is correct. The Chair does not interpret the unanimous consent request to change the order of the presentation of the amendments. It does interpret the request simply to be to present the Senator's amendment at this time.

Mr. HATCH. The reason I was concerned is that we set these in order by unanimous consent. I had to go to great lengths to get that done. That is fine with me, if that is the understanding.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative assistant read as follows:

The Senator from New Jersey [Mr. LAUTENBERG], for himself and Mr. KERREY, proposes an amendment numbered 362.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(The text of the amendment (No. 362) is printed in today's RECORD under ''Amendments Submitted.'')

Mr. LAUTENBERG. I thank, again, the Senators from Utah and Vermont.

Mr. HATCH. Will the Senator from New Jersey yield? Could we have a copy of the amendment. It is certainly nice to know what is going on. That is what I am concerned about. If we are going to have amendments, I at least want to know what they are, because I have gone to great lengths to try to bring both sides together. I don't want to be blind-sided by amendments at the last minute here. I would like to at least know what is in this amendment. I think I have a pretty good idea, but I would like to know.

Mr. LAUTENBERG. Mr. President, in response to the Senator from Utah, there is no intent to offer anything that hasn't been discussed or anything that is a radical change that further limits the activities of legitimate transactions at a gun show.

This amendment which I send up now has been joined in its origination by Senator BOB KERREY from Nebraska. He has signed on as a cosponsor. His input has been truly valuable in crafting a workable proposal. He comes from a largely rural State where guns are a significant part of the State's culture. I really appreciate his strong support of my amendment.

This amendment is offered in a bipartisan fashion to finally close the gun show loophole. I think it is time for us to come to an agreement on the gun show debate. It is very much in the minds of the public. There was a poll just done, an ABC-Washington Post poll, which said, in response to the question, Would you support or oppose a law requiring background checks on people buying guns at gun shows? the support level was 89 percent. So it does not leave a lot of room for doubt.

Last week the Senate did cast two votes on different gun show proposals. My amendment was defeated by a slim majority of 51 votes. Obviously, we had Republican support. There were several absences, primarily from the Democratic side, people were called away, some for emergencies and illness. And after our amendment was defeated, a couple of days later, the Hatch-Craig amendment was offered, and it passed by only one vote, with five Senators not voting; there were a total of 95 votes cast. The result was 48–47. So we are obviously in the same ballpark when it comes to thinking about what ought to happen. People are very wary and upset by the fact that guns can be purchased without any identification of the buyer. I call it ''buyers anonymous.'' The public is in obvious distress about the way things have been done in the past.

We are not going to interrupt the process whereby people who are not felons and are of sound mind can buy a gun. We are not looking to interrupt the process of the interested purchaser in buying a gun. But we know that, just as with other transactions—vehicles, for instance—there is a recognition of who is buying a vehicle. The same thing ought to be true when we talk about guns.

So that is what brings us to the position we are in. I asked several Senators who were leaning to my position to make any suggestions as to how we could improve the amendment that I originally offered. This new version that we have sent to the desk reflects the suggestions of both Republicans and Democrats. First, the definition of ''gun show'' is modified. I have actually taken language from the Hatch-Craig amendment and included it. I point that out because I want to try to effect a consensus, and that is why we have included this language from the Hatch-Craig amendment in this revised version.

Now, my new language clarifies that we are only talking about events where firearms are exhibited and offered for sale. We are not talking about transactions between individuals or neighbors.

The second change that we have made would clarify what qualifies as a firearm sale or transaction. When drafting my original amendment, in order to prevent people from circumventing the background check by completing a sale outside the gun show that actually began in the show, but is completed, for instance, in the parking lot, we wanted to close that loophole. So while the original amendment defined ''firearms transaction'' fairly broadly to cover any transaction that started in a gun show but was completed outside, we wanted to define that a little more openly so some disagreement that occurred would perhaps have a chance to note the changes that were made and would encourage them to join in with us and pass this legislation. Some of my colleagues have suggested the original language was too broad, so I have narrowed it to ensure that legitimate gun sellers are not subject to penalties.

Additionally, during the course of the debate, some of my opponents have suggested that my amendment would lead to a national registry of gun owners. My amendment had nothing remotely resembling a national registry. It simply required gun sales to go through an existing national instant criminal background check system.

The problem is that some who oppose any kind of gun owner identification as a new purchaser have always opposed the criminal background check system. They argue that it is the first step toward a national registry of firearm owners. They raise the specter of a national registry because they want to scare people away from reasonable, commonsense gun proposals.

Well, we are going to make certain that doesn't happen, because I believe there is no basis for that argument. I have made a modification to try to deal with that issue once and for all.

My amendment would change the Brady law to prevent the Federal Government from keeping any records on qualified purchasers—in other words, law-abiding citizens who are allowed to buy a gun—for more than 90 days. After 90 days, they have to scrap it if it has no value. The person is not discredited in any way, has no criminal record, has no problem with violence, has not been noted for violent behavior, has not had any serious mental disorder, and we are satisfied to have those records expunged after 90 days because there is no value to them, for one thing, and, secondly, it seems to suggest that what we want to have is, again, a registry on everybody. That is not the case.

Mr. President, law-abiding citizens don't have anything to worry about. After 90 days, they can be absolutely sure that there will be no Government record of their gun transactions whatsoever.

Finally, Senator KERREY, Senator SCHUMER, Senator BOXER, Senator KENNEDY, and I worked to streamline the requirements for gun show promoters. My revised amendment eliminates all unnecessary paperwork and bureaucratic redtape that was purportedly contained in the original Lautenberg amendment. The reason I say ''purportedly,'' is because that is the way some

of our colleagues on the other side interpret it. Well, I want to make sure that the record is clear and, thus, we were truly circumspect in the way we asked for this data to be presented and for this amendment to be offered.

I thank colleagues on both sides of the aisle who have helped me work on these issues. This is a compromise from my original position, but my mission is to accomplish the goal, and the goal very simply is to satisfy the American people. It is not just curiosity; it is fear; it is concern; it is their belief that anybody who buys a gun ought not to be anonymous in that purchase, especially when we know that so many of those transactions have occurred at gun shows. So that is the purpose of this change. We need this amendment to close the gun show loopholes once and for all.

Now, although the Hatch-Craig amendment may have generated a well-intentioned effort to address the gun show loophole, it did create additional problems. If we leave the language in this bill as it presently is with the Hatch-Craig amendment, our gun laws are actually going to be weaker. I know that is not the intention of the authors, nor is it the desire of the American people.

Mrs. BOXER. Will the Senator yield for a brief question?

Mr. LAUTENBERG. I am happy to yield for a question.

Mrs. BOXER. I say to my friend, thank you very much for giving the Senate a chance to undo the damage that it did by not voting for the Lautenberg amendment in the first place and then adopting some amendments that have problems. I thank Senator KERREY, in particular, for joining with the Senator from New Jersey. I think this combination is a very good one. It is a Senator from the East and a Senator from Nebraska working together. I think it should pull us all together and put this amendment over the top.

I wanted to ask my friend if he saw the op-ed piece in the Los Angeles Times today written by Janet Reno?

Mr. LAUTENBERG. I did see it. I was pleased to see it, as a matter of fact.

Mrs. BOXER. I wanted to say to my friend, quoting very briefly—then I will put this in the RECORD, and I will yield back—that Janet Reno, our law enforcement officer, says, ''The Senate proposal doesn't do enough to keep firearms out of the wrong hands.'' She said that the ''U.S. Senate has . . . the opportunity to make our streets and communities safer by closing the loophole that lets felons, fugitives and other prohibited people buy deadly weapons at gun shows.'' She laments the action that the Senate took. She points out that even though some on the other side said this amendment would close the gun show loophole, they do not, and she basically then says that the bill of Senator LAUTENBERG and Senator KERREY does the job, and it follows the recommendations of the Attorney General. She says there is still time for the Senate to revisit this important issue and adopt legislation that closes the gun show loophole once and for all.

I guess my final question to my friend is this: It is unusual to see a Senator get up and offer once again an amendment that essentially he offered before. Does my friend have hope that we will get enough votes on the other side to have a better outcome and to plug this loophole?

Mr. LAUTENBERG. I have a strong feeling that we can pass this. It would take many minds to change to make that happen. My colleagues on the Republican side—I want to say I have had lots of private conversations with them—also want to see the loophole closed. While the Hatch-Craig amendment passed, it was the intent of those who supported it, and I am sure it closed the loophole. However, it is technically still open to loopholes through which lots of problems could emerge.

As a consequence, I am hopeful that we will get strong support on this amendment. The American public strongly support it—89 percent, I point out. That is an enormous number.

What I am hoping is that finally the voices of the parents, those who are concerned who have seen violence in their schools, who have seen violence in their streets, are heard. If we can, without harm to those who want to observe a legitimate request, continue to do that, I am hopeful that we are going to be able to alert some of those who oppose it to the fact that we have taken great pains to satisfy their needs in the revised Lautenberg-Kerrey amendment.

I urge my colleagues to support this bipartisan amendment. Let's close the gun show loophole once and for all.

I yield the floor.

Mr. SESSIONS addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank Senator LAUTENBERG for his work on this. He is committed to it very strongly. We just have different views on a number of issues about guns. I wish it weren't so. But we do have some differences.

With regard to the gun shows, I think a lot of progress has been made since the Lautenberg bill has made some movement toward a more centrist position, but I believe—and I know Senator HATCH shares the belief deeply—that it still does not go far enough in being a reasonable restriction on the historic event of gun shows in America. They continue around the country. These are honest and law-abiding citizens, overwhelmingly, who attend. People collect antique weapons and so forth. We simply can't have these long delays before you can close a transaction, because the show will be gone by then. This does not have qualified immunity. It gives the ATF the ability to in effect impose a new tax.

There are some things that we just are not able to accept.

Mr. KERREY. Will the Senator yield?

Mr. SESSIONS. I sure would be happy to yield.

Mr. KERREY. The Senator says this would give the ATF the ability to levy a new tax. But under the modified proposal that we have, all we are doing is saying that a gun show operator—several thousand of them a year—will simply have to pay the same relatively small fee that all licensed gun dealers do. Will the Senator agree that this is no different from what any licensed gun dealer has to pay, that basically what we are trying to do with this amendment is to say that if you have a gun show where it is possible that guns will be sold, you need to be licensed like everybody else and you need to pay a relatively small fee?

I ask the Senator that question.

Second, would the Senator agree that we have substantially reduced the amount of regulations that gun show operators would have to comply with in this amendment, that we struck, I think, three or four of the most difficult regulations, leaving only the requirement to register like all licensed dealers have to do and pay this small fee? They have to prove the identity of vendors when they check in at a gun show. That is just to verify the vendor is who they claim to be. And they have to post a sign indicating NISC background checks will be required.

Will the Senator agree that basically, first, there is a substantially reduced amount of regulations that we have in the first amendment, and, second, that all this tax the Senator has referenced, which is a fee, is the same thing that other licensed gun dealers would have to pay?

Mr. SESSIONS. I would certainly agree that the amendment as proposed has listened to some of the concerns that made it unacceptable to begin with, and it moved in a more moderate position. But I would still suggest that this amendment is unacceptable for a number of different reasons. One of them is an additional tax and fee that can be imposed by the ATF on a transaction that previously was not taxed. It does not provide the kind of qualified immunity that would induce people to do the background checks and could, in fact, cause more black market sales of guns.

The bill as written, the Hatch-Craig amendment, would be mandatorily stronger than it was originally. And of course there were some typographical errors in that first Hatch-Craig amendment, unfortunately, that I know Senator LAUTENBERG enjoyed railing about for a long time. But that was admitted and has been corrected.

I believe the managers of the Hatch-Craig amendment answered the questions that Attorney General Reno raised in her comments that were made before some of these changes were made.

But let me say this. I have been a prosecutor for 17 years, 15 as a Federal prosecutor, and I prosecuted gun cases

aggressively; it was a high priority. Under this Project Triggerlock proposal, I sent out a newsletter on guns called ''Triggerlock News,'' to the local sheriffs and chiefs of police explaining to them what the Federal laws were.

Federal laws against guns are very strong. If you carry a gun during a drug offense or a burglary, it is 5 years without parole consecutive to any punishment you get on the underlying offense. In Federal court you have the Speedy Trial Act. People have to be tried promptly. In Federal court when you have a speedy trial and the individual is already out on bail or parole, the judge usually will deny them bail. So you could have a case where oftentimes these violent criminals are denied bail, then they are tried within 60 days, and removed from the community for 5 years and more. That was a high priority with me.

This administration under Attorney General Reno has allowed those prosecutions. I was a U.S. attorney appointed by President Bush. And President Clinton has now appointed all 93 U.S. attorneys around the country. His U.S. attorneys have allowed gun prosecutions to decline 40 percent, from 7,000 to 3,800. And, more than that, they have gone forward with this idea that the way to fight violent crime and keep people from using guns illegally is to pass more laws. But they are not enforcing the laws they pass.

For example, there were 6,000 incidents of firearms carried on school grounds last year, according to the President. And within the last several years this Congress, at the request of the President, passed a law to make it a Federal crime to carry a firearm on school grounds. Yet out of 6,000 incidents, fewer than 10 cases were prosecuted each of those 2 years. It is a Federal crime in America to deliver a firearm to a teenager under most circumstances.

That Federal crime, that Federal law, was passed several years ago at the request of the President. Yet his Department of Justice, Attorney General Janet Reno, prosecuted less than 10 of those in each of the last 2 years. The assault weapons ban that was raised had less than 10 prosecutions.

Mr. LAUTENBERG. Will the Senator yield?

Mr. SESSIONS. When I finish I will be glad to yield. This is a very important question to me. We are trying to improve gun laws, and I am prepared to strengthen substantially the situation involving gun shows. I know Chairman HATCH is. I am filling in for him at this moment.

Is this just show? Is this all for debate, for TV and media and politics? It seems to me that it is since after we pass the law, no one ever gets prosecuted for it. Only ten cases out of 6,000 in America last year were prosecuted. What does that say about what we are going through here?

This bill has a number of changes in gun law. If a young person, a teenager, is convicted as a juvenile for a crime of violence, he or she will not be able to possess a firearm later when they become an adult. Under current law that is not so. If a teenager commits a violent crime at age 17, he is treated as a youthful offender or juvenile in juvenile court, and when he becomes an adult he can still possess a firearm. But an adult, if convicted at age 18 of a felony, cannot possess a gun.

We closed that loophole to make sure that we are focusing on people who have a proven record of dangerous use of guns, rather than focusing over and over again on innocent people who use firearms.

Mr. SCHUMER. Will the Senator yield?

Mr. SESSIONS. Yes.

Mr. SCHUMER. There is one difference we have. Yes, prosecute those who violate the law, no question. But very simply, that doesn't say you shouldn't prevent young people from getting guns before they violate the law. The two people at Littleton, Klebold and Harris, had not violated the law before—or were not detected.

It is of little consolation, it seems to me, to their parents and their families and the whole community that had they not killed themselves they would have been prosecuted. They should be prosecuted. I am for laws as tough as my friend from Alabama is, but why shouldn't we both do things to prevent young people and criminals from getting guns before they commit crimes, as well as prosecute them after they commit crimes? The two are not contradictory.

I always hear ''let's do more prosecution'' as a substitute for also preventing criminals and young people from getting guns in the first place so we won't have to prosecute them.

I ask my friend from Alabama, why is one in place of the other, as opposed to doing both alongside one another?

Mr. SESSIONS. We are not against laws that rationally and effectively prevent people from having weapons they shouldn't possess. We added in this bill a prohibition on what I think was a loophole on assault weapons, dealing with teenagers. Other violations of that kind are in that bill, and that bill can provide more restrictions.

To me, it is a bizarre event that we are talking about a 3,000-prosecution decline and about passing this arcane law dealing with gun shows which may have some positive effect in reducing illegal gun sales.

So we are working with Members on that. We have probably five or more gun restriction provisions in this legislation. That is not going to solve the fundamental problem if we are not going to have those laws in force nor if we don't have a commitment from the Attorney General to do that.

We heard from her own U.S. attorney in Richmond. They have adopted a program very similar to Project Triggerlock under President Bush. She called it Project Triggerlock with Steroids. They were aggressively prosecuting individuals who utilized guns illegally, and the President's own U.S. attorney attributed their aggressive prosecution of current gun laws for a 40-percent reduction in murder and a 21-percent reduction in violent crime.

I thought that was a stunning statistic. The President indicated he wanted to see that done nationwide in a radio address. Two days before, we had a hearing on it. He had a radio address on this very subject, in effect, dealing with the massive decline in prosecutions that have occurred under his administration, and said he was directing his U.S. attorneys in the Department of Justice and the Department of Treasury, of which ATF is a part, to increase their prosecutions.

Yet when we had Attorney General Reno testify just this month before the Judiciary Committee, she said we are not making any big commitment on that. She has a study going on and it has to be done individually and we are just not going to do what they did in Richmond.

The clear impression was that not only was she not in accord with what I believe the law of the United States requires, but that she wasn't even really in accord with the wishes of the President of the United States.

Mr. KENNEDY. Will the Senator yield?

Mr. SESSIONS. I yield to the Senator from Massachusetts.

Mr. KENNEDY. I notice that the cosponsor of the amendment is on the floor. I wonder if he might be able to speak since he is the principal cosponsor. Traditionally, we have let principal sponsors be allowed to speak. The Senator is always courteous in all these occasions. Would the Senator be willing to let him proceed?

Mr. SESSIONS. I am sorry that I took so much time. I defer to Senator KERRY.

Mr. KENNEDY. I thank the Senator.

The ACTING PRESIDENT pro tempore. The Senator from Nebraska.

Mr. KERREY. The Senator didn't take too much time at all. It is within your right to do it. I do have a markup with the Finance Committee and I appreciate very much the Senator yielding to me so I can make a couple of points about this amendment.

First of all, I do believe in the second amendment. I believe in the right to bear arms. I think it has meaning. In the past, I measured whether or not I will vote for changes in the law that restrict a citizen's right to own a gun that reduces their right by imposing waiting periods or increased licensing requirements by a simple test: Will this reduce the number of people who are having their rights violated by either being shot at, shot, or killed as a consequence of people who acquire guns illegally, using those guns to commit a crime?

I voted for Brady. I voted for the so-called assault rifle ban, though it didn't really ban rifles; it banned some

features. I feel confident when I vote for something that I think works.

What we have here, and I think both sides are agreeing, is a significant loophole in the law. There are thousands of gun shows every year where not only can law-abiding citizens go, but as a consequence of not having to be licensed—if you go to a Guns Unlimited in Omaha, NE, you have to get not just background checks but you have to get permits from the city of Omaha and the county sheriff. It takes a while before you buy a gun.

If you set up a gun show in Douglas County, no licensing requirements are necessary. You can buy any gun if you are a felon or mentally unstable, no background checks are required at all.

Both sides are saying we recognize that loophole needs to be closed. I noted last week, indeed, when the amendment was offered as a motion by Senator HATCH and Senator CRAIG, the headline of the Omaha World Herald said ''Republicans Close Gun Show Loophole.''

What I am trying to say with this amendment is two things. One, some objections raised against the previous amendment talked about excessive amounts of regulation. I found that to be a credible argument. Senator LAUTENBERG was good enough to make significant changes in it, so all that is left now is for a gun show operator to do the same thing that a licensed dealer has to do, which is to register with ATF; they pay a small fee just as any licensed operator has to do; the vendor has to show proof of identification—that is, the person who is selling—that verifies the vendor is who they claim to be. And then basically a sign has to be posted notifying people, who are either vendors or there buying, that NICS background checks are going to be done.

That is all that is required. It is a fairly simple imposition of regulations that are the same for anybody who goes to a licensed gun dealer. In addition, you have to comply with whatever the local law is, the State law, or Federal law. That is all we are attempting to do.

I urge Senators who are considering whether or not to vote for this amendment to look at the language of the law as it is currently proposed in the Juvenile Justice Act, as modified, because the loophole is still there. Perhaps the distinguished Senator from Utah can address this, or somebody else who is a proponent of this. It says that special licenses can be granted to people who are running gun shows. It does not say that all gun show dealers have to register, as all licensed gun dealers do. It says some gun show operators can be granted special licenses and then they will not have to do background checks, they will not have to determine whether or not a person who is walking in to buy a handgun is a felon, whether or not they are mentally unbalanced, whether or not they have previous crimes they have committed. None of this is going to be required if this gun show operator can get a special license.

You say maybe there are some special cases where a special license is required. I urge Members to look at the language. The language says a special license can be granted to a person who is engaged in the business of dealing in firearms by, No. 1, buying or selling firearms solely or primarily at gun shows.

That is going to exempt everybody. Anybody who is out there who says I do not have a gun shop, I am not a licensed gun dealer, all I am doing is operating at gun shows, is going to be able to apply for a special license and be exempted.

You tell me how that is going to reduce the opportunity for a felon—again, somebody who has committed crimes in the past with guns—to go to an operator who is engaged in a business primarily operating at gun shows and not be able to buy a dangerous weapon. The answer is, they will still be able to buy. So if anybody believes we have closed this loophole as a consequence of the Juvenile Justice Act as it is currently amended, I urge you to look at the language. Anyone who is buying or selling firearms solely or primarily at gun shows can be given a special license and then will not have to do background checks.

Second, for anybody who is buying or selling firearms as part of a gunsmith or firearm repair business or conduct of other activity, as in this subsection, that seems not necessarily unreasonable. You can, I suppose, craft this thing so special exemptions can be granted. But we do not grant special exemptions for somebody who is out there as a licensed gun dealer; they merely have to pay a small fee with the ATF and agree to do background checks.

If you talk to the licensed gun dealers today—many of whom opposed those background checks to begin with—they say they now basically are comfortable with it; it is operating relatively well, and it gives them increased comfort when they sell a handgun, knowing they are selling it to somebody who is not a felon; either the local sheriff or local police department signed off on it and said that person who has made that purchase is somebody who is a law-abiding citizen, who is not a felon, who does not have anything in his background that would indicate the rest of the public is going to be at risk as a consequence of him owning a handgun.

This amendment corrects precisely what many people objected to in original language, and that is, it reduces the amount of regulation. But it clearly says if you operate a gun show and you are selling guns, you are going to have to do what every licensed dealer has to do. You pay a fee to the ATF and you make certain you do background checks on anybody who is buying. That closes the loophole.

But current language as described here in law does not do that. Current language will still allow somebody who is primarily involved or solely involved in operating gun shows—it will allow them to say we do not have to get a license, we do not have to notify ATF, we don't have to do background checks, we can just set up shop.

You could even have a vendor at a gun show, under the proposal as this Juvenile Justice Act has been changed, a vendor who is also illegal—no background checks, no analysis required of the vendor as well.

There are other problems that can be identified. I am troubled as well by the pawnshop exemption in the Juvenile Justice Act as originally proposed, as is proposed today as well, because I think that also unnecessarily puts the public at risk. That is what we are talking about here.

All of us understand the Bill of Rights provides us with freedom but also understand there are limits. I do not have unlimited first amendment rights. If I libel or slander people, they can bring a case against me. I do not have an unlimited second amendment right. My second amendment right ends when I am a threat to somebody else.

This is not about restricting law-abiding citizens; it is about trying to write the law so people who are intentionally committed to violate the law have a more difficult time acquiring a weapon that will enable them to do grave bodily harm to, if not to kill, another member of our society. So I hope those who would genuinely want to close this loophole, who are looking for a way to basically level the playing field for somebody who is out there selling guns through gun shows and licensed gun dealers in the local community, want to have the same rules applying to both.

I hope my colleagues will consider what we will be doing if the Juvenile Justice Act, as modified, is enacted, and what we will be doing if the amendment offered by my friend from New Jersey, Senator LAUTENBERG, and I is accepted. I hope this will be accepted. We have significant numbers of Americans who are saying we do want to reduce this loophole, this risk that we see to our lives—not just our lives but our children's lives as well.

I think it is an altogether reasonable amendment. I was surprised initially there was much controversy over it. I regret there is controversy over it. I hope this amendment will be seen by those who support the right to bear arms as a reasonable way to make certain that all Americans, gun owners and non-gun-owners alike, not only have a right to own a gun but have a right to the safety and security that all of us want to have in our homes and in our neighborhoods.

The Senator from Alabama is gone. I will, in his absence, thank the Senator from Utah for allowing me to speak so I can get back to the finance meeting.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. HATCH. I am going to yield to the distinguished Senator from Massachusetts. I just want to thank the Senator for getting here and making the speech. I am glad we could accommodate him. I am going to accommodate the Senator from Massachusetts now, and then hopefully I will have something to say about this when he has finished.

I ask though, in the meantime, of the distinguished Senator from New Jersey, is there a possibility of us agreeing to a time agreement on this since the main proponents on this have spoken to it?

Mr. LAUTENBERG. Mr. President, in response to the Senator from Utah, we have several colleagues who want to speak.

Mr. HATCH. Will the Senator just consider that, and then maybe, while the Senator from Massachusetts makes his remarks, chat with me and we will see if we can come to agreement?

Mr. SCHUMER. If the Senator will yield, I have been waiting patiently. I certainly want to speak on this. I probably will speak for no more than 5 or 6 minutes.

Mr. HATCH. I think everybody is trying to get this bill over with at this point. At least I hope so.

Mrs. BOXER. If the Senator will yield, I only need 2 minutes to make my remarks.

Mr. HATCH. I am happy to defer remarks of mine until the distinguished Senators from Massachusetts and New York and California speak.

Mr. LEAHY. We know the three who are going to speak. During the time they are speaking, I will run the traps on our side and try to get as concise and accurate a time agreement as we can.

Mr. HATCH. I would like to have time agreements on the other amendments, if we can. Will the Senator from Massachusetts give us some indication of how long he may speak? I will have to be gone from the floor to the Finance Committee for a vote and I would like to know, if I may, how long the Senator will speak.

Mr. KENNEDY. Probably less than 15 minutes.

I would like to just be able to proceed.

Mr. HATCH. I understand the Senator from Massachusetts, 10 or 15 minutes for sure, and then the Senator from New York at least 5 minutes, and then the Senator from California.

Mr. KERREY. Reserving the right to object.

Mr. HATCH. I just want to have some idea. I would also like to have the floor protected, and I know my colleague from Vermont will, while I go to vote on this Finance Committee bill.

I yield the floor.

Mr. LEAHY. There will be no consents entered while the Senator is gone.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. HUTCHINSON). The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, during the debate and discussion here on the floor of the Senate in regard to the prosecution of Federal crimes, and also during the period of the Judiciary Committee, I think we ought to really set the record straight. The record was set straight in the Judiciary Committee by the Attorney General, but it has been misrepresented here on the floor of the Senate by those who ask why are we considering this amendment when we are not really prosecuting all the gun laws on the books with regard to this and somehow suggesting that those of us who are concerned about the easy access of weaponry to children and criminal elements in our society really should pay more attention to the prosecutions and doing something to make it more difficult for children and for those who should not own the weapons to own them.

The fact is, overall firearms prosecutions are up. Although the number of Federal prosecutions for low-level offenders—persons serving sentences of 3 years or less—is down, the number of higher-level offenders—those serving sentences of 5 or more years—is up by nearly 30 percent in recent years.

At the same time, the total number of Federal and State prosecutions is up sharply. About 25 percent more criminals are sent to prison for State and Federal weapons offenses than in 1992, 20,000 to 25,000.

As the Attorney General pointed out, those that ought to be handled at the local level are being handled by State prosecutors, and those that are more serious are being handled by Federal prosecutors. That record has been made in the Judiciary Committee. Maybe those who oppose this kind of common sense gun legislation get some kind of thrill out of misrepresenting the facts. The facts have been laid out by the Attorney General before the Judiciary Committee and they are as I have stated them, and as represented by the Justice Department.

By misrepresenting and saying total prosecutions by the Federal Government are down, they are telling half the story. They are not saying what is happening in State and local prosecutions. When you look at State prosecutions, local prosecutions, and Federal prosecutions, they are up, and up significantly. I think we ought to put that aside.

We are making worthwhile progress in the Senate on these gun control issues. I join in paying tribute to my colleagues—Senator LAUTENBERG, Senator KERREY, Senator SCHUMER, Senator BOXER, Senator DURBIN, and others on both sides of the aisle—who have been advancing sensible and responsible and what I call common sense recommendations. That is what they are. They are common sense recommendations which, when put into effect, are going to reduce the opportunity for easy access to weapons which are too often used either accidentally or intentionally, perhaps even in the increased incidents of suicide, or purposely by children or young people in this country.

One of the most important measures, which is before us, is closing the gun show loophole and closing it not just part way but all the way. As was pointed out, last week the Senate failed twice to close that flagrant loophole, and the inadequate amendments adopted were riddled with so many loopholes of their own that the country was outraged by the Senate's hypocrisy.

Now, on the third try, we have a chance to do the job right and close the gun show loophole lock, stock, and barrel.

The gun show loophole is a hole below the waterline of our gun control laws. It makes a mockery of responsible gun control. Yet, the initial attempt by our Republican friends to close it was a travesty, as has been pointed out.

It left the gun show loophole wide open. It created a pawnshop loophole. It reduced background checks from 3 business days to 24 hours, including Sundays. It allowed the interstate sale of firearms, potentially undermining State laws across the country. It prevented gun tracing. And it created a sweeping immunity for gun sellers.

That action was the Senate at its irresponsible worst. It is time for us to stop buckling to the gun industry and do what is right.

There is a real chance that the tragedy in Littleton would never have happened without the easy access to guns that the gun show loophole supplies.

One incredible statistic summarizes the magnitude of the problem we face. In 1996, the most recent year for which information is available, handguns were used to murder 9,390 people in the United States.

I might mention why it is difficult to get gun figures. We are using 1996 figures because the power of the NRA prohibits the Centers for Disease Control from collecting that information. The only way they can get the information is to look at the death certificates, and that is enormously costly and takes an incredible amount of time. We are prohibited—the country is prohibited—from actually having the most recent and accurate information about gun deaths. If it is not a problem, why does the National Rifle Association oppose us in having that kind of information? And they have opposed it. They prohibit us from getting that information, so we use the 1996 figures—9,390 people in the United States.

In countries with tough gun control laws, the firearm homicide rate is over 97 percent lower—97 percent. The number of handgun murders in 1996 were 2 in New Zealand, 15 in Japan, 30 in Great Britain, 106 in Canada, and 213 in Germany. The case for strong gun control is overwhelming. It saves lives. It

saves children. It saves whole communities.

Another shocking statistic makes the same point. Each day across America, 13 more children die from gunshot wounds. That is the equivalent of one Littleton each day, every day somewhere in America.

How can the Senate continue to play ostrich—head in the sand, ignoring this overwhelming need? How many more Littletons do we need? How many more wake-up calls will it take? When will we finally do what it takes to keep children safe and stop sleepwalking through crisis after crisis after crisis after crisis of gun violence?

If the Senate cannot even close the gun show loophole, we may well be condemning communities across the country to a future Littleton tragedy of their own.

It is wrong for the Senate to say that easy access to guns had nothing to do with what happened at Columbine High School. It is wrong for the Senate to whistle past the graveyard of Littleton. It is wrong for the Senate to pretend to make minor adjustments in the gun laws when gaping loopholes, like the gun show loophole, needs to be closed. It is wrong for the Senate to give the National Rifle Association a veto over the reforms that cry out to be taken in the wake of that tragedy.

Littleton shocked the conscience of the country, and it finally seems to have shocked the conscience of the Senate. It is clear that the Senate should return to the gun show loophole and try again to close it before more innocent lives are lost. And, like closing the gun show loophole, there are other urgent steps that need to be taken.

Gun laws work. The facts speak for themselves. It is long past time for the Senate to act to say enough is enough.

We know many examples of how tough gun laws, in combination with other preventive measures, are having a direct impact in reducing crime. In Massachusetts, we have some of the strongest gun laws in the country. There are tough restrictions on carrying concealed weapons. Local law enforcement has discretion in issuing the permits required by law, and an individual must show a clear need.

The minimum age for sale of handguns across the board is 21.

There are increased penalties for felons who possess firearms.

Adults are liable if a child gets an improperly stored gun and uses it to kill or injure himself or someone else.

Firearms must be stored with child safety locks.

We have a gun-free schools law.

We have enhanced standards for licensing of gun dealers.

A permit is required for private sales.

Saturday night specials are banned.

Lost or stolen firearms must be reported.

These are common sense requirements that save lives and impose no problem whatsoever for legitimate hunters and sports persons.

Look at what has happened in terms of firearm homicides in Boston. These figures are reflected across our Commonwealth. We have seen in 1993, 65; 62 in 1994; 64 in 1995; and then 39, 24, 26, 4. So far this year, there has not been a single youth homicide in 128 schools. Tough law enforcement, tough gun control, tough preventive action. That is what we stand for. And the results are out there.

When we compare States with strong gun laws to those that have weak gun laws, the differences are significant.

In 1996, for Massachusetts, the number of gun deaths for persons 19 years old or younger was 2 per 100,000.

In States that have the weakest gun laws, the numbers were significantly higher: 5.9 gun deaths per 100,000 in Indiana; 9.2 gun deaths per 100,000 in Mississippi; 5.1 gun deaths per 100,000 in Utah; 6.9 gun deaths per 100,000 in Idaho—2 gun deaths per 100,000 in Massachusetts.

It is clear that strong gun laws help reduce gun violence, yet when Democrats have proposed steps to take guns out of the hands of young people—proposals that would save lives—the Senate has too often said no.

The overwhelming majority of the American public wants to pass reasonable gun control measures.

The American people clearly want these common sense laws on the books, and they will just as clearly hold Congress accountable if we fail to act or only pretend to act. The lesson of the Senate's past failed attempts to close the gun show loophole is clear: The American people will hold us accountable if we refuse to act. Nothing concentrates the minds of Members of Congress like the knowledge that they are about to be hung out to dry at the next election. So let's concentrate on closing the gun show loophole and the other blatant loopholes in the Nation's gun laws.

Just finally, I put in the RECORD that the ATF has examined the number of crime guns traced during 1996 and 1997 to federally licensed firearm dealers and to federally licensed pawnbrokers. While 13 percent of the federally licensed dealers had one or more crime guns traced to them, 35 percent of the federally licensed pawnbrokers had one or more crime guns traced to them.

It seems that everything cries out for this particular amendment. Let's take action and do what is right for the children in America, the families in America, and to reduce violence in America.

I thank the Chair.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. I thank the Senator from Massachusetts.

I think, in fundamental principles, we are in accord on the efficacy. The virtual elimination of guns in America, we cannot be together on. I think the second amendment provides for that. But tough law enforcement, as the Senator said, tough gun control—I would say, tough gun prosecutions—and prevention do work.

The Boston project is a good model for America. One of my staff members has been there to try to analyze how it is they have achieved their successes. One of the reasons is they really enforce the law. They go out and deal with these young gang members. If they have them on probation, they monitor them. They talk to them. They say: You are supposed to be at home at 7 o'clock at night. The probation officers do not work from 9 to 5 in Boston. They will work from 1 until 10 o'clock at night, and they will go out with police officers and actually verify whether or not those young people are complying with the probation and parole requirements placed on them. What is happening in America is our court systems are so overwhelmed with juvenile crime that they have not been able to even carry out their mandates.

If you give them probation, you need to make sure they honor and comply with the terms of the probation. One possibility is to do drug testing, so that they are not getting back on drugs which may be driving them to crime. Another possibility is by going to school on time; or if they have a job, showing up on time for it; if they have a curfew placed on them, being home in their bed and not running the streets at night.

These are the kinds of things in which Boston has invested. We asked: Well, what happens when a young person in Boston does not do what they say—for example, they have been caught in a burglary, have been released on probation, and have been running around with a gang. The judge says: Don't hang around with that gang anymore; be in at 7 o'clock; and be at school on time.

What happens if they do not go to school, and continue being a truant? What happens if they do not come home at night when they are supposed to or otherwise do not comply with the judge's order? In most cities, unfortunately, nothing happens.

If you care about children, you will make sure something happens, because we want to intervene early in their lives in order to direct them on a new and healthy path. If we love these children, and really care about them, we will not have this revolving-door justice that goes on in America.

There was a night watchman killed by three young people in Alabama just 3 years ago when I was the attorney general of Alabama. I called the chief of police and asked the chief: Chief, what is the criminal record on these three youngsters? They were out loose. One of them had 5 prior arrests, another one had 5 prior arrests, and one had 15 prior arrests. That is the pattern in America.

Fox Butterfield, who has written on this subject numerous times for the New York Times, did a study of the Chicago juvenile court system. He

found they spend 5 minutes per case. These children are not being confronted effectively by the court system when they are beginning to get in trouble. We need to make that first brush with the law their last. And it does include tough law enforcement. You have to be able to discipline children who refuse to take advantage of the opportunities that have been given them.

So we do have money in here that would allow for alternative schools to be built, for drug treatment programs, for mental health and counseling to occur, and for drug testing to find out whether young people are on drugs. All of those funding programs, and many more, are here to help strengthen juvenile justice.

I say to those who care about juvenile justice in America today, go down and talk to your judges, your district attorneys, and your chiefs of police. Ask them what is needed in their local juvenile court system in order to make them better able to intervene and change the lives of young people who are getting in trouble. You will find that those judges will have a list of things they wish they could have. This bill would fund virtually every one of them.

It would give matching funds to expand detention facilities. It would give more money for drug treatment and other activities of this kind. It would allow each community to make application for funds to fill the missing blanks in their system so that they can have a comprehensive, coordinated effort against crime.

I think we can make progress in that regard. I hope we can go on and move this bill to final passage.

I see the Senator from New York would like to comment.

I yield the floor.

Mr. SCHUMER addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. I thank the Presiding Officer for yielding and the Senator from Alabama for his courtesy, as well as all the other Senators.

I think, my colleagues, this afternoon will be a moment of reckoning on the floor of this Senate. The vote that will occur on closing the gun show loophole—really closing the gun show loophole—will be historic, because it will really mark the difference as to whether we are serious about moderate, carefully-thought-out measures on gun control or whether we are going to continue the same game we have played for the last 4 years.

What game is that? The game is a simple one. When the public gets aroused, all too often because of a tragedy, then some of us try to deal with the causes of that tragedy in a variety of different ways, including reasonable restrictions preventing children, preventing felons, from getting guns.

What in the past has occurred is, those who oppose us have said: Oh, we agree with you. And they put in a substitute amendment which does not close the loophole. They put in a substitute which makes it appear as if the problem is being solved but does not solve it. Then, inexorably, another tragedy occurs.

Today is the day we can stop that. We can stop it on a modest, simple measure to close the gun show loophole, to really close it.

Now, let me go over, for my colleagues—and then I want to talk a little bit about what the Senator from Alabama has said—the status of the present legislation that has passed on the floor of the Senate and what we are attempting to do with the Lautenberg amendment this afternoon. Right now, after passage of the Hatch-Craig amendment, we give with one hand and take away with another. There are, right now, three types of people under the status of this legislation who can go to gun shows and sell guns: One is federally licensed dealers. These people, since 1968, whether they sell at gun shows or anywhere else, have to keep records and, since 1993, with the passage of the Brady law, have to do background checks. They always have and they will continue to, unless we repeal that for some unforeseen circumstance.

The second group of people is those who are not licensed dealers. Under present law, they could show up at gun shows and sell guns without background checks, without recording processes. The Craig-Hatch amendment correctly, as does the Lautenberg amendment, prevents that from happening. A background check would have to be done, as it should. There shouldn't be any loopholes.

The country came together, in 1993, passed the Brady law, and it has worked. It has worked dramatically so. It has worked so that over 250,000 felons who walked into licensed dealers were refused guns.

Let me show you how it has worked in the last week. Since last Wednesday, May 12, 1999, when the Senate missed the opportunity to close the gun show loophole once and for all, the FBI, using the Brady law's national instant check system, stopped 1,550 felons, fugitives, stalkers and others who should not have guns from buying licensed guns. In one week, 1,500 people were stopped. But in that same week, sure as we are here, some of those very same people went to gun shows and bought guns without a check. What kind of mindless system is there when the dealer has to do the check but you can easily go to a gun show and get around it.

Over this past weekend, there were a minimum of 31 gun shows. In every one of those gun shows, children, felons, the mentally incompetent, and stalkers could go buy guns without ever being detected. Why?

Because of the public outcry about what occurred in Littleton, the Senator from Utah and the Senator from Idaho said: Fine, if you are not a licensed dealer, you also have to engage in a background check. That was their second attempt. The first attempt, of course, made it voluntary, which made no sense. But then, after the outcry and after the Senator from Vermont and myself got up on the floor late that evening and said, hey, this does not do what it is supposed to do, the next day Senators from the other side, the Senator from Oregon and the Senator from Arizona, got together and said: Wait a minute, we thought we were really closing the gun show loophole. It wasn't. And so this Craig-Hatch amendment evolved.

But the same darn thing occurred. So while closing the loophole for nonlicensed dealers, they opened it up for a whole new category of people called special licensees. What was the reason to have a special licensee? Nobody has figured that out. But a special licensee can go to a gun show, under the status of the Hatch-Craig amendment, and not do a background check.

It is a shell game. On the one hand, we say we are not going to let unlicensed dealers do this, and then we say, but if you become a special licensee, you can.

The American people are just appalled at what this Senate is doing. A simple measure like closing the gun show loophole, which can be done easily and quickly and noncontroversially, can't pass. We have to do an elaborate kabuki dance to make it seem as if we are doing something but not do anything at all.

So this is a moment of reckoning for the Senate. Are we going to step up to the plate and just close the gun show loophole once and for all by passing the amendment this afternoon, or are we going to continue to play games? I say to my colleagues, playing games won't do anymore. There has been a sea change in the American people in the last few weeks, because they are fed up.

After Brady, something happened. Before the Brady law passed, the gun lobby would tell citizens throughout America, if Brady passes, the hunting rifle your Uncle Willy gave you when you were 14 will be confiscated and some people in big black boots will knock on your door and take your guns. It was a message of fear.

Well, wherever I go in my great and diverse State, I ask people who are gun owners, has the Brady law interfered with your right to bear arms? And every one says no. So the fear tactics that the NRA has used, the scare tactics, the big lie is losing velocity. That is why they have lost members, half a million, in the last few years. That is why they are unable to garner support.

Now, because of the tragedy at Littleton, there seems to be a whole change in public opinion. They say, enough already. It is not just among Democrats like myself who have been arguing for these changes for over a decade. You have two candidates for the Republican nomination for Senate who have had the courage to say the NRA is not always right. In 1996, no candidate, much as they wanted to,

could dare say that. That is as good an indication of the change in public opinion as any.

I respect Elizabeth Dole; I respect JOHN MCCAIN. They do not agree with me about everything on guns. I do not expect them to. But on logical, rational methods of closing loopholes of a law that has received overwhelming public support and, more importantly, has been successful, 1,500 felons last week stopped from getting guns by Brady, how many of them went to gun shows to get around the law to buy those same guns we don't know.

Not only did the Hatch-Craig amendment fail to deal with the gun show loophole; it added three more loopholes.

Pawnshops: There has been a law that has worked. It said, you are a person; you go bring your gun to a pawnshop; before you retrieve it, let there be a background check—no harm to anybody. That has been in place since, I believe, 1997; it may have been 1996. It has worked. Hundreds of felons, I think it is 254, have been caught going to pawnshops, and all of a sudden we are going to open it up. Again, give with one hand take away with the other.

What are we saying? Do we want to have a loud speaker go up and down the streets of our country saying: Hey, felons, hey, kids, here are ways to get around the Brady law; you don't need a background check. That is what we are doing here in the Senate.

Then we have opened another loophole. This one is totally befuddling. The instant check system has worked.

It was proposed by people who didn't agree with me when we wrote the Brady law. But we said let's see if this works.

Well, it has, in about three-quarters of the cases. So people can get their check instantly and then go out of the gun shop with their gun. No problem, as far as I am concerned. Some people think a cooling off period is important, and it may be, but the main purpose we had in passing Brady was the background check. If you can do it quicker, fine. Still in about 25 percent of the cases the records are not in good shape, where there is a glitch in the computer, where the instant check doesn't work.

Right now, the FBI has 72 hours to check. Why in God's name did we reduce that to 24 in the Hatch-Craig amendment? Why?

Let me tell you the particular relevance to gun shows, where it applies. If you have a gun show on Saturday, you have 72 hours to check. The FBI can go through their records on a Monday. If you have a gun show on Saturday and you only have 24 hours to check, there is no check at all. Under the Hatch-Craig proposal, you would have to give that gun to someone even if they had committed 10 or 12 felonies. Why? It did not hurt anybody; it only applied to 25 percent. Yet, we persist in creating new loopholes.

One final thing. Our system has always been one that has recognized States rights. We said gun dealers can only sell within their State. Under Hatch-Craig, that principle goes. You can go across the country to sell a gun at a gun show. Why?

So not only did we fail to completely close the gun show loophole in Hatch-Craig, but we opened three new ones—in my judgment, three big ones. Why? Well, I know why. We all know why. It is because of the power of the gun lobby, because of the power of the NRA. There is no other reason. I have been asking for a rational reason why, and you hear ''too much bureaucracy,'' or something like that.

Well, in this juvenile justice bill, we are creating a lot more bureaucracy to put more kids in prison who commit serious crimes. I agree with that. I am a pretty tough-on-crime guy. But we don't get up on this side and say: too much bureaucracy. We don't hear colleagues on the other side say: too much bureaucracy. That is a false argument if there ever was one.

People want bureaucracy when they want Government to do something. If you want to put kids or felons away, it is more bureaucracy, more prosecutors. I am for it, but it is more bureaucracy. More laws? I am for it, but it is more bureaucracy. But when it comes to a law that would stop the kids from getting guns, that would stop the felons from getting guns, oh, no, no, then it is too much bureaucracy and we can't have it. I have never understood the distinction.

So the bottom line is a simple one. In the legislation we passed by one mere vote last week, we did not close the gun show loophole. We closed one little loophole and opened up another one to take its place. It is as wide open as it was before the legislation, and anyone, as my colleague from Nebraska has pointed out, could become a special licensee; and then we created three more loopholes.

Mr. President, we would have been better off without Hatch-Craig than we would have been with it. It was easier to stop children and felons from getting guns before Hatch-Craig than it is now, if it were to become law. So who are we kidding?

Then one final argument to my colleagues, to my friends on the other side—the Senator from Alabama is not here, but he will be even more ably represented by the Senator from Utah. That chart has been up here for a long time. I think we have heard more talk about that chart than about a lot of the legislation we are talking about. But that is fine. That is a legitimate argument, in my judgment. But I ask my friends—they say there is not enough prosecution of firearms violations. I agree with them. I agree with the Senator from Pennsylvania, in the budget last month, we put in a proposal to add $50 million to do what has been done in Richmond, Philadelphia, and in Rochester, NY, to do better prosecutions of those who violate Federal firearms laws.

As you know, most of the firearms laws are State. It has never been a Federal responsibility. Folks on the other side want to make it one, and that is fine with me. I am not one who says the Federal Government should not be involved in crime fighting. In fact, over my 10 years, I have pushed the Federal Government to be involved in crime fighting. But, again, why does prosecuting those who violate our firearms laws contradict closing the gun show loophole? It doesn't. Both should be done. They should go hand in hand.

As I mentioned before, in the debate we had with the Senator from Idaho a while back, there are grieving families in Littleton. There may be prosecutions of some who gave guns to Mr. Klebold and Mr. Harris, who created the tragedy. I am sure those prosecutions don't make the parents of the 13 dead children feel any better. I saw one of them begging us on television at the rally in Denver last week. They would beg us to do both—to prosecute those who violate firearms laws, but at the same time prevent children like young Harris and Klebold from getting guns to begin with.

A prosecution occurs after the crime. It sometimes deters crime because people don't want to be prosecuted. I have been tough on crime—for mandatory minimum sentences, and for incarceration—my whole career. But, in God's name, don't use that which is a worthy cause as an excuse, as a substitute for simple, moderate things such as closing the gun show loophole, closing the pawnshop loophole and allowing the FBI system to check when the instant check system doesn't work.

In conclusion, I know my friends from Nebraska and Utah wish to speak. This afternoon will be a moment of reckoning on this floor. It will determine, very simply, whether we are going to persist, as we have in the last few years, about coming up with solutions that don't do the job—that are almost designed not to do the job—or whether we can actually do some real good in a simple measure, sponsored by the Senators from New Jersey and Nebraska, and close the gun show loophole. The yeas and nays this afternoon will determine which side each Senator is on. The eyes of America will be upon this floor this afternoon. Let us pray we do the right thing.

I yield the floor.

Mr. HATCH. Mr. President, I have been working very closely with the Democratic leadership to try to get this matter to a conclusion. As I understand it, including this gun amendment, there are two others, and possibly a third besides this amendment. We are going to try to finish this bill.

Now, my personal impression is that they have gone too far. They are pushing this way too far. As the manager of this bill, I have tried to bring both sides together, and we have made a real effort to do so. I am starting to question whether or not we are getting a good-faith effort on the other side.

Now, this is the second time we have debated the Lautenberg amendment—the second time. To be honest with you, there is so much more in this bill than just the gun matters. I have helped to effectuate compromise on the gun matters, which I believe has been to the satisfaction of most all Democrats and most all Republicans—not all on either side. Here is where we are. We have fought back amendments on one side. I was told by colleagues on the other side of the aisle they had cut their list of amendments to eight and that three, maybe four, including this amendment, would be on gun control.

Today, they tell us that maybe they can agree to limit amendments. I have chatted with one of the top leaders on the Democrat side. He said they have agreed that we are going to get this done. But some have said maybe they can agree to limit amendments, but only after a vote on the Lautenberg amendment.

You see, they want to vote on Lautenberg, not just twice, but three, four, five—who knows how many times. Who is holding up this bill? I have to tell you, it isn't us. We will vote on Lautenberg, but I want to be sure that we have a unanimous consent agreement to vote on final passage.

I would like to vote on Lautenberg. But that is going to have to be the good-faith deal, because that is what I have represented to the other side. I think it is time to put this matter to rest. I think we can push these gun things only so far, especially when you have seen the good-faith effort I have made, and others on our side, to try to resolve these problems. The gun issue is an evolutionary issue; there is no question about it. We are trying to find ways of satisfying the vast majority of Senators. So far, we have been able to do that except with regard to the Lautenberg amendment. There is a very good reason why we will not vote for the Lautenberg amendment, or why we are going to vote for a tabling motion.

Much has been said about gun shows and how best to limit criminal access to guns at these shows. Not much has been said about the black market push that is going to happen if we get too bureaucratic about it, where people won't go to gun shows, where they will just sell them on the black market. That is the last thing on Earth I want, but that is what is going to happen.

I have to tell you, it is time to cut the rug. It is rug-cutting time. We are giving them the Lautenberg vote not because we think it is a worthy thing to do but because they are insisting on it. But there is a time when good faith says we move the bill. If Lautenberg is passed, so be it. If it does not pass, then so be it.

I have been saying for a long time that there have been numerous delays in debate on this matter. I have had some indications that there are going to be some more delays. We will have to see.

I am going to encourage my friends on the other side to limit the time. Let's get time agreement. Let's move ahead. Let's save the time of everybody in the Senate, and let's get a bill that will do something about juvenile justice in this country and about solving some of these serious problems we have.

Mr. REID. Mr. President, will the Senator yield?

Mr. HATCH. Yes; I am happy to yield to my friend from Nevada.

Mr. REID. I have been here this morning, and, of course, the manager of the bill has been here all morning.

I want to say to everyone within the sound of my voice that nothing has changed on this side of the aisle since yesterday. We have agreed to cut down our amendments from about 90 to a handful of amendments. We have indicated that as far as gun amendments, we had a finite number of those we were going to offer. I don't know what has gone on in the debate here this morning. I have been trying to follow it as closely as possible. But my friend from Utah should realize that nothing has changed since yesterday. We want to have a bill. We have worked hard to cut down the number of amendments. My friend, the manager of the bill, has worked all weekend with the staff to pare down these amendments. In short, we want a bill to go forward. We want to finally resolve something that the American people can be proud of. We have agreed not only on the number of amendments but we have been very fair on the time allocation.

On this amendment today, there has been a good debate. We haven't taken an inordinate amount of time.

In short, I say to my friend, who was kind enough to yield to me, that nothing has changed since yesterday. We feel very strongly about our positions. We are happy to defend them, articulate, and advocate them this morning.

Mr. HATCH. If the Senator will yield, I will take back the floor. The majority leader has asked me to get a time agreement when we finally vote. I think we are there. If you are down to eight, or actually seven after this one, I can get ours cut down once we know where we are, and then we can have final passage, and hopefully before the end of the day. I think we can do it.

Mr. REID. I would say to my friend from Utah, we have been waiting for the managers' amendment to be accepted, agreed upon, and at that time we will be in a position to lay out what our amendments are. We will have time agreements on them.

As far as final passage, we know that there can be games played with that unless we set a time certain for final passage. We want a bill passed. We want it to pass in a very short period of time. Nothing has changed since yesterday on this side of the aisle. We want to move forward in an expeditious manner.

Mr. HATCH. I appreciate my colleague's remarks. I believe him and have great respect for him, as he knows.

Let me just say this: The managers' amendment is basically agreed to between the two managers. It is a matter of making the final drafting changes, as I understand it. We intend to have that done and filed and approved, hopefully, and probably this afternoon, it seems to me. We will try to do that. But let's move this ahead.

Let me just finish my remarks on this, because I forgot that the distinguished Senator from California needs a chance to make her remarks. She said she would be 2 or 3 minutes.

Mrs. BOXER. Yes. Let me just say that I want to defer to Senator KERREY because he has such time problems. I have cleared my deck this morning so I can be here all day. I decided it would be fair to allow the Senator from Nebraska to proceed.

Mr. HATCH. I would like to make remarks in rebuttal, if I may, because Senator KERREY has already spoken. But if he needs to speak, I will be happy to—if the Senator from California is going to speak for 2 or 3 minutes, I will be happy to yield.

Mrs. BOXER. I will yield, and wait until the Senator from Utah finishes his remarks, and see where we are at that point.

Mr. HATCH. I thank the Senator very much.

I have been saying for a long time that how the Congress will deal with firearms violence is an evolving process. We began this debate with fairly ardent positions on both sides.

After several days of debate last week, Republicans took a step to require background checks at gun shows without substantial cost and regulatory burdens, and we passed the so-called bill on that, the Hatch-Craig bill. There was some gloating on the other side of the aisle, if I didn't misconstrue it. There were some Senators quoted talking about eating crow. These comments were not constructive at all. They made my job much more difficult on our side. We are here to do what is best for our children and to uphold the Constitution of the United States, including the second amendment. We are not here to score debating points, it seems to me. That type of comment, it seems to me, is very unconstructive and not conducive to getting a bill that will help our children and our country as a whole.

I would note, however, that the evolution of this matter continues. This time, the supporters of the Lautenberg amendment are making changes to their proposal to bring it closer to our plan that we passed in the Hatch-Craig amendment. My sense and hope is that our efforts will continue to evolve and we will be able to find common ground. That to me would be a great, great accomplishment. But I haven't seen that yet. We are evolving towards that.

I appreciate that my colleagues have recognized that the concerns we raised were legitimate and they have taken some steps in this current amendment to address the concerns. But I certainly

don't think they have gone far enough. I think they have gone too far in making it look like the only matter to consider on this whole bill happens to be guns.

Let's review how we got here. Under current law, non-licensed individuals can sell firearms at a gun show without obtaining a background check. This was the loophole that the President, the Lautenberg amendment sponsors, and others said they were concerned about. Yet, the bill as amended last week now requires background checks for these transactions at gun shows.

Under current law, persons who only want to sell firearms at a gun show are not licensed at all and perform no background checks. Our bill as amended requires sellers to obtain a federal license to sell firearms at a gun show. Because these special licensees, or temporary dealers, are now included in the Gun Control Act, they are subject to the background check requirements.

Further, our bill as amended provides civil liability protection to those sellers who complied with the background check requirements.

Our proposal also prevents the Federal Government from taxing background check transactions. The liability protection and tax relief were powerful incentives for persons to have background checks.

That is why we put them in the Hatch-Craig amendment.

Last week, when we first debated the Lautenberg amendment, we pointed out several problems.

First, the Lautenberg amendment's definition of a gun show was, at best, unfocused.

If two neighbors got together with 25 guns each and sold a gun, they would have been surprised to find that they had created a gun show and were criminals under the Lautenberg amendment because they did not conduct a background check or get a permit from the ATF.

We understand that the revised Lautenberg amendment now modifies the definition of ''gun show'' to conform with what is already in the bill, what we put in the Hatch-Craig amendment. It isn't totally that way because they still have their 50-person standard, and so forth, but basically they have come our way on it.

My colleagues on the other side of the aisle complain that the bill's current definition of ''gun show'' would allow ''hundreds of guns'' to be sold at flea markets that do not fall under the 10 or more exhibitor or 20 percent exhibitor rule. Of course, if a very few sellers were selling hundreds of firearms, they would in all likelihood be engaged in the business—and that is an important phrase—in the business of selling firearms without a license. Under current law, such persons are subject to fines, prison sentences or both.

Secondly, the Lautenberg amendment allowed the imposition of taxes and fees on background checks that constitute a substantial cost for complying with the law. Now what does that do? That is going to force people to not go to gun shows where they can legitimately sell them with background checks now that we require it in this bill, and to go off and sell them on the black market.

What we are trying to do and what it seems to me will be the inevitable result of some of the approaches under the Lautenberg amendment, will be that we will create a huge black market in guns, which is exactly the opposite of what we want to accomplish. I am sure that the distinguished Senator from New Jersey does not want to accomplish that, nor anybody else on this floor, but think it through. It doesn't take many brains to realize that is what will happen.

We understand the revised Lautenberg amendment does not ''impose'' taxes on sellers and purchasers. However, the tax to which we objected is paid by the person or entity that conducts the background check, not to a nonlicensed buyer or seller. Of course, the licensee, special licensee or special registrants now in this bill will pass this fee on to the buyer or seller who will have to pay it. Of course, they will pass it on. They will not just do this out of the goodness of their heart. As they do that, people will go into the black market to sell their guns, the exact opposite of what the distinguished Senator from New Jersey and I and others, who are really trying to do something constructive in this area, want to occur.

In short, notwithstanding its appearance, the revised Lautenberg amendment allows for an ATF taxing authority loophole. The revised amendment seemingly concludes that we were right, but does not correct the problem. So on this provision we have a major concern.

Third, the Lautenberg amendment required gun show organizers to obtain advanced permission from the ATF before holding a gun show. It doesn't take many brains to realize that is something nobody wants to agree with who believes that gun shows are a time-honored right in this society under the second amendment.

We understand that the revised Lautenberg amendment currently before the Senate that will be at the end of this amendment chain to be voted upon eliminates the advance permission requirement. However, gun show organizers are still required to keep extensive records, so there is a substantial burden that would be required, overregulatory burden.

Fourth, the Lautenberg amendment imposed extensive recordkeeping requirements for sales between nonlicensed individuals, thus driving up the cost of the background check and intruding into the privacy of law-abiding citizens.

That is just typical of what we have to face around here in the zeal to score points on guns. We understand that the revised Lautenberg amendment may require less records to be kept and may require the Federal Government to destroy records held by the instant check operator, yet dealers must still keep all records on the buyer. Further, the implication that requiring records to be destroyed after 90 days conveys a new benefit is not accurate. 18 U.S.C. section 922(t)(2)(C) already requires the instant check operator to destroy records of checks that were approved, and the FBI currently destroys the records after 90 days. There is no new benefit in this system compared to current law. So the Lautenberg amendment does not improve current law at all, it just obscures it.

Some have complained that the Republican plan promotes unaccountable interstate gun peddling by gun dealers. Under current law, a dealer from one State can go to a gun show in another State and solicit sales. He must return home to his licensed premises, however, to ship the firearm. And the shipment must be to a licensed dealer. That is current law.

Our amendment allows one federally licensed firearms dealer to deliver the firearm to another federally licensed firearms dealer who is located out of State. He still cannot deliver a firearm to a nonlicensed individual, but only to a licensed dealer. Thus, the purchasing dealer will have to log the firearm into his inventory, will be subject to inspection by the Bureau of Alcohol, Tobacco and Firearms to find that firearm, and will have to conduct a background check to sell a firearm to a nonlicensed dealer. This is about the most regulated sale of a firearm for which the Federal law provides.

Next, some have stated that the current bill's provision for granting civil liability protection to people who comply with the background check requirement is not prudent. They say that the revised Lautenberg amendment provides no immunity for people who transfer guns to felons and others who intend to use the guns to commit violent crimes or felonies.

The bill, as amended, recognizes that persons who act properly with firearms—this is the amendment by Hatch-Craig—including firearms transactions, should not be subject to suit. Indeed, only yesterday, the Senate recognized the value of providing limited immunities to persons who act properly with firearms, by bestowing qualified immunity on persons who properly use child safety laws. This is a key incentive in the Kohl-Hatch-Chafee child safety lock amendment. The same reasons for affording civil liability protection apply here. Keep in mind we have evolved towards having something that brings both sides together. The current Lautenberg amendment split both sides apart and will result, in my opinion, in more black market sales in this country, to the detriment of the country.

Further, some complain that our bill dismisses certain suits. These are only those suits at which nonlicensed individuals have voluntarily sold a firearm

through a licensed dealer who conducted a background check. If persons are now voluntarily having background checks performed at gun shows, they should not be penalized for doing so. That is something we want to encourage. We want to give incentives for that.

I also note that the bill provides no immunities for criminal sales of firearms. If a seller knowingly transfers a firearm to a buyer who will use that firearm to commit a crime of violence or a drug trafficking crime, he is subject to severe criminal penalties. Further, if the seller is convicted of that offense, the bill expressly provides that he is not entitled to civil immunities. Thus, he could be sued for compensatory and punitive damages.

Some have complained that the bill, as amended, does not impose stiff enough penalties on special licensees and special registrants for the failure to obtain a background check. However, current law suspends the license and imposes a fine on dealers who do not conduct a background check. Our bill maintains the current penalties for background check failures and imposes tough mandatory minimums for the knowing transfer of a firearm to a juvenile who will use that firearm in a crime of violence. That is a major change. And we put it in our bill. In fact, a lot of these things that were requested by the President we have in the bill. We had them in there before he requested them. I suspect he might have had somebody look at the bill.

Further, through our aggressive firearms prosecution program, the CUFF Program, and the prosecution reporting requirement, we ensure that some of these violations actually will be prosecuted by the Attorney General—something that hasn't been undertaken in earnest over the last 6 years.

Remember, of the thousands of possible cases, the Attorney General only prosecuted one Brady case, one Brady background check violation, from 1996 through 1998. Of the thousands they claim, 225,000 turned back felons, one prosecution.

The Lautenberg amendment not only fails to include the tough mandatory minimums found in the Republican plan, it acquiesces in the Attorney General's almost complete failure to prosecute Brady violations. This makes no sense. If we in Congress pass criminal statutes, it is the duty of the Attorney General to enforce those laws. Our bill recognizes that we have a problem at the Department of Justice and our bill does something about it. Some have also stated that our bill has the potential for invading the privacy of gun owners by nonspecial registrants and special licensees to conduct background checks. This argument goes that by requiring the Instant Check operator to destroy records of an approved background check immediately, special licensees and special registrants will be able to conduct background checks on anyone, even non-gun buyers, and there will be no audit trail to catch them.

Of course, special licensees and special registrants will have to undergo a background check, a field examination, and an interview just to obtain their license or registration. And they must keep records of the persons for whom they used the Instant Check system. Thus, the ATF can take these records, contact the persons listed, and determine if they attempted to purchase a gun using the services of the special licensee or the special registrant. If they did not, the special licensee or the special registrant will be held accountable, just as dealers are now.

Further, gun owners would much rather entrust their privacy interests to special licensees and special registrants than to the Federal Government. The argument that more record keeping on lawful gun ownership by the Federal Government would protect privacy better than less record keeping by the Federal Government carries little weight.

Mr. President, all of these concerns are less than compelling. The plain fact of the matter is that the revised Lautenberg amendment, though improved to look more like the Republican proposal, is still not as good as the current bill as amended.

The revised Lautenberg amendment still fails to provide qualified immunity to persons who obey the law and act appropriately with firearms, even after the Senate voted only yesterday to provide qualified immunity when parents properly use child safety devices or child trigger locks.

The revised Lautenberg amendment still fails to provide tax relief to licensees and others who perform background checks. And the revised Lautenberg amendment still fails to relieve gun show operators or organizers of substantial new recordkeeping requirements.

Some are complaining that the 24-hour requirement for instant check is not good enough. They would require 3 days. But gun shows only last 3 days. If we do not have a 24-hour instant check requirement, the gun show is going to be over. The ATF has the technology and the funding to get the job done in 24 hours, and it should. We should not force people into a black market where there are no licenses, no records, and no background checks. We do not need to do that.

Further, we even offered to make the background check requirement for special licensees express. But my colleagues on the other side of the aisle rejected this, or objected to my modification of my own amendment, one of the few times in my 23 years where a Senator was refused the right to modify his own amendment to please the other side—even though it was not necessary, in my view, and I think in the view of any reasonable person who looks at it.

I want to make sure that persons who sell a substantial number of guns come inside the gun show and get a Federal license. These special licensees must submit to a background check and an ATF interview, they must comply with the Gun Control Act, and they must conduct background checks—something that has evolved into something that both sides ought to be willing to agree to.

Mr. President, there is one firearm-related provision on which I hope we can reach bipartisan agreement. And that is the treatment of pawn shops, gunsmiths and repair shops that have traditionally been exempt from the requirement to conduct background checks when they simply return a firearm to its owner. Prior to the 1993 Brady law, States required pawn shops to report the pawn of a firearm to State or local law enforcement agencies. Thus, there was already a state law check on the firearm. The Brady law, however, when it passed inadvertently required a Federal background check on returned firearms in addition to the state check. The pawn shops raised concerns because State law already required them to undergo a background check and because waiting on a background check to be returned before returning a firearm to its rightful owner affected their business.

Because these were real concerns, many in Congress supported an exemption to the Brady law which exempted pawn shops, gunsmiths, and repair shops from the Federal background check. It passed the Congress as part of the 1994 crime bill. Many of the people attacking the Hatch-Craig amendment's so-called pawn shop loophole voted to do the same thing in 1994 when the crime bill passed. Frankly, if what we included in the Hatch-Craig amendment is a loophole, it was a loophole when Senator LAUTENBERG voted for the crime bill in 1994 and when President Clinton signed it into law.

Indeed, after the Brady law passed, Senator SCHUMER even wrote a letter to the Treasury Department asking them to draft regulations to exempt pawn shops from the Federal background check requirement. To be fair, however, I should note that then-Congressman SCHUMER did vote against the amendment to the 1994 crime bill that provided the statutory exemption for pawn shops, but he still took a position in his 1994 letter to the Treasury Department which is consistent with our amendment.

If the pawn shop exemption from a Federal background check is a loophole now, it was a loophole in 1994 when Senator SCHUMER asked the Treasury Department to draft it.

The Craig amendment that we passed last Wednesday simply restored the exemption for pawn shops that had been part of the Brady law for 4 years. Thus, this was not a major change in law, but a change back to how the Brady law read from 1994 to November 1998 when the exemption lapsed as the Instant Check system became effective.

However, I know that the good Senator from New York has legitimate

concerns and wants to address those concerns. Neither of us want a person to commit a crime and then get a firearm. However, I believe neither of us want to overburden legitimate business transactions.

As I have stated repeatedly—it is my goal to find common ground on these issues. Wherever possible, I want to do what's best for our children and the public in a manner which is consistent with our oath as Senator to uphold the Constitution. Frankly, I viewed this provision as a technical matter—one which should not be politicized.

I just have a minute more to go, maybe a minute and a half, because I know there is limited time here.

Let me just sum it up.

Thus, the revised Lautenberg amendment is a small step in the right direction. And I sincerely appreciate that step. However, in my view, it fails to go far enough, and it may create more problems than currently exist.

The current bill as amended strikes the appropriate balance between the privacy interests of law abiding citizens and the public interest in preventing criminals from obtaining guns. The powerful incentives included in our plan will ensure that persons comply with the mandatory background check requirement on all sales at gun shows. The Republican plan also gives law abiding gun owners the peace of mind that they have not inadvertently transferred a firearm to a felon, and requires the Attorney General to begin prosecuting the criminals who violate the existing gun control laws, something that has not been done, now, for a number of years, maybe the whole time of this administration—since the Brady bill.

Accordingly, when the time arrives, I will move to table the revised Lautenberg amendment in order to allow the bill as currently amended to stand, because I think it will do a better job of accomplishing what everybody here seems to want, everything the current Lautenberg amendment will do.

I am sorry this took so long. I apologize to my colleagues, but it was important to make these points.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. LEAHY. Will the Senator yield me 30 seconds?

Mr. KERREY. Yes.

Mr. LEAHY. Mr. President, I never knew how much control I had over the schedule of debate, other than to find any time I step off the floor for a few minutes I can almost be guaranteed my friend from Utah will have a criticism of the way we are handling things over here.

So, while we are both on the floor, I tell him we have pared back to a dozen or fewer from the 90 possible amendments entered in the consent agreement last Friday. We have made significant progress. But also, because a number of Senators have pulled down amendments over here, amendments on our side, we have done it notwithstanding what we had to put up with when the Senator from New York and I were virtually ridiculed when we pointed out the flaws in the original Craig-Hatch gun legislation, something that took 2 days of voting and revoting as they drafted and redrafted and redrafted it, as the flaws became evident.

They do not want to have up-or-down votes; they want to table everything. We have not done that on one the other side came up with yesterday that would have walked all over our State legislatures. That was voted down.

The fact of the matter is, we are going to have a series of votes this afternoon. If Senators will work at it, we can finish this bill today. But I say, as I said before, it is the Senators who should set the schedule, it is the Senators who should set the debate, and not the gun lobbies.

The PRESIDING OFFICER (Mr. BURNS). The Senator from Nebraska.

Mr. KERREY. Mr. President, the Senator from Utah said we are trying to make this amendment look like the Republican amendment. I may want to look like the Senator from Utah in many other ways, but we did not try to make this amendment resemble in two very key ways the amendment that was adopted last week.

I appreciate very much the concern about the regulation. In fact, as I said, the Senator from New Jersey made a number of changes to reduce the regulatory requirements. All we have left are the same regulatory requirements that all licensed gun dealers have to go through.

We will see about 3.5 million handguns sold this year through licensed dealers and 2 million in nonlicensed environments. What we are trying to do, for those of us who believe that background checks—there are some who do not. There are some who voted against the Brady bill and did not like the background checks. That is fine, but I think they have worked. They have reduced in America the number of felons who have handguns. They have reduced the number of people who are dangerous with guns from having handguns. It is generally accepted that the evidence shows Brady has worked and it has made America safer as a consequence.

What we have, though, is a regulatory differential. All of us can understand that. If one group of people are regulated one way and another group of people are regulated another way, it can produce some significant distortions in people's behavior.

Right now, it is easier to go to the 2,000 to 3,000 gun shows every year and buy a handgun or another gun than it is from a licensed dealer. Why? Because you do not have to go through a background check. You do not have to do the same things that you do through a licensed dealer. I do not know if the concern about the black market was raised when Brady was passed. Perhaps it was. We did not create a black market with Brady. We still have people who are either felons or who should not have handguns, who are mentally unstable, or have something in their background that makes them, in the judgment of law enforcement, dangerous to own a gun.

Mr. HATCH. Will the Senator yield?

Mr. KERREY. I have 9 minutes left.

Mr. HATCH. If the Senator will yield on that point, it is not Brady we are talking about. It is gun shows we are trying to resolve, and if we do not resolve it right, you are going to create a black market.

Mr. KERREY. But the Senator said his fear with the regulation is that we are going to have black markets. All we do—and I urge colleagues, especially the public to listen—is we say to a gun show operator, like every other licensed dealer, a gun show promoter has to register with ATF and pay a small fee.

We are not passing on the cost of the background check. Brady does not allow that. I voted against that. It does not allow us to pass on the cost of the background check. All it says to the gun show operator is you have to do the same thing a licensed gun dealer has to do. You have to register with ATF and pay a small fee.

Secondly, the gun show vendor has to show proof of identification when they check in at the gun show to verify they are who they claim to be. And the third requirement, hardly a prohibitive burden, in my judgment, is they have to notify people at the show that there are going to be background checks. You can do that with a sign.

Neither one of these three things is what I call a burdensome regulation, for gosh sakes. They are what licensed dealers have to do, exactly what licensed dealers have to do.

Again, last week when the Craig-Hatch amendment was adopted, the headline in the Omaha World Herald was: ''Republicans Close Gun Show Loophole.'' Under this amendment, this is what you can do to get an exception. It is true gun shows will have to do background checks, except for people who have special licenses. Look who gets a special license: Somebody who is buying or selling firearms solely or primarily at gun shows. That is the first exception. Basically, I am saying, yes, if you are a gun show, you have to do a background check, you have to do everything a licensed dealer has to do unless you are a gun show. If you are a gun show, you do not have to do it. That is one of the exceptions provided in this law.

Again, if you want to go home and say, yes, I voted to close the gun show loophole, right in this thing it says I can get a special license to operate a gun show without having to do background checks if I am buying or selling firearms solely or primarily through gun shows. It does not get the job done.

We impose regulations on licensed gun dealers. I have consulted licensed gun dealers in Nebraska. I said earlier, I am a supporter of the second amendment. I believe the right to bear arms

means something. I believe the right to bear arms does not give me an unlimited right to bear arms, just as the first amendment does not give me an unlimited right to speak.

There are limitations on my right to bear arms. These are reasonable limitations to keep all the rest of us safe. The leading cause of death of teenagers in the United States of America is homicides and suicides. We are the only industrial Nation that has that.

We are not talking about picking up guns. We are trying to put something together that, like Brady, will reduce the opportunity of felons and people who have other things in their background which might make them an unreliable owner to have access to guns.

This is not an unreasonable regulation. This is exactly what licensed gun dealers have to do. The Craig-Hatch amendment simply does not get the job done because it allows somebody to say: I am going to get a special exemption because I am a gun show operator.

Secondly, I do not know the history regarding the loophole having to do with pawnshops, but for gosh sakes, we do not want to allow somebody to basically go in to a pawnshop and say: Here is my 357 Magnum, and I would like to get a certificate.

Maybe they stole it. A high percentage of people are concerned about pawnshops doing business, but we want that person to have to go through a background check when they pick up that gun. It has to be that a fairly significant percentage of those guns have been stolen and acquired in some way we suspect may put other law-abiding citizens at risk. It is not unreasonable when they come back to redeem their handgun that they have to go through a background check. That is not an unreasonable limitation of their second amendment right to bear arms. That is a reasonable limitation.

We understand that in a civil society, we have to give up a little bit of freedom from time to time in order to have a civil society. We do that. I do not have an unlimited right in freedoms. I have responsibilities as well, Mr. President.

This amendment corrects a deficiency in the Hatch-Craig amendment that is terribly important. It will make Americans safer. It will reduce the chances at gun shows that people who are dangerous who should not have guns will be able to buy them. It will reduce that chance.

Is it going to solve all the problems that are associated with juvenile crime and violence in America? Absolutely not. But it is absolutely reasonable to say that if you are a gun show, we are going to regulate you when it comes to background checks the same way we do a licensed dealer, the same way that we regulate anybody who wants to set up a licensed operation: a license from ATF and they have to do background checks.

Sometimes they have local ordinances that are even more severe. In Omaha, you have to go to both the police department and to the sheriff's office in order to eventually do a transaction when you are purchasing a handgun. It may have seemed unreasonable in the beginning, but it is working. It is making our country safer.

I hope colleagues who are genuinely trying to close this loophole will consider that this amendment gets the job done; this amendment will make America safer. It is not an unreasonable change in our law. For those of us who believe the right to bear arms has meaning, it is a reasonable change. In fact, I think it is going to make it more likely that we will keep the laws that will allow law-abiding Americans to own guns and use those guns to hunt, to target practice, and all the other legal applications for which, obviously, guns are used. I hope this amendment is considered seriously by colleagues who want to close this loophole and they will support the Lautenberg-Kerrey amendment.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, it is now 12:19. I understand the distinguished Senator from California wants 3 minutes. I ask unanimous consent that she be granted 3 minutes to make her statement, and then I also want to have 1 minute to finish my side.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from California is recognized for 3 minutes.

Mrs. BOXER. I thank the Chair. I thank the Senator from Utah for extending me this courtesy.

I have been sitting on the Senate floor since about 10 this morning listening to what has been a very fine debate. What I would like to do in these 3 minutes is put this whole debate into the context of reality.

We can talk theoretically, but I think reality has finally begun to hit the American people. I think that is why we have seen, finally, proper attention given to sensible gun laws.

We can see here in the 11 years of the Vietnam war, tragically we lost 58,168 of our finest people. That is 58,168 families devastated—devastated—by such a loss. Who knows what the potential of those people would have been? Certainly we know that war brought this country to its knees, and whether you supported it or did not, everyone—everyone—grieves that loss.

In 11 years in America in the war at home, 396,572 gun deaths, I say to my friends on both sides of the aisle, 11 years, almost 400,000 of our people killed; 396,572 families devastated. Many of those are children. Every day in this country we have the equivalent of a Columbine loss. Thirteen children a day are killed in my home State of California. The No. 1 cause of death to children in my home State—Gunshots.

So what are we trying to do in this debate with the juvenile justice bill on both sides? I think we want to make this country safer for children. The debate comes on how you do it.

The distinguished Senator from Utah said: You're pushing gun amendments on us. And just how far do you want to go?

My answer, as just one Senator, is: As long as it takes to change this. We have to change the reality that our children face.

When you ask parents today, do they feel secure when they send their kids off to school, no, they don't.

One of the things we could do is close the gun show loophole. Senator LAUTENBERG offered us that opportunity. It was voted down narrowly. He and Senator KERREY have teamed up. They have made a few changes which I think strengthen the amendment. We want to try again to close the gun show loophole.

I ask unanimous consent that this op-ed in the Los Angeles Times by Janet Reno be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Los Angeles Times]

LET'S CLOSE THE GUN SHOW LOOPHOLE

(By Janet Reno)

The U.S. Senate has a historic opportunity to make our streets and communities safer by closing the loophole that lets felons, fugitives and other prohibited people buy deadly weapons at gun shows without Brady background checks. Last week, the Senate passed an amendment that not only fails to close the loophole but creates new ones, letting criminals redeem their guns from pawnbrokers without background checks, weakening the Brady checks that currently are made at gun shows and, for the first time in more than 30 years, allowing federal firearms dealers to cross state lines to sell guns.

I have watched this debate unfold with sadness, but I remain committed to working with the Senate on this issue. In 1993, we worked in a bipartisan fashion to pass the Brady law, which has prevented more than 250,000 felons and others who should not have guns from getting them. I am hopeful that we can regain this spirit of bipartisanship and, together, take the common-sense step of expanding the Brady law's protections to gun shows.

So far, the Senate has passed two gun show amendments, but neither one actually closes the gun show loophole. Although the second proposal is in some ways better than the original, regrettably—and contrary to some reports—the modified amendment leaves the most dangerous loopholes of the original amendment untouched and adds at least one more, by weakening the Brady checks currently done at gun shows.

While the new proposal would require some buyers to get background checks at gun shows, it would not ensure that all such sales go through a check. Moreover, it cuts back the time that law enforcement has to complete a Brady background check from three business days to 24 hours, even though the court records that are sometimes needed to finish the check are unavailable on weekends when most gun shows take place. This increases the chances that criminals will be able to buy weapons at weekend gun shows, because if the background check cannot be completed within 24 hours, the criminal can get the gun. Although more than 70% of Brady background checks can be completed within minutes, some require law enforcement officers to track down additional records.

With all of the flaws and loopholes created by this amendment, even in its modified version, is there a better alternative? Fortunately, there is. Last November, President Clinton directed Treasury Secretary Robert E. Rubin and me to make recommendations on closing the gun show loophole. We published a report in January that lays out a streamlined approach using federally licensed firearms dealers to do all the background checks at gun shows, even for unlicensed sellers. We also proposed a way to get limited information about the makes and models of guns sold so that we would have the ability to trace the guns if they were later used in a crime. In contrast, the amendment passed Friday will decrease our tracing ability, because checks will be done by people who have no obligation to cooperate with tracing requests.

Our proposal allows gun shows as we know them to continue but ensures that no one who is barred from having a gun can buy one at a gun show. The carefully drafted bill by Sen. Frank R. Lautenberg (D–N.J.) follows many of our recommendations.

There is still time for the Senate to revisit this important issue and adopt legislation that plugs the gun show loophole once and for all. We want to work with Congress to develop sound, workable and effective proposals to close loopholes in our gun laws. The current amendment, even as modified, moves us in the wrong direction.

Mrs. BOXER. I simply say that Janet Reno has talked here about why it is important to try to finally close this loophole. She points out that the Senators on the other side who offered their loophole closing simply did not close the loophole. Senator KERREY pointed out that new designation of dealers who were exempted.

The pawnshop loophole, let me talk about that, my friends. This weakens the law from its current status.

I ask for 30 additional seconds, and then I will close.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. The pawnshop loophole, which was opened up by my friends on the other side, if you are going to a pawnshop, you are five times more likely to be a criminal. What they do is to say no background checks anymore. What else do they do to weaken the current law? They say that you can only have 24 hours to finish the background check at a gun show.

My friends, in 20 percent of those cases they need more time; they have to call the FBI. The FBI is telling us that isn't a good step; it is going the create more death and destruction.

So, in closing, let me urge my colleagues on both sides of the aisle to finally close this loophole in the right way and support the Lautenberg-Kerrey legislation.

I yield the floor. I thank my colleague from Utah for his generous spirit in giving me this time.

The PRESIDING OFFICER. The Senator from Utah has 1 minute.

Mr. HATCH. I may need a little bit more than that because of Senator KERREY's remarks and the remarks of the Senator from California. So I will ask unanimous consent when I do that.

Senator KERREY says a lot of pawnshop guns could be stolen. But let me remind the Senator that State law already requires a check with State or local law enforcement agencies. If the gun is stolen, the State law catches this. So the Lautenberg amendment does not do anything particularly good on that.

Without the special license provision, gunsmiths and others will not go into a regulated gun show. It is just that simple. These people generally do not have to be licensed now. Under the bill as currently amended, we require them to keep records and to comply with all of the provisions of the Gun Control Act. If we regulate gun shows without a special licensee, we will force these people into the black market. So let's require them to be licensed. That is one of the points I was making there. All the other points I made I do not think have been rebutted at all.

Mr. President, we now reach that point where we have the debate on four amendments, 10 minutes equally divided. We will begin with the Wellstone amendment No. 358; then we will go to the Sessions amendment No. 357; then to the Ashcroft amendment No. 361; and then the Santorum amendment No. 360, with the votes to occur beginning at 1 p.m., as I understand it.

Should we go with Sessions first? I will be happy to do that. Let me rearrange the order. We will start with Sessions amendment No. 357, then Wellstone amendment No. 358, then Ashcroft amendment No. 361, and then Santorum amendment No. 360. OK.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

AMENDMENT NO. 357

Mr. SESSIONS. Mr. President, is there a time agreement on this debate?

The PRESIDING OFFICER. Ten minutes equally divided.

Mr. SESSIONS. Mr. President, from time to time, those of us in Congress hear complaints about governmental literature, brochures, pamphlets, and booklets paid for by the taxpayers who believe there is contained within them messages, content, material, tendencies, and philosophies that they believe are unjustified.

It is not possible, frankly, for us to manage that, as probably most people think we do. Particularly, this juvenile crime bill will produce about $1 billion in new spending for juvenile crime, and over half of that will be for prevention. Much of it will then be used, as part of the prevention effort, to produce certain literature that will be used in schools and other organizations.

So the question is: What do we do about it? Someone suggested that, well, you need to pass a law that prohibits them from spending money which says things that may offend me. I am not sure how we could write a law that would say that. I am not sure we even ought to attempt to do that.

But there is a problem, a disquiet, an unease in America about some of the material getting printed at taxpayers' expense. Both liberals and conservatives sometimes are not happy with material. So I thought this would be a suggestion that we might try with regard to the funds expended under this juvenile offender accountability grant program that we have.

There would be a disclaimer, language placed on all literature funded by this bill. It would simply say this: ''These materials are printed at Government expense.''

In addition, it would have these words: ''If you object to the accuracy of the material, the completeness of the material, the representations in the material, including objections to the material's characterizations of persons' religious beliefs, you are encouraged to direct your comments to the Office of the Attorney General of the United States.''

It directs the Attorney General to designate an office. There is an address that will be put on the literature to receive the material and to periodically, every 6 months, send a summary to the Congress of what the comments received were, because we are funding these materials.

When we send a grant to a certain community to do a drug treatment program, a mental health program, or an antiviolence program, the Members of this body may not know what was in that material. Oftentimes people get it and they do not like it. They think it is inaccurate or unfair. I think they ought to have a chance to express that.

I do not know how anybody could believe this would be an objectionable thing. If the Government is going to fund the literature, people ought to be told that they can object and where they can send their objection. If there are numerous objections, we can take a look at them. If it is inaccurate or discriminates against a particular group, then we ought to be prepared to ask questions in our oversight capacity in Congress. As chairman of the Youth Violence Subcommittee, we have oversight over the Office of Juvenile Justice programs. We look at Office of Juvenile Justice programs. So if we are getting a lot of complaints about the material, we can raise that with them and make sure they are exercising legitimate supervision over those materials.

It is a simple amendment. I do not think it would cost anything. The Attorney General could certainly be able to receive these materials, assemble them, and summarize them for the Congress. They could be maintained so that if anybody wanted to, they could go read the complaints. I think it would result in high-quality literature. In fact, I think that if a person knows when they are producing literature that it is required to put on it information concerning complaints and writing the Attorney General of the United States, they are probably going to take more care to see that the material is produced accurately and fairly.

Those are the comments I have on that at this time.

On the other matter regarding gun shows, I think that what is frustrating

the people that I am hearing from, and that I think most of us are hearing from, is that people who go to gun shows are good people. A gun show is a traditional thing.

Has my time expired?

The PRESIDING OFFICER. The Senator is correct.

Mr. SESSIONS. Mr. President, I ask unanimous consent for 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. They are getting tired of being blamed. These are good people. The murder rate in Washington, DC, is one of the highest in America. Who suggests that the guns criminals have here come from gun shows? That is not where guns used in crime are coming from. What I am hearing is, let us prosecute the criminals with the guns. That is why General Reno's comments are, to me, frustrating, almost irritating, because during her watch we have seen a collapse of the prosecution of criminals with guns, a 40-percent decline. At the same time, we want to shift burdens on people who are not committing crimes. That is what is causing the tension here.

Senator HATCH has worked very hard with the Members of the Democratic Party to try to reach an agreement in which we can maintain accurate controls over guns that are sold in gun shows and so forth but, at the same time, not burden excessively innocent people.

I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. HATCH. Mr. President, I do not know of any opposition to the amendment or anybody to speak on it. I wonder if the minority will yield back its time?

Mr. President, I ask unanimous consent that we reserve the time in opposition to this amendment and we move on to the next amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I suggest the absence of a quorum with the time charged to the proponents on this amendment.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. HATCH. Mr. President, I suggest the absence of a quorum with the time charged equally.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 358, AS MODIFIED

Mr. WELLSTONE. Mr. President, I ask unanimous consent that my amendment, as modified, be sent to the desk. I believe this has been cleared with the other side. It is technical. There were some original cosponsors, Senator MIKULSKI and Senator HARKIN.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. HATCH. Mr. President, reserving the right to object, what is the change that was sent? I am sorry.

Mr. WELLSTONE. The amount of money originally was improperly designated. I also added two original cosponsors.

Mr. HATCH. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment (No. 358), as modified, is printed in today's RECORD under ''Amendments Submitted.'')

Mr. WELLSTONE. Mr. President, let me just start out by saying that one of the real weaknesses in this legislation as it is now written is that there is no specificity about the allowable use of funding for school-based counseling or mental health services to all students through qualified counselors or psychologists or social workers.

My colleague, Senator SESSIONS, has referred to other activities that can be used to prevent juvenile delinquency, but this phrase is vague. It gives no encouragement to schools to use the funding that they need to have the counselors.

The only place where we really might see an opportunity for counseling services would be in boot camps and community-based projects and services, but kids already have to be delinquents in order to receive this kind of counseling.

Mr. President, what I say here today is that I do not know about other colleagues, but as I travel Minnesota, what I hear more than anything else, above and beyond the need to get tougher on guns, is, Senator, we need more counselors. We need to have an infrastructure of support for our children in our schools. This amendment is the 100,000 school counselors amendment.

This amendment would call for funding from the Federal Government, on a one-third, one-third, one-third matching basis. It would be $340 million a year over the next 5 years. Now, my colleagues on the other side of the aisle may stand up and say: This is $340 million a year.

To that, I say to my colleagues on the other side: When are we going to get serious? We continue to talk about children. We continue to talk about our concern for children. Now we are talking more and more about our concern for at-risk children. Now we are talking more and more about how to get to kids before they get into trouble. And what we hear all across our land from our educators, from women and men who are working with children every day, is that we don't have the funding for counselors.

Mr. President, right now we have an average of about 1 counselor per 500 students across the land. One counselor for 500 students. That counselor can't even begin to reach out and help some of the kids who are in trouble.

This is a huge weakness in this legislation. If we want to get to kids before they get into trouble, if we want to respond to the voice in the country about what we need to do better—and I hear this from everyone in Minnesota—then we need to support this 100,000 school counselors amendment. There is nothing we can do that would be more important.

The PRESIDING OFFICER. The time of the Senator has expired.

Who yields time? Who yields time in opposition to the amendment? Who yields time in opposition to the Wellstone amendment No. 358?

Mr. HATCH. Mr. President, I yield such time as he needs to the distinguished Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. The Senator from Missouri is here, and when he is ready, I will yield to him.

Mr. President, I am not hearing every day that what we need as a No. 1 priority of schools in America is more counselors. There are a lot of needs in schools. Maybe we need to expand Head Start, maybe we need other programs, maybe we need computers, or mentoring programs, some of which work well. We have not had hearings on it. This is an issue that ought to be raised in the Senator's Education Committee, and it ought not to be part of a crime bill at this time.

Mr. HATCH. Mr. President, let me once again start by complimenting the Senator from Minnesota's commitment to the problems associated with mental health conditions.

I share his commitment, but I have a number of grave concerns about his amendment to provide $1 billion a year in new funding to hire over 100,000 school-based mental health personnel.

As I noted in my statement yesterday, there is no evidence whatsoever to support the assertion that the recent tragedies in Colorado and Oregon would have been prevented by having more school counselors.

Let me reiterate what I observed yesterday: it has been reported that both Eric Harris and Dylan Klebold had gotten fairly extensive individual counseling, had undergone anger-management training and had gotten affirmative evaluations from counselors.

One of Dylan Klebold's teachers had expressed concern about some of the things he was writing in English class to a counselor.

It has also been reported that the 15-year-old Oregon killer, Kip Kinkel was currently in counseling, along with his parents, when he killed them and went on to kill two of his classmates and injure a number of others.

Please don't misunderstand me, Mr. President, I do not want in any way to undercut the very fine and vital work done by counselors in my state of Utah

and around the country. I respect them. Their work is important and valuable and I support their efforts 100 percent.

I merely make the point that more counselors would not have prevented these recent tragedies.

Additionally, Mr. President, as a parent and grandparent, I have an almost knee-jerk reaction whenever I hear that the federal government is—once again—attempting to micromanage public education.

I believe that we can best support our local schools by adequately funding current federal education programs and allowing state and local education agencies the flexibility to make important education decisions unencumbered by federal regulation.

I sincerely beleive that $1 billion of new federal taxpayer dollars will not do as much to encourage a renewed commitment to strengthen mental health outreach as local school boards, parent groups and local civic mental health and law enforcement organizations working together.

This amendment is a Washington knows best, big money, unfunded answer to complicated questions that can best be addressed through local efforts.

Mr. President, I get am getting a little tired of seeing some of our colleagues throwing money at issues without regard to costs. I am geting a little tired of hearing that the answer to everything around here is simply to throw more money at it. There is no question that counselors can be effective, but a lot of other things are too, and we have a lot of effective programs in this bill. Frankly, it is time to get this bill passed and quit delaying it.

Mr. WELLSTONE. Mr. President, I ask unanimous consent for 30 seconds to respond.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. This is a modified amendment. It is for $340 million a year, not $1 billion, as the Senator said. All Senators should know that.

Second of all, I get a little tired of Senators talking about how much we care about kids and education, and we can't have our schools and school districts put in some money, which we will match, so we can have more support services for these kids. We gave $8 billion more for the Pentagon than the President wanted. We got money for breaks for oil companies and money for breaks for all sorts of other special interests. But all of a sudden we don't have the money to provide resources for these school districts.

Mr. HATCH. Mr. President, we continue to throw money at these problems and not solve them. First, the Senator's bill called for $1 billion and now it calls for $340,000,000. Which one is it? And how do we know that this latest amount is what is needed? We can't keep pulling extraordinary amounts of money out of thin air and justify spending the amounts because problems may exist. We continue to take time on this floor to delay a bill that can help solve these problems. The fact is that we take care of a lot of these problems in the bill without throwing an inordinate amount of money toward them.

Mr. WELLSTONE. Mr. President, I resent the accusation that this is taking up time and delaying this bill.

Senator, if you were worried about at-risk kids and helping kids before they get into trouble and wind up incarcerated and committing violent crimes, then you would want to support the kind of support services we can provide in schools.

Mr. HATCH. Mr. President, I don't want to take too much time, but I will take 30 more seconds.

Look, you are not the only Senator on this floor who cares about kids. I have a record of 23 years of leading a fight for most of the children's programs that have passed here. And every one of them takes into carefull consideration how much money should or should not be spent—child care, the child health insurance bill; you name it, I have been there. Right now, I am raising over $2 million for the Pediatric AIDS Foundation. I don't need to be lectured by the Senator from Minnesota, whose answer to everything is to throw more money at every problem.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that I be allowed to respond to that comment.

The PRESIDING OFFICER. Is there objection?

Mr. HATCH. I object, unless it is for 30 seconds.

Mr. WELLSTONE. I can do it in 30 seconds.

The PRESIDING OFFICER. The Senator is recognized for 30 seconds.

Mr. WELLSTONE. Senator, I would never criticize your record. You are a friend. But I intend to respond to the remarks you made on the floor of the Senate that this kind of an amendment is taking up people's time and delaying passage of this bill. This is very relevant to what we need to do to help kids before they get into trouble. I am surprised that my colleague, with all of his good work, doesn't understand that.

I yield the floor.

The PRESIDING OFFICER. All time has expired.

AMENDMENT NO. 361

The PRESIDING OFFICER. Under the previous order, we will proceed to amendment No. 361, sponsored by Senator ASHCROFT, with 10 minutes equally divided.

The Senator from Missouri is recognized.

Mr. ASHCROFT. Mr. President, I want to thank a number of Senators before I begin making my remarks because this amendment is the culmination of the work of a number of individuals, including Senators HUTCHISON, DEWINE, ALLARD, ABRAHAM of Michigan, GREGG of New Hampshire, HELMS of North Carolina, and Senator COVERDELL of Georgia. All of these individuals participated to assemble the components of this amendment, which is an amendment designed to promote safety in our schools and to prevent violence in our schools. So I thank all of those Senators. If any of them comes to the floor, I will happily yield to them for them to give particular emphasis to the items they brought to the table here.

This amendment contains a number of provisions that give schools and communities additional ways to prevent youth violence. It would free local school districts to put Federal money to use where the Federal money will do the most good to prevent future violence.

Under this amendment, schools will be able to choose where best to spend Federal resources under titles 4 and 6 of the Elementary and Secondary Education Act. These are allowable uses which would include violence prevention training, school safety equipment such as metal detectors, or for school resource officers.

The amendment clarifies that nothing in Federal law stands in the way of a local decision to introduce a dress code or school uniform policy. Without taking the time at this moment, a number of schools would like to be able to do this. In the places where they have been able to do it, they have found that it reduces violence and increases student productivity. It has been good.

This would allow schools, if they are going to use their Federal resources, to use them, and one of the permissible ways would be to invest in establishing such a policy.

The amendment contains a provision that provides certain liability protections for school personnel when they undertake reasonable actions to maintain order and discipline in safe educational circumstances or to promote an environment of safety for education. This is a very important provision. This one, sponsored by Senator COVERDELL of Georgia, offers teachers limited civil liability against frivolous and arbitrary lawsuits.

We don't really need for teachers, who need to be involved in disciplining students, to be thinking about the fact that they are going to be sued if they exercise the right kind of discipline.

The limits are reasonable. They are against frivolous and arbitrary lawsuits—the kind of limit that we placed to help encourage volunteerism last year when we had the Volunteer Protection Act. That is the kind of thing we want to do to make sure that teachers can have better control and are free to take necessary steps to provide discipline in the classroom.

Senator HELMS' language makes certain that a school discipline record follows a student when a student transfers to another public or private school. The language allows schools to run background checks on any school employee who works with children. I think this is reasonable. We should

know who the individuals are who are employed in our schools. Providing this kind of capacity and opportunity is a step in the right direction, a step forward. It is necessary for schools, especially given the mobility of students and families, to be able to know about the discipline record of a student who comes to the school. Learning too late can be a deadly matter, as I learned a few years ago in a tragic case in St. Louis, where a student transferred from one school to the next and the discipline record didn't follow. And before they learned of this student's propensity to stalk young women, he murdered another student, stalking a woman, a young woman, into the restroom of a high school.

Senator DEWINE has a provision that allows the coordination of adolescent mental health and substance abuse services. That is part of this amendment.

The amendment includes language from Senator ABRAHAM that allows schools to use Safe and Drug Free Schools funds for drug testing. Students who are the subject of serious discipline problems may well be better off if we have the capacity of asking them to undergo drug tests. We fund it and provide the availability or the freedom to use funds in that respect.

I really want to thank my colleagues who worked with me on this task force: Senators DEWINE, HUTCHINSON, GREGG, ALLARD, COVERDELL, HELMS, and HATCH.

I look forward to the passage of these proposals that are included in this education task force package: The amendments on school safety and violence prevention, and safety and security in our schools.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

By the way, the Chair informs the Senator from Missouri that his time has expired.

Mr. ASHCROFT. The Senator from Missouri thanks the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I am going to speak on the Sessions amendment No. 357, and I understand there is time in opposition. Am I correct?

The PRESIDING OFFICER. There are 5 minutes remaining on that time.

Mr. LEAHY. Mr. President, notwithstanding my friendship with the Senator from Alabama, I will oppose his amendment.

The amendment mandates that all Federal, State, or local governments and nongovernmental entities that receive any funds under this bill have to place a written disclaimer on all materials produced or distributed to the public.

The amendment also mandates the Attorney General report every six months to Congress on all public comments received based on these disclaimers, although it doesn't say how many hundreds of people may have to be hired to do this.

The amendment is unfortunate. We are trying to pass a serious and comprehensive bill to address juvenile crime. I don't understand why the other side would be insisting on placing a one-paragraph disclaimer on all publications from any entity that receives funds under this bill. It would apply to any nonprofit organization that uses Federal support under this bill.

For example, suppose the Boys and Girls Clubs used it to set up an after-school process. Do they have to put a disclaimer on it? Suppose they have a leaflet passed out saying: Come at 5:30 to play softball, but we want you to have this disclaimer, and if you have any comments about it, write to the Attorney General so the Attorney General can report to the Congress.

I can see it: I was called out at third base. I don't think I was out. What is the Attorney General going to do about this?

That is what this disclaimer asks for.

What about the Red Cross? Well, they gave me a lousy cookie when I came in to donate blood. I want to know what the Attorney General is going to do about it.

The amendment is also dangerous because it can siphon off funds that can be used to prevent juvenile crime and punish juvenile offenders. It places an unfunded mandate on Federal, State, and local governments. It takes resources away from real crime-fighting programs. Nobody knows how much it is going to cost State, Federal, and local governments and nonprofit organizations to comply with this disclaimer requirement.

How much does it cost the Department of Justice? I would like to know how much it is going to cost for the 6-month reporting requirements. Obviously, the Department of Justice should have people devoted to crime fighting and who will be there to tally reports. And it will not be fanciful to think of somebody who got called out at third base in a softball game put together by the Boys and Girls Clubs who thinks the Attorney General should look into it.

The Department of Justice already prints its name and address on all publications. Why a further unfunded mandate?

Unless we have questions and answers about how much it is going to cost and how much it is going to take away from real crime fighting, I would oppose it.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time? This is in opposition to the Ashcroft amendment.

The Senator from Massachusetts.

Mr. KENNEDY. I believe we have 5 minutes. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. KENNEDY. Mr. President, I yield myself 4 minutes.

Mr. President, this amendment is harmless, though I question how effective and useful it is.

It provides for some coordinated mental health services at the level. But there is already some limited mental health coverage in the underlying bill. And I find it interesting that the Senator from Missouri rejected our proposal to give SAMHSA the resources to really do the job.

The amendment provides for background checks on school employees. That's already allowable under current law.

It allows schools to require uniforms. There is nothing to prohibit that now.

It creates a Commission on Character. That is fine.

But if we really wanted to make a difference, we would fulfill the commitment made last year to reduce class sizes by hiring 100,000 new teachers. Teachers should not have to do crowd control.

If we really wanted to make a difference, we would help communities build new classrooms and schools and modernize their facilities. This means smaller classes and smaller schools, so teachers and school officials get to know the children they teach. You have heard of ''road rage.'' Well some schools have ''hall rage,'' where hallways are so crowded they actually increase violence in schools.

If we really wanted to make a difference, we would expand after school programs to attend to children in the afternoons—keeping them off the streets and out of trouble. Each day, 5 million children are left home alone after school, and that is unacceptable.

If you asked parents what is most important to reducing youth violence—uniforms or smaller classes—I am certain that smaller classes would win hands down.

If you asked parents what is most important—a character commission or after school programs—the after school programs would win hands down.

If you asked parents what is most important—to reiterate that you can conduct background checks on teachers or building more classrooms and better classrooms—the better classrooms would win hands down.

So I see nothing harmful in this amendment, but I hope we can get to the real issues that concern parents and communities—smaller classes, better schools, more after school programs.

I withhold the remainder of the time.

The PRESIDING OFFICER. Is time being reserved?

Mr. KENNEDY. I yield the remainder of my time.

The PRESIDING OFFICER. All time on this amendment has expired.

AMENDMENT NO. 360

We will now move to amendment No. 360.

Who yields time?

Mr. SANTORUM. Mr. President, I rise to support my amendment. The amendment is offered to address a problem in this country which we have talked a lot about here, which is the short amount of time that people serve

in prison and, in fact, are sentenced to prison for the most violent of crimes in our society.

The chart says the average prison time served for rape in this country is only 5½ years, and that, by the way, is a slight increase over the past dozen or so years. Average prison time served for child molestation is 4 years; 4 years for child molestation. The average time served for homicide is just 8 years.

These statistics are for time served. Time sentenced, in many cases, is just a little bit more than that, but not significantly more than that.

It is a very serious problem, particularly in the area of raping and sexually molesting a child, where the recidivism rate is very high, where we are putting back on the street to terrorize our citizenry, people who should be incarcerated for a much longer period of time.

A group of Members, MATT SALMON in the House of Representatives, and I in the Senate, have introduced a bill called Aimee's law, named after Aimee Willard, a victim of a horrible rape and murder in the city of Philadelphia by a man, Arthur Bomar, who was released from prison in Nevada—released after murdering someone in Nevada, released after not serving his full sentence. By the way, he was violent in Nevada and had assaulted a woman while in prison, but Nevada let him out early. Unfortunately, Arthur Bomar found Aimee Willard and Aimee was brutally murdered and raped.

Aimee's mom, Gail Willard, has put together a group of people who said it is time to get people who are convicted of these horrible crimes to serve out their sentences and to send a message to States—many States in this country have very light sentences for many of these crimes—to send a message to States that we want tougher sentencing laws on the books for these violent crimes and violent criminals.

MATT SALMON introduced in the House, and I introduced an amendment in the Senate, which does something very simple: If someone is released from prison as a result of these kinds of violent acts, they are released from prison and go to another State and they commit one of these crimes, that the State that released that prisoner has to pay the costs of apprehension, prosecution, and incarceration to the State that has to deal with this person that they let out of jail.

It takes the Federal funding stream—we have Federal funds that go to all the States—and basically takes some of those Federal funds and shifts them from one State to another. It is a matter of disignating some Federal funds, rather than to Pennsylvania, because Pennsylvania let someone out early and that convicted felon went to Ohio and committed a crime—Pennsylvania would lose Federal funds—to Ohio to pay for the apprehension, prosecution and incarceration of that criminal.

This is a bill supported by 39 victims' rights organizations, including: KlaasKids Foundation and Polly Klaas' father, Marc Klaas; Fred Goldman; Gail Willard; the Fraternal Order of Police; Law Enforcement Alliance of America; International Children's Rights Resource Center; Justice for All; National Association of Crime Victims' Rights; the Women's Coalition.

The above mentioned people and organizations and a variety of other national organizations consider this one of their highest priority bills, to send a message that if a State has very lenient sentencings and they let someone out, that State will get hit with a bill; that State will lose some of their Federal block grant funds.

We want tougher sentences and we want truth in sentences. We have provisions in this amendment that say if you don't live up to truth in sentencing and you are not a truth-in-sentencing State, you can be liable if someone gets out of jail in one of those States and goes to another State and commits a similar crime. You can lose Federal funds.

We are trying to send a very clear message that these crimes should be dealt with seriously. A child molester who receives 4 years in prison, when you consider the recidivism rate, is an abomination.

We have 134,000 convicted sex offenders right now living in our communities because of these kind of laws and because of the enforcement and prosecution and leniency by our courts or by our parole systems. We have to do something about this to protect our children, to protect our society from the rapists and child molesters and murderers in our society.

I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator has 5 minutes in opposition.

Mr. LEAHY. Mr. President, I do not oppose this amendment. I think it is, as drafted, extremely complicated and can create a great deal of problems with some States to the extent it overrides their ability to make determinations of who they go after and how. I understand what the Senator from Pennsylvania wants. I encourage that we accept the amendment.

Of course, he is entitled to a vote if he wishes, and between now and conference we might work more on the language to see if there are areas of unnecessary complication that could be removed.

I do not oppose the amendment. I yield back the time on this side.

Mr. LEVIN. Mr. President, the Santorum amendment aims at trying to reduce the number of tragedies that result when persons convicted of serious offenses obtain early release and then repeat the offense.

But the mechanism it selects to advance that goal is so unworkable that it will undermine its laudable purpose. The same crime is defined differently by different States. Average terms of imprisonment imposed by States are different from average actual lengths of imprisonment. Indeed, that is part of the problem. Those are just two of the unworkable parts of Sec. (c)(1)(C)(ii).

One big problem in Sec. (c)(1)(B) is that the cost of incarceration of an individual can't be known unless one can predict his or her life expectancy.

An unworkable procedure will not help this cause. It will set it back, I am afraid, and I cannot vote for it.

Mr. THOMPSON. Mr. President, I am saddened by the tragic circumstances that have motivated my distinguished colleague from Pennsylvania to offer his amendment. It is understandable that concerned citizens hope to avoid crime committed by people who are released from prison. And I might favor states increasing the length of sentences of violent offenders. But that choice should be that of the states, and not one essentially forced on states by the Federal Government for fear of losing their criminal assistance funds. That view by itself leads me to oppose this amendment, although the particular way in which this amendment will operate causes me particular concern.

States are not mere appendages of the federal government to be called upon to do the Federal Government's bidding every time we think we've got a good idea. State sentencing for state crime is a state matter.

The amendment provides that in any case in which a person is convicted of murder, rape, or a dangerous sexual offense as defined by state law, and that person previously has been convicted of that offense in another state, the state of the prior conviction will have deducted from the federal criminal justice funds it receives, and transferred to the state where the subsequent offense occurred, the cost of the apprehension, prosecution, and incarceration of the offender, unless the original state has: (1) adopted the federal truth in sentencing guidelines; (2) imposed a sentence on persons for these offenses that is at least 10 percent above the average term of imprisonment for that offense that is imposed in all states; and (3) made the particular offender serve at least 85 percent of his sentence.

Mr. President, my opposition to this provision is based primarily on federalism. States should be free to adopt the sentences that they choose. They should also be able to adopt the parole policies of their choice. States that impose short sentences or lenient parole policies will bear most of the cost themselves if released criminals commit future offenses.

Under this amendment, states must adopt the federal sentencing guidelines if they wish to be certain to avoid losing federal funds. The states will have their sentencing policies for these offenses not drafted by their state legislators in their state capitals, nor even by Congress. State judges will lose the ability to exercise whatever discretion in sentencing their states permit. Instead, the unelected bureaucrats of the

United States Sentencing Commission will set the sentences for state criminals who commit these offenses. I have no criticism of these individuals pursuing the task that Congress has given them, particularly since their work is subject to congressional review. But they were not and should not be given the power to set state sentences, unanswerable to the states who will be forced to silently acquiesce to their efforts.

In addition, a state seeking to retain its federal funding by complying with the three conditions of this amendment would incur much greater expense than any loss of funds it would sustain if it were not to comply with the conditions. States who seek to sentence at more than 110 percent of the average will be required to spend huge sums on new prisons to hold these offenders. In addition to construction costs, there will be additional costs of personnel and other operating expenses. Such long sentences will also mean that the states will incur huge medical expenses for older prisoners, for fear of losing federal funds if they were released and committed new offenses. If a state wanted to incur these costs without this amendment, it could do so, but this bill will for all practical purposes force states to do so without funding any of the resulting costs. In addition, states sentencing for such a long duration may not be sentencing wisely. Some offenders deserve parole. Not all offenders are incorrigible. Some offenders can be helped by religion or counseling to lead law abiding lives, returning to their families, safely living among the community, avoiding the need for states to incur costly prison expenses, and actually becoming productive, taxpaying citizens. This amendment essentially deprives a state of that choice, and may result in the unjustified continuation of imprisonment of certain persons, harming that person, his family, the community, and taxpayers generally.

The 110 percent of the national average sentence requirement is troubling for other reasons as well. By definition, half the states will be below average, and even a larger number will not sentence for 110 percent or more of the national average. That will mean that most states will not be able to avoid the risk of losing their federal funds, no matter how hard they try to comply with the amendment's conditions. And since the average is not static, a state that is above 110 percent in one year may not be at that level the following year. As a result, the amendment would result in states continuously increasing their sentences in what will probably be a vain effort to be one of the above average states. And how will the average be calculated? Is a 99 year sentence longer or shorter than a life sentence? Is a death sentence imposed after 5 years longer or shorter than a life sentence without parole? I suppose states will have an incentive under this bill to adopt not only a death penalty, but to sentence the defendant to 1000 years besides. It is not Washington's business whether or not a state has a death penalty for state crimes. That decision should be made by the people of a state and no one else, consistent with constitutional requirements.

Apart from opposing this amendment on federalism grounds, I also note the existence of significant drafting problems that will result in what I am sure the sponsors would consider to be unintended consequences. For instance, the amendment defines ''murder'' and ''rape'' by reference to state law. But some states will never be in a situation in which a person convicted of murder has been released from serving a murder sentence or rape sentence in their state. For instance, Vermont has no crime of rape, but only sexual assault. No one can be convicted of rape who was convicted of rape previously in Vermont. Wisconsin has no rape or murder statutes, but simply intentional homicide and sexual assault. One can well imagine that if this amendment passes, states will manipulate the label placed on various conduct so that it can make sure to convict persons for ''murder'' or ''rape'' however defined under another state's law—and in such a way as now not remotely considered to constitute these crimes—while convicting persons in their own state for ''intentional homicide'' or ''sexual assault.'' That kind of manipulation will produce virtual anarchy. While the House companion bill avoids this particular problem because it defines these offenses without regard to state law, I note that the House bill is equally objectionable in its own way, since the crimes that it covers are broader than the Senate bill, extending to crimes that few would consider exceptionally serious, and thus causing greater expense to the states than the Senate bill if loss of funds is to be avoided. Moreover, under the House bill, unlike this amendment, a state is never free from the risk of losing funding, since it will be liable for a released offender's offense for the rest of his life, regardless of the length of his sentence or actual imprisonment before release.

We have eliminated parole at the federal level. But there are many fewer federal than state parolees. If a state would rather spend money on education or effective prevention programs than on very long sentences, it should be able to do so without federal interference. Some prisoners may deserve parole. Others may not. And so long as there is parole, as in every other human endeavor, mistakes will occasionally be made, sometimes with serious consequences. The people who make those decisions and the state lawmakers—not federal lawmakers—should continue to set parole policy, and they should continue to be held accountable by the people of their states for those decisions. The track record of Congress in knowing just how crime should be punished should give pause to anyone who thinks states and the American people would necessarily benefit more from a congressionally mandated approach to this issue than from experimentation among the states.

Mr. President, I sympathize with those who are the victims of crimes caused by parolees. I understand the sincere motives of my colleagues who support this legislation. But I strongly believe that it is misguided and runs counter to our system of federalism. It will cost states billions of dollars without any guarantee of retaining full federal funding. It may prevent sensible parole policies in particular cases. I have also pointed out a number of practical problems with the amendment's drafting. For all of these reasons, I oppose the amendment.

Mr. LEAHY. Mr. President, I ask unanimous consent it be in order to ask for the yeas and nays on all four of the remaining amendments.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

VOTE ON AMENDMENT NO. 357

The PRESIDING OFFICER. The question is on agreeing to the Sessions amendment.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from New York (Mr. MOYNIHAN) is necessarily absent.

I further announce that, if present and voting, the Senator from New York (Mr. MOYNIHAN) would vote ''no.''

The PRESIDING OFFICER (Mr. BUNNING). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 56, nays 43, as follows:

[Rollcall Vote No. 127 Leg.]

YEAS—56

Abraham	Frist	McConnell
Allard	Gorton	Murkowski
Ashcroft	Gramm	Nickles
Bennett	Grams	Roberts
Bond	Grassley	Roth
Brownback	Gregg	Santorum
Bunning	Hagel	Sessions
Burns	Hatch	Shelby
Campbell	Helms	Smith (NH)
Chafee	Hutchinson	Smith (OR)
Cochran	Hutchison	Snowe
Collins	Inhofe	Specter
Coverdell	Jeffords	Stevens
Craig	Kyl	Thomas
Crapo	Lieberman	Thompson
DeWine	Lott	Thurmond
Domenici	Lugar	Voinovich
Enzi	Mack	Warner
Fitzgerald	McCain	

NAYS—43

Akaka	Dorgan	Kohl
Baucus	Durbin	Landrieu
Bayh	Edwards	Lautenberg
Biden	Feingold	Leahy
Bingaman	Feinstein	Levin
Boxer	Graham	Lincoln
Breaux	Harkin	Mikulski
Bryan	Hollings	Murray
Byrd	Inouye	Reed
Cleland	Johnson	Reid
Conrad	Kennedy	Robb
Daschle	Kerrey	
Dodd	Kerry	

Rockefeller	Schumer	Wellstone
Sarbanes	Torricelli	Wyden

NOT VOTING—1

Moynihan

The amendment (No. 357) was agreed to.

Mr. LOTT. Mr. President, I move to reconsider the vote.

Mr. HATCH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LOTT. Mr. President, we have three more votes now in the stacked sequence. I ask unanimous consent that in this series the next three votes be limited to 10 minutes in length.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

AMENDMENT NO. 358, AS MODIFIED

Mr. WELLSTONE. Mr. President, could I ask a question. We now have 1 minute each; is that right?

The PRESIDING OFFICER. That is correct.

Mr. WELLSTONE. Mr. President, could we have order, please.

The PRESIDING OFFICER. The Senate will be in order.

Mr. WELLSTONE. Could I also ask whether this is my amendment on school counselors?

The PRESIDING OFFICER. It is the Wellstone amendment No. 358.

Mr. WELLSTONE. Thank you, Mr. President.

Mr. President and colleagues, I have offered this amendment with Senator MIKULSKI and Senator HARKIN. This amendment would provide $340 million a year for 100,000 school counselors, social workers and child psychologists to back them up.

Everywhere you go, you hear from people at the school district level: We will contribute money, but can you get some money to us so we can have more counselors in our school so that we can give more support to these kids before they get into trouble?

You will not hear your education community and your teachers and men and women who work with children talk about anything more than the need to have more counselors. One counsel for 500 students or 1,000 students cannot identify these kids in trouble, cannot help these kids. If we really care about providing these services, then we are going to be willing to make the investment.

I hope this amendment will have a very strong vote.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Is this amendment No. 358?

The PRESIDING OFFICER. Yes.

Mr. HATCH. This amends the Elementary and Secondary Education Act of 1965, originally to provide $1 billion more but modified now to provide $340 million, after modification, a year in new funding to hire 141,000 school-based mental health personnel: 100,000 school counselors, 21,000 school psychologists, and 20,000 school social workers. These funds have to be matched by the States and localities.

Now look, this is another attempt to micromanage our educational system in this country from Washington. It is an expensive add-on that should not be on this particular bill.

I made the case earlier that we are in favor of counselors, but there is a limit to everything, and the counselors may or may not be the answer here, especially in the Klebold matter—in the Columbine matter, and a number of other matters where the boys were under counseling.

The fact of the matter is, this is another ''Let's throw money at it'' at the cost of society.

The PRESIDING OFFICER. The time has expired. All time has expired.

Mr. HATCH. Mr. President, 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.

The PRESIDING OFFICER. The question is on agreeing to the motion to table Amendment No. 358, as modified. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from New York (Mr. MOYNIHAN) is necessarily absent.

I further announce that, if present and voting, the Senator from New York (Mr. MOYNIHAN) would vote ''no.''

The result was announced—yeas 61, nays 38, as follows:

[Rollcall Vote No. 128 Leg.]

YEAS—61

Abraham	Enzi	McCain
Allard	Fitzgerald	McConnell
Ashcroft	Frist	Murkowski
Bennett	Gorton	Nickles
Bingaman	Gramm	Roberts
Bond	Grams	Roth
Brownback	Grassley	Santorum
Bunning	Gregg	Sessions
Burns	Hagel	Shelby
Byrd	Hatch	Smith (NH)
Campbell	Helms	Smith (OR)
Chafee	Hollings	Snowe
Cochran	Hutchinson	Specter
Collins	Hutchison	Stevens
Conrad	Inhofe	Thomas
Coverdell	Jeffords	Thompson
Craig	Kerrey	Thurmond
Crapo	Kyl	Voinovich
DeWine	Lott	Warner
Domenici	Lugar	
Dorgan	Mack	

NAYS—38

Akaka	Feinstein	Lincoln
Baucus	Graham	Mikulski
Bayh	Harkin	Murray
Biden	Inouye	Reed
Boxer	Johnson	Reid
Breaux	Kennedy	Robb
Bryan	Kerry	Rockefeller
Cleland	Kohl	Sarbanes
Daschle	Landrieu	Schumer
Dodd	Lautenberg	Torricelli
Durbin	Leahy	Wellstone
Edwards	Levin	Wyden
Feingold	Lieberman	

NOT VOTING—1

Moynihan

The motion to table was agreed to.

Mr. HATCH. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, if we are going to finish this bill, we are going to have to move things along more quickly. We are seeing end-of-this-bill possibilities, but we are not going to ever finish the bill if these votes are going to go on forever. Ten-minute votes should not take an half hour.

I respectfully suggest that we move on more quickly so we can get to the substance of this bill.

AMENDMENT NO. 360

Mr. LEAHY. I say to the Senator from Utah, we would be willing to speed up things and accept the amendment of the Senator from Pennsylvania, if the Senator from Pennsylvania wishes. If they are interested in speeding up the time, we can do that. Obviously, the Senator from Pennsylvania is entitled to a rollcall vote, but we can save ourselves 15 or 20 minutes if we just accept it.

Mr. HATCH. Why don't we just have the rollcall vote and everybody will come immediately.

Mr. SANTORUM. I yield back my minute.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 360 of the Senator from Pennsylvania, Mr. SANTORUM.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that Senator from Kansas (Mr. ROBERTS) is necessarily absent.

Mr. REID. I announce that the Senator from New York (Mr. MOYNIHAN) is necessarily absent.

I further announce that, if present and voting, the Senator from New York (Mr. MOYNIHAN) would vote ''aye.''

The PRESIDING OFFICER (Mr. GREGG). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 81, nays 17, as follows:

[Rollcall Vote No. 129 Leg.]

YEAS—81

Abraham	DeWine	Johnson
Allard	Dodd	Kennedy
Ashcroft	Domenici	Kerrey
Baucus	Dorgan	Kerry
Bayh	Durbin	Kohl
Bennett	Edwards	Kyl
Biden	Enzi	Landrieu
Bingaman	Feinstein	Leahy
Boxer	Fitzgerald	Lieberman
Breaux	Frist	Lincoln
Brownback	Gorton	Lott
Bunning	Graham	Mack
Burns	Gramm	McCain
Byrd	Grams	McConnell
Campbell	Grassley	Mikulski
Cleland	Gregg	Murkowski
Collins	Harkin	Murray
Conrad	Hatch	Nickles
Coverdell	Helms	Reed
Craig	Hutchinson	Reid
Crapo	Hutchison	Robb
Daschle	Inhofe	Roth

Santorum	Smith (OR)	Thurmond
Sarbanes	Snowe	Torricelli
Schumer	Specter	Voinovich
Shelby	Stevens	Warner
Smith (NH)	Thomas	Wyden

NAYS—17

Akaka	Hagel	Lugar
Bond	Hollings	Rockefeller
Bryan	Inouye	Sessions
Chafee	Jeffords	Thompson
Cochran	Lautenberg	Wellstone
Feingold	Levin	

NOT VOTING—2

Moynihan	Roberts

The amendment (No. 360) was agreed to.

Mr. HATCH. Mr. President, I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 361

Mr. HATCH. Mr. President, I understand that both sides are in agreement on the next amendment, so I ask unanimous consent that we vitiate the yeas and nays.

Mr. BYRD. Reserving the right to object, I will not object. I don't want to force my will upon the Senate, but I want the record to show that I support this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 361) was agreed to.

Mr. HATCH. I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATCH. Mr. President, I ask unanimous consent the Senator from New York be yielded 7 minutes for debate only, and the floor be immediately given back to me upon completion of his statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. SCHUMER, Mr. LEAHY and Mr. LAUTENBERG pertaining to the introduction of S. 1077 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah has the floor.

Mr. HATCH. Mr. President, the next amendment happens to be the Ashcroft-Frist amendment. I suspect we should let both of them describe their amendment.

AMENDMENT NO. 355

The PRESIDING OFFICER. Without objection, the next amendment will be 355.

Mr. HARKIN. Parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. What amendment are we on now?

The PRESIDING OFFICER. Amendment No. 355.

Mr. FRIST. Parliamentary inquiry. Is this the Frist-Ashcroft amendment?

The PRESIDING OFFICER. This is the Frist-Ashcroft amendment.

Mr. FRIST. Mr. President, we are returning to an amendment that was offered at the end of last week, which is a very simple amendment as written. It addresses a fundamental issue that is at the heart of the juvenile justice issue and discussion in the last week. It has to do with bombs and guns in schools. It is as simple as that.

It addresses the issue of how to make our schools as safe as we possibly can. We start with, I believe, the juvenile justice bill which has made real progress but absolutely to my mind must include an amendment that addresses this issue of guns in schools and bombs in schools in an area where we, because of previous legislation that we passed, have created a loophole that means that a student coming into a school who has a firearm may be treated very differently from a student who comes in the next day to that school with a firearm. The goal of our amendment is that any child who comes into a school with a gun or a bomb will be treated equally, will be treated fairly, will not be discriminated against one way or another.

Our amendment ends a mixed message that the Federal Government today, because of legislation we passed, sends to American students on the issue of firearms in schools. ''Firearms,'' for the purpose of this amendment, are bombs and guns in schools.

We look at Littleton, CO, with 15 dead and 23 wounded. We look at Pearl, MS, with 2 dead and 7 wounded; Paducah, KY, 3 dead, 5 wounded; Jonesboro, AR, 5 dead, 10 wounded; Springfield, OR, 2 dead, 22 wounded.

These are all shootings, horrific shootings. They claimed the lives of 27 students and teachers. Thus, we come back to this simple amendment which closes a loophole that we created that has to do with guns and bombs and firearms in schools.

The Individuals with Disabilities Education Act is a law which I have strongly supported, and I have worked very, very hard in the past two Congresses to improve, to modernize, to strengthen. Under that act, a student with a disability who is in possession of a gun or a firearm at school is treated differently than a student who is not disabled or who is not in special education.

Again, it goes back to that fundamental issue of one child in a special education class who brings a gun or a bomb to school is treated preferentially compared to another child who does not have a disability or is not in special education who brings a gun or a bomb to school.

All of us represent States and have our own constituency. Therefore, I look at my home State of Tennessee. The Individual with Disabilities Education Act conflicts with our zero tolerance law which says that students may be expelled for 1 year if they bring a bomb or a gun or a firearm to school. That is zero tolerance. It is the law of the land in Tennessee. Yet, we have passed in this body Federal legislation which says there is a certain group of students, about 14 percent of students in the State of Tennessee, to whom that does not apply. We have a whole different set of standards. What our amendment does is it says, no, if you bring a bomb or a gun to school, you are going to be treated like every other student.

Under IDEA, local school authorities have several hoops to remove a dangerous special education student who brings a gun into the classroom. School personnel may suspend the child for up to 10 days. School personnel may place the child in an interim alternative educational setting for 45 days. School personnel may ask a hearing officer to place a child in an interim alternative educational setting for up to 45 days if it is proven that that child is a threat to others in his current placement. School personnel may conduct a manifestation determination review to determine whether or not there is a link between that child's disability and walking into the room with a gun or a bomb.

If the behavior is not a manifestation of that disability, the child may be expelled but is still given educational services. If the hearing officer determines that the behavior of bringing that gun into the classroom was a manifestation of the disability, the student can go right back into that school, right back into that current placement, and that is the problem. Let me repeat. If the hearing officer determines that the behavior of bringing a gun into the classroom was a manifestation of the disability, the student can go back into the classroom.

People say that does not happen. It does happen. In my own State of Tennessee, in Nashville, just over a 1-year period, there were eight students who brought guns into school who were caught and of those eight, six were in special education. Three of those six, it was found that bringing a gun into the school was a manifestation of their disability and, therefore, they ended up back in the classroom. Students who were not in special education were expelled under the law under which 86 percent of the other students fall.

Clearly, the way we have set up this federally mandated disciplinary procedure with this loophole sends students a mixed message about guns in our schools. It basically says if you are in special education, you are going to be treated in a special way if you bring a gun into school, but if you are not in special education, you are going to be treated like everybody else and you are going to be expelled. What a mixed message when we are talking about guns. When we are talking about the shootings, the 27 deaths in our classrooms and schools that we have witnessed, we must respond.

As earlier stated, if a student with a disability is expelled, that student

must be provided alternative educational services while a nondisabled student, somebody who is not in special education who is expelled for the same offense, will not necessarily receive alternative educational services, which just shows how we are treating a student who comes into the classroom with a gun differently if they happen to be disabled compared to other students.

The amendment that I, Senator ASHCROFT, Senator HELMS, Senator COVERDELL, and Senator ALLARD, as the initial sponsors, have put forward, allows principals and other qualified school personnel the flexibility to do something that seems so basic. And that is, to treat all students the same if they bring a gun into the classroom, period. No more complicated than that. It does not matter race, it does not matter financial status, it does not matter educational status, everybody gets treated the same.

It allows school authorities to discipline all students in the same way if they bring a gun, we are not talking about threats, and we are not talking about even other weapons. We have this amendment focused on guns and bombs coming into the schoolroom.

This amendment does not force local school authorities to have a uniform disciplinary policy. We recognize that every situation needs to be judged as just that, an individual, unique situation. It simply gives them the flexibility to enforce discipline in that local school as they see fit, with the overall objective to assure, to ensure, to guarantee the safety of those students whom every day we send into those classrooms.

The amendment is firearms specific. There have been others who have asked us to at least look at expanding it to other weapons, but we have this amendment really quite narrow; we are talking about guns and firearms.

I mentioned the Nashville statistics. These statistics are really hard to obtain. You always hesitate, when that is the case, to generalize. So I want to make it very clear, I do not want to generalize, but I do want to illustrate how, in one community where I live, this loophole has the potential for causing real harm, I believe.

In the 1997–1998 school year in Nashville, TN there were eight firearms infractions. Of those eight, six were students with a disability. They were in special education.

I might add that overall in the State of Tennessee it is between 13 and 14 percent, or about one out of eight students, who are in special education classes.

Of these six special education students, three were expelled outright because they found, in the manifestation process, that the disability and their bringing a gun into the classroom were unrelated. Three of those students were not expelled, because the possession of the firearm was found to be a manifestation of that child's disability. It was three students who went right back into the classroom, again, potentially putting the lives of others in danger.

We might hear, well, nobody has been killed yet in the last year or the last 2 years. Really, I think that is a whole separate issue. The whole idea is that we are treating people differently who have brought a gun or a firearm into the room.

These statistics show that three people out of the eight had come back into the classroom because a manifestation of their disability was bringing a gun into the classroom. It is kind of hard to imagine, but that is what the ruling was.

With that, let me close and simply say that when it comes to possession of a firearm or a gun, the Federal Government really should not, I believe, be tying the hands of our local education authorities, of our local schools, our principals, our teachers, those who are in charge of discipline.

Again, I say this. When we are focusing on guns and firearms in the classroom, I just find it hard to believe, and really there is absolutely no excuse for any student to intentionally bring a gun or a bomb to school.

Students with disabilities really should not be able to hide behind, not their disability, I want to be very clear. What is happening is we set this structure up, the Individuals with Disabilities Education Act, with this single provision that allows certain students to potentially hide behind the legislation, not their disability, but behind the legislation and, thus, avoid punishment that a nondisabled student would undergo.

The amendment is simple. It is straightforward. It means that all students will be treated equally if they bring a firearm in the room. I urge its support and hope it will be brought to a vote shortly.

Mr. HARKIN. Would the Senator yield for a colloquy or engage in any kind of questions and answers?

Mr. FRIST. Sure.

Mr. HARKIN. Mr. President, the Senator from Tennessee knows I have the highest respect for him. In fact, I have always found him to be a very thoughtful Senator, especially when it comes to the issues of disability policy.

When the Senator first came to the Senate, he became chairman of the then-existing Disability Policy Subcommittee in the Labor and Education Committee, and I was his ranking member. I thought he did a great job.

As a matter of fact, under his chairmanship, we were able to get through the revisions of the Individuals with Disabilities Education Act, which we had been attempting to do for several years. In fact, it took 3 long years to get all the groups to finally agree on the revisions and the amendments to the Individuals with Disabilities Education Act. I say that as a way of background.

The Senator from Tennessee was very heavily involved in that process. We were able to get the bill passed in May, I think it was, of 1997. It was strongly supported in the Senate and in the House, and passed, and was signed into law by the President.

My friend from Tennessee gave an example of the students in his home community. He gave an example of eight students, six of whom were disabled, at least under an IEP, as I understand it; and that three, as I understand it, were expelled right away because it was not a manifestation; but then he made the statement that three went right back into the classroom.

The Senator, in a private conversation, told me about this once before. If I am not mistaken, was this not during the school year of 1995–1996 or 1996–1997?

Mr. FRIST. It was 1997–1998.

Mr. HARKIN. It was 1997–1998. So the regulations under the Individuals with Disabilities Education Act amendments did not go into effect until March of 1999. That is 2 months ago.

I say to the Senator from Tennessee that school he is talking about was still operating under the old system. The old system said you could place a child with a disability in an interim educational setting for up to 45 days if the child brought a gun to school. That is the old bill.

The new bill says, the one for which the regulations just came out a couple months ago—the Senator is right, a decision is made, and if it is not a manifestation of a disability, they can be expelled immediately. If, however, it is a manifestation of a disability, the child can be placed, under the old bill, for up to 45 days in an interim educational setting, and then if the school officials believe the child is still a danger, if the child is likely to injure himself or others, they can go to an impartial hearing, order that the child be placed for an additional 45 days in the interim educational setting, then at the end of that 45 days, they can do another 45 days, as long as it is decided that child is a danger either to himself or to others.

I ask the Senator from Tennessee, the example you gave is under the old bill. The new bill says that at the end of 45 days, the school can go to an impartial hearing officer and keep that child out for another 45 days. I ask the Senator if that is not a correct interpretation?

Mr. FRIST. The 1999 statistics have been that there have been nine firearm violations, nine firearm infractions this year as of yesterday. Of these nine infractions, four involved special education students. In two of these cases, the students were expelled but given alternative services. One was not expelled because the possession, walking into the school with a firearm, was found to be a manifestation of the disability. He is back in school today.

Mr. HARKIN. I don't know that I heard the Senator. If he could speak a little slower, I would appreciate it. I understand that you said recently. I do not know if you have given me——

Mr. FRIST. The statistics from yesterday for 1999.

Mr. HARKIN. The figures you gave were for calendar year 1999.

Mr. FRIST. The figures I gave 15 minutes ago in my presentation were from 1997–1998. I just gave you the ones for 1999.

Mr. HARKIN. What you said is that for 1999, this school year; I do not know if the Senator means the school year of 1999 or January until now.

Mr. FRIST. The statistics as of yesterday, up until about 24 hours ago, there were nine infractions over the previous 10 months in Nashville, TN. Four of those were special education students, four of the nine.

Mr. HARKIN. Four of the nine were special ed. Two were expelled because it was determined not to be a manifestation. What happened to the other two?

Mr. FRIST. One right now is back in the classroom. And because of the finding, during that 45-day period you spoke of, that it was a manifestation of the disability, they could not treat the student like anybody else.

The other student case is now pending, winding its way through the bureaucratic determination process.

Mr. HARKIN. I say to the Senator, you say that this one child was put in an interim setting for 45 days. Now this child is back in the classroom. Can the Senator tell me, did the principal or did the school officials ask for a hearing to keep the child in the alternative setting for an additional 45 days, which they are allowed to do under the new law? Did they do that?

Mr. FRIST. I will have to check and get back with you. I think the Senator's point is important. That is why I spelled it out earlier. For a student with a disability, you have the 10 days which you can be removed from the process. If you brought a gun into the schoolroom, you can be removed for 10 days. Then you have a 45-day period during which this determination is made. If you brought the gun because you had a disability, you can, as I have demonstrated with this most recent student from a month ago, plus the three from last year, you can go back into the classroom during that 45-day period. I think that is the issue that we want to close, which is basically saying, it doesn't matter whether you have a disability or not, if you walk into a classroom with a gun, you should be treated like everybody else.

Mr. HARKIN. I say to the Senator from Tennessee—and surely we can get this right; it may take a little bit of discussion, but I think we can get it right—the situation he just described is true to the point where the child can be put in an alternative setting for up to 45 days. Under the new law, which, I again point out, just went into effect this year, the school can keep that child out not only for 45 days but for another 45 days and another 45 days. All the school has to do is go to the impartial hearing officer and say: This kid brought a gun to school. It is a manifestation of his disability, but under these circumstances, this kid is a danger to these other students and should be kept in an alternative setting for another 45 days.

Is it not true that the school can do that? So that if the facts are, as the Senator said, the kid is back in the classroom; obviously the school officials felt the kid was not a danger to anyone and they let him back in the school.

So I ask the Senator, is that not local control? The local school officials had to decide that child was not a danger and let him back in. There is no other way it could happen. I ask the Senator if that is not so?

Mr. FRIST. That what is not so?

Mr. HARKIN. Let me try again. The kid brought the gun——

Mr. FRIST. This is our wording: School personnel may discipline a child with a disability who carries or possesses a gun or firearm to or at a school, on school premises or at a school function under the jurisdiction of the State or local education agency in the same manner in which such personnel may discipline a child without a disability, period. That is all we are saying. I don't see how you cannot agree that you should treat every child who comes into a school with a gun or bomb the same. How can you separate one group of people out?

Again, I am committed to individuals with disabilities, but how can you separate them out and say, we are going to treat you differently and allow you to go back in the classroom, whether it is 10 days, 45 days, 35 days; you can argue that all you want, you can go back into the classroom, but any child who doesn't have a disability, you are out? That just doesn't make sense.

Mr. HARKIN. Let us look into that.

Mr. FRIST. You can look into it. But your 10 days or 45 days is missing the point of the amendment. The amendment is what I just read. You treat everybody the same.

Mr. HARKIN. Well, let us look at that. I think the Senator said he supports IDEA. He supports the Individuals with Disabilities Education Act. The fact is that we do treat children with disabilities different than we treat other children. Does every child in a school have an IEP, I ask the Senator?

Mr. FRIST. No. But my whole argument is, should they bring a bomb into the schoolroom, would you treat them differently and let them go back in. That is what I am saying. There are some times that you cannot segregate a group of people and say, you get a special privilege when it comes to bombs and guns coming to the school room. That is the point that I am making.

Mr. HARKIN. Let me respond to the Senator on that. I am trying to follow this logically and not to get too inflamed here.

If we believe that a child with a disability is treated differently than a child without a disability—we accept that. A child with a disability has an individual education program. There are certain laws that we have passed which if a State wants to accept Federal moneys, they abide by. No local education agency has to abide by the laws of IDEA if they don't want to take the money. Now, they would still have to provide a free and appropriate public education to kids under Federal court rulings.

Again, I say to the Senator from Tennessee, that as long as we treat children with disabilities differently, and we do because they are disabled, we then take it to the step that the Senator said. Should we treat a disabled child who brings a gun to school differently from a child who is not disabled? I think that is a good question. At first blush, it might seem to the casual observer that no, they should be treated the same.

I say to the Senator from Tennessee, let's take two children. One is a child with no disability, has an IQ of 120, has good grades, comes from a pretty decent family, who all of a sudden gets a mean streak and brings a gun to school. That is one kid.

Let's say we have another kid. He has an IQ of 60. He is mentally retarded. He has cerebral palsy. His lifetime has been one of being picked on by other kids and made fun of. Because of IDEA, he is now in a regular classroom. Some kids come up to him and they say, look, junior, we know your old man has a gun at home and he has a couple of pistols. If you don't bring one of those pistols to us tomorrow, we are going to cut your ears off. The kid has an IQ of 60. He is mentally retarded. He has cerebral palsy, maybe even suffers a little bit from schizophrenia, I don't know. The kid is terrified. He goes home. He sneaks the old man's gun. He takes it to these kids, and he gets caught by the principal or someone who sees the gun. Should that child be treated differently than the kid with a 120 IQ, who knew exactly what he was doing and who had a mean streak and brought that gun to school?

Mr. FRIST. Yes.

Mr. HARKIN. The Senator can say yes. I say no.

Mr. FRIST. Let me respond to the question. They absolutely should. If two children walk in, regardless of their IQ, the one with a 120 IQ has a gun, and the next one has a gun and has an IQ of 60, when it comes to removal from the room and being kept out, they should be treated exactly the same. It should be by local control. It doesn't mean let them in or keep them out, it means having the decision made by the principal and not by the well-intended legislation that has this huge loophole in it.

Treat every child who brings a gun or a bomb to the room the same, regardless of who they are or how empathetic you can make the story seem. The big thing is that you treat them the same. It is the principal and the teacher and

the people locally who decide, not the Senate.

Mr. HARKIN. Now, I believe the Senator made a very important point there in his first comment to me. The Senator said that if two kids—the ones I described—bring a gun to school, they should be treated exactly the same in terms of removal. I agree with the Senator. In terms of removal, they should be treated the same. Today, under IDEA, they are treated the same.

I am going to stick with my example of the two kids who bring a gun to school. Right now, under IDEA, the principal can call up the police and say come and get these kids, and they get them and haul them to the police station. They don't care whether the kid is under an IEP or not. I agree with the Senator; in terms of removal, they should be the same. And they are the same today. In terms of getting them out of the classroom immediately, they are treated the same.

Where the difference occurs is later on during the 45-day period, where it is examined as to why the kid brought the gun to school, and whether it was a manifestation of his disability or not.

I ask my friend from Tennessee this straightforward question: Is it true that under IDEA, as it is today, if a disabled child brings a gun to school and a nondisabled child brings a gun to school, they are both treated the same in terms of removal?

Mr. FRIST. That is totally incorrect. I just gave you an example where there were eight students in Tennessee. One was expelled because he did not have the disability, and three others were back in the classroom. Do you call that being treated the same? Absolutely not.

The whole purpose of my amendment is that, if you bring a gun or a bomb to the classroom, you be treated exactly the same. And if you don't have a disability, if you aren't in a special education class, you are out of school, no questions asked. If you have a disability, there are at least three out of eight chances you are back in the classroom within 45 days. That is not the case.

Mr. HARKIN. Let me try again. Let's talk about removal. Talk about day one. Two kids bring a gun to school. One is disabled and one is not. Is it true that the principal can immediately expel both students on that day and get them out of school?

Mr. FRIST. No. He can suspend, not expel. That student has to go through a manifestation process, an initial 10 days and then 45 days with a determination, and that student can be back in the classroom, as has been demonstrated in Nashville, TN, and other places. Anybody can check their own statistics.

Mr. ASHCROFT. Will the Senator yield for a question?

Mr. FRIST. I will yield to my colleague from Missouri for a question.

Mr. ASHCROFT. Mr. President, I ask the Senator from Tennessee, when a student is subject to an IEP and is disciplined for bringing a gun to school now, is it not an immediate discipline of expulsion for a year as it is for others; is it for a limited period of time? What is that first interval of discipline that is provided for under IDEA?

Mr. FRIST. Under IDEA, for students with a disability who bring a gun to school, there is an initial 10-day period in which they can be taken out and then a 45-day period during which that manifestation process takes place.

Mr. ASHCROFT. If I may pursue an additional question. So there is a disparity right away. The student without an IEP is expelled for a year.

Mr. FRIST. It is zero tolerance in Tennessee and in most States today. If you don't have an IEP, or are not disabled, you are expelled under zero tolerance for a year.

Mr. ASHCROFT. Under an IEP, you have an initial 10-day suspension, and legal proceedings start to determine whether or not the carrying of the gun, brandishing of the gun, or bringing the pipe bomb or a firearm into the classroom was a manifestation of your disability?

Mr. FRIST. That is correct.

(Mr. CRAPO assumed the Chair.)

Mr. ASHCROFT. When you talk about a manifestation of a disability, what does that mean? That you bring a gun to school because you are disabled? Is that what you are saying? Or could that mean because you are severely emotionally disturbed, for instance?

Mr. FRIST. It certainly could. The manifestation process is a complicated process and one to reach out to people. The term can certainly mean that.

Mr. ASHCROFT. So it could be that a student who is severely emotionally disturbed is protected from being expelled for a full year, based on the fact that he is severely and emotionally disturbed and that resulted in the bringing of the gun to school?

Mr. FRIST. That is correct.

Mr. ASHCROFT. Then the suspension—if you got past the 10 days, you could suspend the student for 45 days.

Mr. FRIST. During which that so-called manifestation process takes place.

Mr. ASHCROFT. That is related to whether or not his disability or special education status caused or was related to the bringing and brandishing of the gun?

Mr. FRIST. That is correct.

Mr. ASHCROFT. Now, these determination proceedings, do they involve substantial expense for the school?

Mr. FRIST. They certainly do, and it is very expensive. The process itself is a process that I think can be important and useful. So the overall manifestation process, as we look at IDEA, is something that I am not necessarily critical of. It is the idea of taking a disability and saying the disability and bringing a gun mean that you are back in the school with unequal treatment.

But the answer is yes. I travel around Tennessee and people tell me this manifestation process can be very expensive because it involves lawyers.

Mr. ASHCROFT. Thousands of dollars?

Mr. FRIST. Yes, thousands of dollars.

Mr. ASHCROFT. That lasts 45 days, according to the Senator from Iowa, and you have to have another hearing to have another 45 days.

Mr. FRIST. There can be an extension for another 45 days if a determination is made. You go for 45 days, and it can go another 45, although, usually if it is a manifestation, after 45 days the student is back in school.

Mr. ASHCROFT. The theory of the legislation probably provides a basis for having this series of bureaucratic trials and hearings every 45 days as people are litigating whether or not you could keep a very, very dangerous person out of school.

Mr. FRIST. That is the way it is written, to take 45 days. Your fundamental question is, did the disability cause you to bring the gun to school?

That is hard to imagine, to be honest. It seems that if it is the cause, you would not want to put them back in school. The idea of having 45 days and another 45 days if they are threatening, as the Senator from Iowa mentioned, conceptually, that is pretty good. Imagine that it is manic depression, or something frustrating, something that can be treated, and a kid is violent underneath, and they did bring a gun to school. You are going to want to give the kid the benefit of the doubt. You are not going to say keep them out another 45 days and then another. If the kid comes in and says, ''I am sorry,'' you say, ''Go back to school.''

That is just treating people differently because they happen to have that particular illness and you are getting them back in the school. All I am saying is let's equalize it and keep treating them the same.

Mr. ASHCROFT. Earlier the Senator said that it is hard to imagine a person would have brought a gun to school based on a disability. But in fact the determination from Davidson County, Nashville, TN, is that over the last couple of years they apparently found that a number of the individuals involved—two in 1 year and three from another year—the determination was made in this process that bringing the gun was related to a disability and therefore the student was not to be treated the same as other students but would have a very tactical set of bureaucratic rights to remain in school, or reenter school.

It seems to me that goes to the heart of what we are talking about—whether or not a student who has a problem that causes the student to be involved in bringing a gun—that is, the manifestation proceedings. Part of the evidence or manifestation of the problem is that you come to school with a gun. That provides the authority for reentering school. The fact that you have a problem which causes you to bring guns to school becomes your license to get back into school.

I think that describes the loophole we have talked about. We created it here in the Senate.

Am I getting to the heart of it?

Mr. FRIST. No. It is that loophole that has been created.

I will tell you what my theory is as I look and talk to people around Tennessee. Whether people are supporting individual disabilities or not, it is not about that. It has to do with the great fear I have in this unequal treatment of people, and allowing that special group of people with an offense of bringing a gun to school or a bomb to school to go back into school when you don't let anybody else to go back into school. I will tell you, to me, that is a potentially devastating loophole we have created. It hasn't anything to do with the disability. That is my greatest fear. That is why the amendment is on the floor.

Mr. HARKIN. Will the Senator yield for an observation and again for a question?

I say to the Senator from Missouri, again, I don't mind people making a decision one way or another on these things. I hope we base it on factual circumstances. The fact is that what the Senator, my friend from Missouri, just described is the idea in the old law, going back 20 years. We had the 45-day period, at the end of which kids can go back to school. We changed that. The final regulations on that didn't become final until March of this year when we put the 45 days in, at the end of which, if the school officials believe that the child is still a danger, they can go to a hearing officer, and say, hey, because of all these reasons, that kid should be kept out of school for another 45 days.

I say to my friend from Tennessee that I don't have that much lack of faith in my school principals and officials. If they look at this kid and say, wait a minute, this kid is a danger, they are going to throw up their hands and say, oh, my gosh. They want to protect their schools, and they are going to go to a hearing officer and say, wait a minute, keep that kid out.

So I want to make it clear that what my friend is talking about is the old law. That is all I want to make clear.

Mr. ASHCROFT. I think it is important to accept the fact that you have faith in the school administrator and the principal, because under the proposal of the Senator from Tennessee, and under my proposal and under the Gun-Free Schools Act for schools, which we passed, a principal has the discretion of being able to allow a student to reenter. And, if you trust the principals, you trust the school official, that is an available opportunity as it exists and would exist if we were to pass this amendment providing for uniformity, because we allow the treatment under our proposal to be identical to the treatment for any other student not the subject of an IEP. And principals have the discretion to allow such other students back into the classroom.

So what we want to do is not punish anybody, we want to allow that principal to exercise his discretion in a way that is likely to promote safety in the classroom and in a way that it does not hamstring the principal.

Just to give you an idea, people do not understand, and I didn't understand, what a manifestation determination is. This is a flow chart of how a manifestation determination is made under IDEA. This is a very serious process. To go through these kinds of processes and to have to jump through these legal hoops and to cause the school districts—the cheapest hearing I have been able to talk to a school superintendent about in my State is between $7,500 and $10,000, just to conduct a hearing to do in the special settings what the principal is able to do given his need to protect the safety of the school environment on his own in another setting.

I think that is what we are looking at. We are not here to try to say that we want to abuse individuals who are the subject of IEPs. We passed the statutory framework designed to help disabled children. We want them to get a good education. But I submit to you that among those most exposed to the threat to safety and security in the schools when a student with a disability comes with a weapon are other disabled students.

This is not a question of pitting students with a disability against other students in the classroom, this is a question about safety and security in the classroom and allowing those individuals charged with the awesome responsibility of providing for the education of our youngsters the authority to take the steps that are necessary, absent intermeddling bureaucratic barriers from Washington, to secure the school environment.

Given the fact that every principal has the authority in other settings to be able to reenter a student who is appropriately at a stage to reenter the classroom, this bill would not prevent principals from having the same approach to students who were the subject of IEPs.

Mr. FRIST. I don't want to keep going back to the underlying amendment. We again have discussed this, and we have debated it. It really comes back to treating people the same under this concept of guns and violence in the school. I think we may come down to a fundamental disagreement that you believe the current legislation will cover and take care of what is happening, that if they have a disability and a manifestation of bringing that gun to school is related to the disability, it is OK for them to come back to school if somebody says they are not threatened.

Mr. HARKIN. If the school officials say it is OK.

Mr. FRIST. That is right. I think that is going to be different, because we are basically going to say let these school principals and officials make the ultimate decision, and not an officer who happens to be assigned to manage that particular case, who is going to develop a relationship with that student and family, and who says, ''Please let him go back to school.''

Let's treat everybody the same. Let the authorities, the principals, the teachers, make that decision instead of separating them out, since we know they come back into the school.

Let me again read the amendment.

> School personnel may discipline a child with a disability who carries, or possesses, a gun, or firearm to or at school, on school premises, or at a school function under the jurisdiction of a State or a local educational agency in the same manner in which such personnel may discipline a child without a disability.

Again, I have given examples of people going back into the schoolroom. Let me give two other examples.

This is an article in the Washington Times.

> Fairfax County, Virginia, school officials learned that a group of students were in possession of a loaded .357 magnum handgun on school property. They moved quickly to expel the six students. Five students were expelled. One student, a special education student who had a learning disability, who had what they called a ''weakness in written language skills,'' continued to receive an education. School officials reported that this child bragged to other teachers and students that he could not be expelled because he was in special education.

That is the signal we have sent through IDEA, through this loophole in our legislation, not the overall legislation. The overall legislation is great.

In the Cobb County school system in Atlanta, not too far from where I am, two students, who were initially expelled for bringing a handgun and ammunition clip to school, were also protected by IDEA because they were special education students. There is just too much of this special treatment.

Our simple amendment basically says, disabled or not, educational status or not, whoever you are, you need to be treated the same where such personnel ''may discipline'' a child the same without a disability.

Mr. HARKIN. May I ask the Senator another question?

Mr. FRIST. Yes.

Mr. HARKIN. Does the amendment also not seek services for these kids under paragraph (b), ''ceasing to provide education''?

Mr. FRIST. We basically say we will treat those students with a gun or a firearm the same as nondisabled students.

The whole cessation of services we are not here to debate. Everyone will be treated the same, whether disabled or not disabled.

Mr. HARKIN. It is part of the amendment?

Mr. FRIST. That is correct, but nondisabled students have cessation of services. The 85 percent of American students out there not classified as disabled have cessation of services.

Treat them the same.

Mr. HARKIN. One of the reasons I think the Senator will find the Parent Teachers Association, Association of Police Chiefs and other police around the country opposing this amendment is they think the worst thing we could possibly do would be to take kids who are severely—emotionally or otherwise—disabled and throw them out on the streets.

Mr. FRIST. We are not saying that. We are saying treat them the same. We are not telling them they have to cease services.

I hope you have more respect for the services that will be needed and helpful. We are not saying you have to cease services. You can still provide the services. We are saying treat everybody the same.

Mr. HARKIN. The reality of the situation and the reason we have IDEA—and we hear it all the time; I hear it from my principals, too, I say to my friend from Missouri—sometimes it is tough to put up with the kids with special needs. They need a lot of attention. Sometimes they are a little raucous. Sometimes the principals throw up their hands and want to get them out of the classrooms. The teachers want to get them out of the classrooms. They are hard to deal with. These are kids with disabilities.

Time after time, for every story either of my friends relates about principals or others who are at wit's end because of a kid, I can come up with ten other stories of parents with kids who are disabled and how those kids were mistreated in school.

The reality of the situation is—and this is only my feeling—if you take two kids, one disabled maybe with a learning disability, maybe with other problems, who has been mainstreamed in school, expel him as you do a regular student and leave it up to the principal to say, OK, you can let him back in when you want, I think that principal will have a lot of pressure on him to let one kid back in, maybe, depending on the circumstances, but that disabled kid, that kid causes a lot of problems, costs a lot of money, we will keep him out.

I am just telling Senators that has been the situation for the past 30 to 50 years in this country. That is why we have IDEA. That is why we have individualized education programs for these kids. That is the reality of the situation.

Mr. FRIST. But the Senator from Iowa understands that we are not saying keep the students out forever. We are saying if you keep the nondisabled student out for the rest of the year, you should be able to keep the disabled student out for the rest of the year.

In fact, if you look at nondisabled students in terms of cessation of services, because the implication is people are so bad and mean they will cut off services, if you look at the nonspecial ed students in Nashville, TN expelled under zero tolerance, 55 percent of those are provided services.

I guess the Senator argues that of the disabled there will be such intense discrimination against that group of people, and I understand Senator HARKIN has fought the battles here for 20 years, and I respect that tremendously. I guess I have more faith in our principals and in our schools that if you treat everybody the same, that is exactly what you will do.

Mr. ASHCROFT. Will the Senator yield?

Mr. HARKIN. Will the Senator yield?

Mr. FRIST. I yield to the Senator from Missouri and then the Senator from Iowa.

Mr. ASHCROFT. What I appear to be hearing is if they are treated the same as nondisabled students, that is kind of a discrimination.

That is equity and parity in treatment. It doesn't stack up to discrimination, in my judgment.

I wonder if the Senator from Tennessee is aware of the letter from the National School Boards Association regarding the Frist-Ashcroft amendment to S. 254.

Mr. FRIST. I have not seen that.

Mr. ASHCROFT. It is an interesting letter on behalf of the Nation's 95,000 local school board members. This is from the executive director, Anne L. Bryant, executive director of the National School Boards Association:

> The National School Boards Association urges you to support the Frist-Ashcroft amendment to S. 254 that would enhance the safety of all students from gun violence.

We are not talking about the vast number of individuals that are participants in the IDEA program. The number is vast, with 13 or 14 percent in Tennessee, and 13 or 14 percent of the students in Missouri and Iowa. These are not people who show up for school with guns very often. When some of them do, they are threatening the others.

When a person shows up with explosives or a gun at school, the objective there ought to be school safety. It ought to be to address that.

The amendment provides school officials with the discretion to suspend or expel students covered by the Individuals with Disabilities Education Act in the same manner as other students in cases where they bring firearms to school.

It has been stated there is a lot of opposition. This is a letter from the 95,000 members of the School Boards Association stating this is the right thing to do.

Mr. FRIST. I think we have been very careful to try to get this amendment as tight and focused as we could, talking about guns in the classroom, bombs in the classroom.

We have gone so far to put wording in the bill to say they intentionally have to bring that gun into the school or the classroom. We have done our best to get it as narrow and focused as we possibly can.

It comes down to safety. We are on the juvenile justice bill. We had these terrible 27 deaths from guns in classrooms, and this bill goes right at the heart. Again, not the disability community or individuals with disabilities. I count myself among their greatest advocates, but I am concerned that with the loophole we created that something drastic, devastating, is going to happen because of this loophole where we are treating students with disabilities in special education, allowing them to return to the classroom, but not letting anybody else return to the classroom.

We are treating them differently, where people who brought a gun to the classroom can return 45 days later.

Mr. ASHCROFT. In specific inquiries to the individuals who provided the Senator with the information from the Davidson County school system, is it their view that this loophole exposes the system and the students in the system to a risk they would not otherwise be exposed to?

Mr. FRIST. I talked with the officials in the major urban areas where the concentration of people are throughout Tennessee. There is general agreement of people who are on the front line in the schools, who are responsible for the safety of our children who are there every day. They say, Senator FRIST, we know you are the advocate for individuals with disabilities, but how could you create a huge loophole that puts our children at risk? That is why I am here.

Mr. HARKIN. Let me ask the Senator——

Mr. JEFFORDS. Will the Senator answer a question?

Mr. FRIST. Did the Senator from Vermont have a question?

Mr. JEFFORDS. I would like to volunteer this point.

Mr. HARKIN. Come on over. We are all friends.

Mr. JEFFORDS. I listened very carefully. I think when you get right down to it the basic question is, in the final analysis, should the school have to afford an alternative education situation and pay for it. It is a matter of dollars and cents. It has nothing to do with the safety of the children or anything else.

Under the circumstances you are dealing with here, if a child comes in with a gun, if it is somebody without an IEP or whatever, they can be thrown out of school and they can be let back into school. That is entirely the discretion of the school officials. They can say this is an aberration or whatever.

If a child with a disability comes in, then you go through the 45 days to assess as to whether or not it was as a result of a disability. If it was not the result of a disability, then the child can be disciplined as any other child. If, on the other hand, it was the result of a disability, then they are required to provide an alternative educational situation. It may or may not cost something. But that child is not in the classroom. So no child goes back into the classroom if they are a threat to the classroom.

What it comes down to, and what the school officials object to, as I understand it, is they have to set up a special 45-day program for this child, and pay for it. The reason is not to protect the school or protect the kids; it is to make sure they do not have to provide the funds. You can keep those 45 days going forever. Then that costs money. So this is not a safety question. This is a money question. The school boards are saying they don't want to pay for those 45 days. That is what they are saying.

Mr. FRIST. That is not what I heard. Basically, what I hear from the superintendents and the principals is the safety end of it. The expense is expensive, it has been pointed out. What I am dealing with is the safety end of it, the fact that our principals' hands are tied because of the way the legislation is written, because of the threat of lawyers, of trial lawyers who threaten to sue the school, the school system, based on our bill that they basically are saying the students come back in the classroom, when the student without the disability is out for the school year.

Mr. ASHCROFT. Will the Senator from Tennessee yield for a question?

Mr. FRIST. I will.

Mr. ASHCROFT. I ask him if his experience has been similar to mine. I have probably gone to 30 or 40 school districts in the last 3 months, visiting school districts. I have found people are very concerned about the safety of students. My own view of it has been totally different from that suggested by the Senator from Vermont, saying that school safety is not the question here. I talked to one superintendent. This did not happen to be an IEP student who carried the gun to school but who threatened to kill other students in school seven times.

Of course, because of the problems in effecting discipline, they kept the student in school. Finally the student shot another student. Safety issues are involved here. Make no mistake about it. When someone brings a gun into the school, safety issues are involved.

Mr. FRIST. There have been 27 people murdered.

Mr. ASHCROFT. This is not just a financial issue when someone brings a pipe bomb to school. That is a safety issue. Sure it costs money to put the person in alternative settings, and it costs money to have a hearing every month and a half, every 45 days. Those are massive costs. I will not deny those are very serious costs. But let us not suggest—at least to the school districts that I dealt with—that there are no safety issues involved when people bring guns and pipe bombs to school. Does that comport with the Senator's experience in Tennessee?

Mr. FRIST. Yes, it does. The purpose of the amendment is just that. It goes back to having safe schools. That is what we have been debating so much over the last several days.

I will yield the floor. Other people want to go forward, but let me just close and say the purpose of this amendment is real simple. That is to get rid of a loophole which allows one group of students to be treated differently. If they both brought a gun to the school, the loophole being that a group of students are ending up back in school where one group of students is expelled. All this amendment says is, let's treat everybody the same and let's have those decisions made locally.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I would just like to sum it up. What we are talking about are the problems we have had from the beginning of time, the problems that children with disabilities have and how we handle them. The reason we created IDEA, the reason it was passed, is that we were not allowing the children with disabilities to get any education. It went to the U.S. Supreme Court. A consensus decision by a number of courts, I should say, was reached, in which they determined that if you are going to provide a free and appropriate education generally to the public, you have to have an appropriate education for children with disabilities. And we funded that. We required that. That is why we are here today.

What we are now dealing with is we do not want to provide those services. If a student has a disability and provided a threat to the school, it is perfectly clear, if it is a result of a disability, you have to provide that child with an education as the Constitution requires, because, if it was the result of a disability, he is not really responsible for it, so you have to provide it. That gets expensive.

If it was not part of the disability, then the child is just treated as any other child and there is no need for a different or additional IEP, away from the classroom setting; the child gets treated and handled like anyone else.

Mr. ASHCROFT. Will the Senator yield for a question?

Mr. JEFFORDS. I will be happy to yield.

Mr. ASHCROFT. Is it the Senator's position, then, if a student is the subject of a IEP, a special education student, and brings a gun to school and it is determined that student did not bring it as a manifestation of the disability——

Mr. JEFFORDS. Right.

Mr. ASHCROFT. Is it your position, then, that the school can expel him with no responsibility to provide services?

Mr. JEFFORDS. That is not correct.

Mr. HARKIN. They have to provide services for him. They have to provide services.

Mr. ASHCROFT. Wait a second. Apparently, there appears to be a difference between you and the Senator from Iowa. I was just going to indicate—is it your view in the event the dismissal comes because the gun was not a manifestation, that there is no responsibility?

Mr. JEFFORDS. He is just treated like anyone else at that point as far as discipline, is my understanding.

Mr. HARKIN. If I might interject myself into this a little bit?

Mr. JEFFORDS. I yield to the Senator from Iowa.

Mr. HARKIN. I respond to the Senator from Missouri that services always have to be provided. Educational, medical, mental health, those kinds of services do have to be provided. But if it was not a manifestation of a disability, of course, the kid can be expelled from school.

Mr. ASHCROFT. So the distinction is not that the law provides that there can be no services, or will be none, your view is directly contrary to that of the Senator from Vermont, that services must be provided on a continuing basis, even if it was not a manifestation. But he can be kept out of the school?

Mr. HARKIN. That is in the law.

Mr. ASHCROFT. I think it is in the law. That is why I was asking the Senator.

Mr. JEFFORDS. He may not have to return to the school.

Mr. HARKIN. If the Senator will yield?

Mr. ASHCROFT. Not providing them at the school. That is where you do get into expensive treatments, where you get to $60,000, $70,000, $80,000 a year to provide the student with individualized home-based education.

But the point is, the purpose of the amendment of the Senator from Tennessee, which I am very grateful for the opportunity to participate in with him, is to provide an equity in services. When you suggest that there is an equity for those who are subject to an IEP, but the violation is not a manifestation of the disability, that there is not any requirement for services, that is simply not true. The law provides the services must continue.

I think the fundamental point the Senator from Tennessee and I want to make is this. There are not very many people who are bringing guns to school. There are very few of them. And even fewer who would bring guns or pipe bombs to school are students with a disability.

But for those who do, the school officials ought not to have to go through torturous legal proceedings and laborious determinations of manifestations and the like for those who bring pipe bombs and guns to school. We ought to be able to trust the principals to say: You don't belong here in school. You will come back in the same manner that other students do.

Mr. JEFFORDS. I might point out, under your theory here, if a child with a disability comes in, and it is not a manifestation of disability, they are not entitled, under the IDEA, to have any education at all. You just get rid of them, like you get rid of the one who came in who was not disabled.

Mr. ASHCROFT. That is exactly the kind of parity we are talking about. If

a person brings a weapon to school, the principal has the right to say: You do not belong in school and you are not going to disrupt or threaten the safety of this school environment and you are not entitled to special services, especially in cases where bringing a weapon to school had nothing to do with your disability.

I believe it ought to be the case, and this amendment provides we give school administration officials the kind of discretion they have in their own States and under the Gun-Free Schools Act we passed a couple years ago where the principal has the discretion to expel them for a year, with the discretion to allow them to reenter on his or her determination or school authorities' determination.

Mr. HARKIN. Will the Senator yield?

Mr. JEFFORDS. Under these circumstances which we are talking about—expelled but not a manifestation—then a child is expelled from school but is still entitled to educational services. That is the difference. That means an additional expense. The child who does not have a disability and is thrown out of school has to find another school, has to get a tutor or do something else. We are all talking dollars and cents. We are talking about a cost that is added by virtue of the fact that you must provide special services.

Mr. HARKIN. If the Senator will yield.

The PRESIDING OFFICER. The Senator from Missouri—

Mr. JEFFORDS. I have the floor.

The PRESIDING OFFICER. The Senator from Vermont has the floor.

Mr. HARKIN. If the Senator from Vermont will yield for a question.

Mr. JEFFORDS. I yield to the Senator from Iowa.

Mr. HARKIN. I say to the Senator from Missouri, as long as it takes to reach some parameters on this, the fact is, the principal's hands are not tied right now in getting kids out of school immediately. Will the Senator agree with that or not? No?

Mr. ASHCROFT. For expelling students.

Mr. HARKIN. Getting them out of the school immediately if they bring a gun to school.

Mr. ASHCROFT. For the first 10 days, they can get them out of school.

Mr. HARKIN. Forty-five days.

Mr. ASHCROFT. Then it takes additional proceedings to get to the 45-day period.

Mr. HARKIN. No, it doesn't; no, no, it doesn't; no, it doesn't. No.

Mr. ASHCROFT. On the 11th day, you have to start a different regime that includes providing separate services, education in another setting if you don't provide it at school.

Mr. HARKIN. But they can keep them out of the school for 45 days.

Mr. ASHCROFT. They can keep them out of a regular classroom.

Mr. HARKIN. Wherever they brought the gun to school, they can keep them out of that school for 45 days. The law is pretty clear. I don't know what we are debating here.

Mr. ASHCROFT. In all deference to the Senator, the law is clear and the law provides substantial disparate or different treatment, and the treatment which is different causes very serious problems in the real world. It causes problems because we let students who bring guns into school back into the school system because of this system.

Mr. HARKIN. Let's take it one step at a time, I say to my friend. I am trying to get to this one point. Are the principal's hands tied if a kid brings a gun to school—I don't care if they are disabled or not. In getting that kid immediately out of school for up to 45 days, I think the law is clear, they can do that; they don't have to show anything.

Mr. ASHCROFT. They have responsibilities when they do that that they don't have with other students.

Mr. HARKIN. Again, I am just saying——

Mr. ASHCROFT. So if you are talking about hands tied, you may not tie their hands, but you force them to busy their hands doing a whole variety of other things.

Mr. HARKIN. Again, I say to my friend——

Mr. ASHCROFT. That results in those kids showing up in school far earlier than they otherwise would. It may not work that way on the floor of the Senate, but that is the way it works in school.

Mr. HARKIN. I want to take it step by step.

Mr. ASHCROFT. Sure.

Mr. HARKIN. Step by step. The first step is getting the kid out of school because there is a clear danger. You want to get him out of there.

I want to make it clear, we all understand that a principal can get that kid out of school. They can call the police station right now and say: Come and get this kid; he has a gun. They can take him down to the police station. The police can do it. They have that right now. Even if the kid is severely disabled, one can say, please come and pick him up and take him to the police station now. Their hands are not tied. I want to take the first step in getting the kid with a gun out of the school. I just hope that my friend will agree that the principal can do that.

Mr. ASHCROFT. You are asking me that question?

Mr. HARKIN. Yes.

Mr. ASHCROFT. The principal can do that.

Mr. HARKIN. Thank you.

Mr. ASHCROFT. And this amendment is designed to extend the quality of treatment that you appear to admire at the first of the process through the process adequately so that we protect the safety of the school environment for a much longer period of time.

Mr. HARKIN. OK. Now, my friend and I agree that the principal can get the kid out immediately. Let's take the second step: timeframe. For a disabled kid, it can be up to 45 days. They don't have to do anything. They can keep him out for 45 days. They don't have to show anything. They can keep him out for 45 days.

Mr. ASHCROFT. They do have to do things.

Mr. HARKIN. Provide services in education.

Mr. ASHCROFT. That is different than with other students.

Mr. HARKIN. That is true.

Mr. ASHCROFT. When we take these steps, let's tell the whole story about each step.

Mr. HARKIN. For the disabled child, they do have to continue to provide services.

Mr. ASHCROFT. If they don't let him back in, for that student, they have to set up some other school for him, and that could even be a school that is housed with a full-time teacher and all the kinds of assistance the student might need.

Mr. HARKIN. It would be in an alternative setting to be determined among the parents, the hearing officer and the school.

Mr. ASHCROFT. And that is totally different than it is for a nondisabled student.

Mr. HARKIN. I agree with you.

Mr. ASHCROFT. Good, good. Here we are, for the first 10 days, both can be sent out of school, but after the 10th day——

Mr. HARKIN. I think then while we agree that the principal can get the kid out right away and can get him out for 45 days, our disagreement, it seems to me, is not so much on getting the kid out of the school immediately and getting the immediate danger out; it seems to me our disagreement is what happens later, what happens with those kids later on, how are they treated and how, if at all, they are let back in the school. That seems to be our disagreement.

Mr. ASHCROFT. That is a very significant point here, and if I just take you to the schools, and the best information we have in this debate is what the Senator from Tennessee has brought us, that they are treated deferentially and a significant number of them are back in schools prematurely because the schools feel like they have to let them back in at a time when, according to their testimony, they are uncomfortable about it.

Mr. HARKIN. Again, I think we can work through this. I hope. We may not always agree. I am trying to get down to the nub of the problem.

Mr. FRIST. Will the Senator.

Mr. HARKIN. And it seems to me that we do agree. I understood——

Mr. FRIST. This Senator does not agree.

The ACTING PRESIDENT pro tempore. The Senator from Vermont has the floor.

Mr. FRIST. Will the Senator from Vermont yield?

Mr. HARKIN. Will the Senator yield further?

Mr. JEFFORDS. Let me get organized here. I yield to the Senator from Iowa. Please refer back to me and then I will recognize the others, and we will have an orderly process here.

Mr. HARKIN. The point I am trying to make is that in the initial statement of my friend from Tennessee, the Senator talked about the Littleton school shooting and kids bringing guns to school and getting these dangerous kids out of school. I agree.

I just wanted to make the point very clearly that in terms of a child bringing a gun to school, a principal right now can deal with a kid who is disabled just as they can with a kid who is not disabled, in terms of getting that kid out of school, having the police haul them away, have them book him, have them charge him with a crime or anything else. I just wanted to make that point very clear, that they can get those kids out of that school.

Now we are going to get into the next stage about what happens with those kids. That is the only point I want to make. I thank the Senator.

Mr. FRIST. Will the Senator from Vermont yield for a short period?

Mr. JEFFORDS. I yield.

Mr. FRIST. For the last 45 minutes, we have had the Senator from Iowa talking to me or talking to the body trying to explain so everybody can understand this process that we have set up for individuals with disabilities, which is a good process overall because they are very complex issues.

We have a 10-day period where we have one set of rules which I agree that basically you do the same for an individual with a disability and nondisability. Then you have a 45-day period, which, as the chart that we saw earlier shows, in terms of a manifestation process, is confusing and is a difficult process. It is an evolving process and one that has changed over time so that we can adequately consider individuals with their disabilities and what their special needs are.

Our point, and I know the Senator from Iowa keeps shifting away from it, but I am going to keep coming back to it, because the amendment is so simple. Our point is to close a loophole that if a disabled student brings a gun or a bomb in the classroom, they end up back in this classroom. If you do not have a disability you are not in the classroom. That is a loophole.

The point I want to make is, we can march through the whole 10-day period, 45-day period, another 45-day period of threatening and all that. That is the whole point, that we have barrier after barrier after barrier for a group of people who brought a gun into the classroom, with our children around, and they brought a gun there. We have all these barriers set up for one group of students, but for the other group of students they are out for that year. We say, treat them both the same. That is all the amendment does.

Mr. JEFFORDS. That is, unfortunately, not the way the courts have ruled as to how a State has to handle those situations. Students with disabilities are entitled to an IEP. They are entitled to special education and related services. They can be denied going back into the classroom if they are in any way a threat to that classroom. But they are entitled to services. That isn't going to change. And this law will not change.

Mr. ASHCROFT. Does the Senator from Vermont yield?

Mr. JEFFORDS. Yes.

Mr. ASHCROFT. On what basis does the court say they are entitled to an IEP?

Mr. JEFFORDS. That goes back to the 14th amendment.

Mr. ASHCROFT. The Individuals with Disabilities Education Act, isn't it?

Mr. JEFFORDS. Based on constitutional decisions that were levied back in the late 1960s and 1970s, which determined that you had to give an equal opportunity to children with disabilities. Part of that equal opportunity is appropriate education, which takes into consideration the nature of the disability.

Mr. HARKIN. Will the Senator yield to me to elaborate a little further?

Mr. JEFFORDS. Yes.

Mr. HARKIN. I say to my friend from Missouri that prior to the two 1972 cases, the PARC case and the Mills case, it was found by the courts, and by others, that there were millions of kids in our country who were denied an education simply because of their disability.

In both the PARC case—that is the Pennsylvania Association of Retarded Children—and the Mills case here in the District, the courts said, basically, look, if a State provides a free public education to its children—now, a State does not have to, States do not have to provide a free public education; there is no constitutional mandate for that, by the way. But the court said, if a State provides a free public education, under the 14th amendment to the Constitution it cannot deny a free public education, just as it cannot deny it to a child who is black, because of race, color, creed, national origin, sex, it cannot deny a free public education to a child with a disability; and, furthermore, the court said, because of the disability, the education must not only be free but appropriate.

So I say to my friend—and I will just go through this a little bit longer—the States, then, were faced with a constitutional mandate that they had to provide a free appropriate public education to kids with disabilities.

The States were panic stricken. How were they ever going to afford to do this? They came to Congress. Congress said: OK. We will set up a law. We called it the Individuals with Disabilities Education Act, passed in 1975. Both the Senator from Vermont and I were in the House at the time. We set up a law, and we said: OK. We want to have some national standards. We do not want to have 50 different standards. We want to set up national standards for providing services to kids with disabilities. We do not want 50 different things out there.

So we set up IDEA. We said our objective was to provide 40 percent of the funding. By the way, we haven't, and we ought to.

Mr. ASHCROFT. Glad to have your support on that, Senator.

Mr. HARKIN. I always have. We ought to fully fund IDEA. But I just want to walk through this.

So we set up IDEA, and we said, if you, State of Missouri, would like to have the money we can provide, then you have to adhere to IDEA. No State, including the State of Missouri, has to abide by any of the provisions in IDEA if they do not want to accept any of the money.

Mr. SESSIONS. Will the Senator yield?

Mr. HARKIN. I just wanted to point out, the Senator was questioning about whether or not this was a constitutional mandate. It is a constitutional mandate on the States that they have to provide a free and appropriate public education. IDEA says to the States: We will help you with money. Here are the rules of the game.

Mr. ASHCROFT. Will the Senator from Vermont yield?

Mr. JEFFORDS. I yield to the Senator from Alabama.

Mr. SESSIONS. I have been traveling in my State and talking with educators. I have never had any issue that is of more concern to them than the problems of enforcing discipline caused by the IDEA Act. What we are doing in our schools today is not required by the Constitution. And sooner or later the people are going to rise up and put an end to it.

Let me just share this thought with you. Taking a gun to school by a youngster is a Federal crime. What if they are put in jail, do they have to be sent back to the school? That is just the point.

Let me read this letter I received just a few weeks ago from one of Alabama's most experienced attorneys general:

He has been a leader in the State Attorney General Association.

Dear Jeff:

I am writing you this letter concerning my general outrage over the laws of the Federal Government and how they are being administered in relation to school violence.

I had already been having meetings with our Superintendent of Education concerning new rules and interpretations of rules based on what I believe to be the Federal Disabilities Act.

The general thrust of the matter is that violent children are being kept in school because of the Federal Rules relative to disabilities.

I can point to at least seven to nine occasions in Baldwin County—

His county——

in which I believe expulsion was called for, but could not be accomplished because of the interpretation of the Disabilities Act.

I realize that mental disorders can be a disability, but the primary concern should be

the safety of the children who are not causing any difficulties.

Our schools simply do not have sufficient resources for one on one education and I would hope that you and other members of Alabama's delegation would review this problem which I believe to be epidemic throughout this Country.

Here is an editorial in the Mobile Press Register about a 14-year-old student classified as ''EC,'' emotionally conflicted. He had to be assigned an aide to go to school, to go to class with him. One aide to this one student because of his problems, an aide assigned to him during school hours and during bus rides to and from school. The student was accused of assaulting his aide while the aide tried to stop him from trying to wreck the schoolbus.

These are the kinds of things that have happened all over America. This bill does not go far enough, in my opinion. It only says, if you bring a deadly weapon to school, and in violation of Federal law, you have to be treated like everybody else, and you do not get special protections because you are emotionally conflicted.

In fact, emotionally conflicted kids may often be the most dangerous ones, the ones most likely to come back in, say, 6 months from now and kill some innocent child in a classroom or shoot their teacher. This is a good step forward. I would like to, if I could, be listed as a cosponsor of the legislation.

Thank you, Mr. Chairman, for your leadership on so many matters of education. I just wanted to share those remarks.

Mr. HARKIN. Will the Senator yield?

Mr. JEFFORDS. I appreciate the remarks.

I, again, point out, if the child is violent and it is not a manifestation of their disability, they can be treated like anyone else as far as removal from school. If it is a manifestation, then special rules apply. Those special rules may well determine that they not be in the general education classroom. That process may require maybe an aide to be assigned to them. That is the way the law works.

Many, many students who have disabilities have special aides assigned to them. We cannot let these kinds of very difficult incidents of violence throw out the whole law. We have to examine exactly how you handle students with disabilities, and situations where the disability results in school violence. In such cases they can be removed from the classroom; they can be removed from the school.

But they must to be provided an appropriate education under the law.

Mr. SESSIONS. If a child is emotionally conflicted and brought a gun to school on one occasion, why do we think he might not do that on another occasion, even some months later? It is a safety question for the school.

This is a modest step in the sense that it doesn't say you can do anything if he beats up another student; it just says that if he brings a deadly weapon to the school, he can be treated like any other student and be removed. I think that is a good step and support the amendment.

Mr. JEFFORDS. They can be removed either way. It is just a question where they end up—whether they end up going outside of the school and joining a gang or whether they get a special educational situation outside of the classroom, outside of the school. Those are the kinds of problems we must address whether or not they have a disability.

Mr. SESSIONS. All I would say is the district attorney, David Whetstone, is a reasonable man. He is very concerned. I am hearing repeatedly from school superintendents and principals that no matter what we say about, in theory, how this law works, in practicality, it is endangering the lives of students, disrupting classrooms, causing teachers to quit, and costing untold amounts of money. In fact, the superintendent from Vermont did testify that 20 percent of his county's budget goes to special education students. Somehow we have gotten out of sync here. We need to move back to a more modest ground, I say.

Mr. JEFFORDS. I say if the Congress achieves what we are trying to do, particularly what the Republicans are trying to do, fully fund IDEA, then many of those concerns would go away. But we are far, far from providing the State and local governments the money we told them we would.

Mr. SESSIONS. You have been a champion of that, but even then our goal is to do 40 percent, not 100 percent.

Mr. JEFFORDS. I was referring to about 100 percent of the 40 percent.

Mr. SESSIONS. We haven't even honored our commitment to do 40 percent. But even then, 60 percent of it would be carried by the local school system.

Mr. JEFFORDS. You are accurate.

Mr. HARKIN. Will the Senator yield briefly?

Mr. JEFFORDS. I yield to the Senator from Iowa.

Mr. HARKIN. I wanted to respond to my friend from Alabama.

It seems to me the argument is, it costs too much money to take care of kids with disabilities. I remind my friend from Alabama, that Supreme Court right across the street, less than 2 months ago, had a case from Iowa, the Garrett F. case. Here was a kid who was on a breathing device in school every day, had to have a nurse with him every day because they had to clean the phlegm out of his throat and his lungs. He was on a breathing device, severely disabled. His mind was fine, mind was great—the kid knew what was going on, a good student.

The school didn't like it because it was costing them a lot of money—I say to my friend from Alabama—so they took the case to the Supreme Court. That Supreme Court over there, in a 7–2 decision, including some of the most conservative Members of that Court, said that under the Constitution of the United States they had to provide that opportunity. We can argue about how we provide it, but, please, don't tell me that somehow, because these kids cost a lot of money, we have to give them less in their lives than kids who are not disabled.

I yield the floor.

Mr. JEFFORDS. I am glad to yield to one of you, and then I am yielding myself off the floor. I yield to the Senator from Missouri.

Mr. ASHCROFT. Mr. President, I want to bring the attention of the Senate to what I believe to be the law in this situation, that absent specification in the IDEA law itself, the extension of continuing services is not required according to, I think, the best on-point legal decisions in cases where a person would otherwise have forfeited his right to school because of the disciplinary problem.

The case of Virginia Department of Education v. Riley, from the Fourth Circuit, found that the plain language of IDEA did not condition the receipt of IDEA funds on the continued provision of educational services to expelled children with disabilities and that in order for Congress to place conditions on the State's receipt of funds, Congress must do so clearly and unambiguously. Therefore, that is one of the reasons the law was changed following that.

Mr. HARKIN. What was the date of that case?

Mr. ASHCROFT. That is prior to the change in the law, I say to the Senator from Iowa. I am explaining, that is one of the reasons the law was changed. I think you changed the law, and the source of the mandate that services be provided, according to that case and according to the response of the Congress, was the change of the law.

So the Constitution does not provide a mandate that people have to be given continuing services forever in discipline cases, which has been suggested.

The point is, the Constitution hasn't been so construed, I don't believe. I think what the law has basically said is that that comes from what we did in the amendment of the law a year or two ago. Was that in 1997? Given that, if the source of that responsibility is the law, it becomes clear to me that we can change the law and alter the responsibility.

Now, I think this has been both entertaining and somewhat instructive.

Mr. HARKIN. Mr. President, I want to say to my friend from Missouri—

Mr. JEFFORDS. I want to let the Senator from Missouri finish so I can depart.

Mr. ASHCROFT. How nice.

Mr. HARKIN. I want to tell him he is right.

Mr. ASHCROFT. If the Senator wants to tell me I am right, first of all, I need reinforcements here to catch me when I fall over. But I am delighted.

Mr. HARKIN. I wanted to say that the Senator was right and I misspoke

myself. That Court across the street said the law was clear, that they had to do it. It was not the Constitution.

Mr. ASHCROFT. I want to get back to the fundamental point, and there are about three of them. I will try to make these quickly: One, that the law does provide for differential treatment. If it didn't provide for differential treatment, we wouldn't have the law. As a matter of fact, part of it was in response to this Fourth Circuit opinion, and the Congress acted. In so providing, we created a big loophole for guns and firearms in the school.

We basically provided a basis for differential treatment for people who are the subject of IEPs, these special education students, who might be—I forget what the Senator from Alabama said—emotionally distressed, or troubled, or severely emotionally distressed. They might be able to come to school and have different treatment if they carry a gun to school than if someone else does.

The simple fact is that the Senator from Tennessee and I believe we ought to give authority to school principals to deal with such cases as forthrightly as they do with other cases. This is in light of the fact that when you get out, not in the Chamber of the Senate, not in the theory of the bureaucracy, but when you get out into local schools, the law operates to constrain those school officials to have students come back to school who have carried guns to school and pipe bombs to school. They have carried them in, and it is not in the best interest, according to school officials, to have the students back in, but they are back in.

We simply want to liberate school principals and school officials to say to people who bring guns and pipe bombs, firearms, to school, you can't do that, you are out until we say you can come back, in the same way we say that under the Gun-Free Schools Act, which is the Federal Government's mandate, students are entitled to go to school in a place that is not full of guns and firearms.

I thank the Senator from Vermont for according me this opportunity to make that simple statement, that we want to provide parity for students: No matter who you are, when you bring firearms and guns to school, we want the principal to be able to send you home.

Mr. JEFFORDS. I think that narrows it down to all that I am saying which is, yes, they do that, but they have to provide an alternative educational circumstance, which is something different than other people without disabilities may not have been entitled to.

With that, I yield the floor.

Mr. LEAHY. Will the Senator from Vermont yield to the Senator from Vermont?

The ACTING PRESIDENT pro tempore. The Senator has just yielded the floor.

Mr. LEAHY. The Senator from Vermont thanks the Senator from Vermont. The Senator from Vermont will now take the floor.

The ACTING PRESIDENT pro tempore. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, there has been a good debate here by the Senators from Missouri, Iowa, Vermont, Tennessee, and others who have spoken about this. I know these are extremely important amendments, especially to the primary sponsors, and the Senator from Iowa and the Senator from Missouri, and the others.

My perspective is that as ranking member and floor manager on this side of the bill, I look at a whole lot of amendments. At one time, we had a couple hundred amendments. We whittled those down. Dozens of Senators on both sides of the aisle have agreed to withhold their amendments. I spent the weekend talking with Senators, asking them to withhold their amendments. And they did. Others we were able to get in a managers' agreement, a managers' package, something I am still waiting to hear back on from the other side. I assume we will get that. Many Senators on both sides will see the bulk of their amendments in the managers' package. But at some point we have to go on.

I suggest, for whatever it is worth, whatever is done, whatever is passed, whether it is the amendment of the Senator from Missouri, or whether it is the amendment of the Senator from Iowa, this issue will be in conference. The Senator from Utah and the Senator from Vermont, as the two main conferees, will have to try to work out yet another overall compromise. We have had debate for almost 2 hours. We are beyond reasonable to ask that the Senator from Missouri and the Senator from Iowa simply allow the Senate to accept both amendments by a voice vote. They will be in the bill. The practical effect of that, I might say, will not be any different if a vote were to be had on the floor because we still have an issue that will be resolved ultimately in conference. The one difference will be that we have had a debate that extended for almost 2 hours. The debate will then be completed and we could go on to other issues.

I would like to see us finish this bill tonight. I am not propounding this as a unanimous consent request, but I am suggesting it to the Senators. The Senator from Utah is not on the floor, and I don't wish to speak for him, but the Senator from Utah and the Senator from Vermont would find that agreeable.

Mr. FRIST. Will the Senator yield?

Mr. LEAHY. Yes.

Mr. FRIST. When the Senator says accept the two amendments by voice vote, does he mean the Harkin proposal and ours?

Mr. LEAHY. Yes, to accept them both. My reason for doing that is——

Mr. FRIST. That would be unacceptable. We spent a lot of time talking about the fundamentals. We have spent a lot of time debating this. We will object to that.

Mr. LEAHY. I am not doing this as a unanimous consent request. It is just an idea. The Senators have an absolute right, on both sides, to ask for a vote on their amendments. My concern is going forward, especially even if we have votes on them, the practical results will be much the same because we are still going to have to revisit it in the committee of conference.

We can finish this bill tonight. I just throw it out for what it is worth. I have been here 25 years and I know the Senator has a right to get a vote on his amendment. I am just trying to get to the practical result, which will, in the end, still be the same.

Mr. FRIST. Mr. President, I ask unanimous consent to add Senator COLLINS as a cosponsor, along with Senator SESSIONS, if he has not already been added, to the Frist-Ashcroft amendment.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, there is no need for this amendment. IDEA already contains provisions to ensure that schools are able to remove truly dangerous children from the classroom. But it also ensures that these children receive the services they need—not only educational services, but counseling, behavior modification, and other related services—so that their bad behavior will hopefully not happen again. This makes more sense than simply sending kids out of the streets, which is exactly what the Frist-Ashcroft amendment proposes to do.

The worst example of what happens when students are sent home without necessary services happened last year in Springfield, Oregon. When Kip Kinkle brought a weapon to school, he was immediately suspended. He went home with his gun, killed his parents, then returned to school and started firing.

The greatest protection a school can provide to its students and community is to be aware of the warning signs of danger and provide the services that can prevent the student from using violence.

Why would we want to strip those very protections from our schools and communities by amending IDEA to end all services to students with disabilities? In fact, why don't we have these protections in place regarding all children, not just those children served under IDEA?

Although several of our colleagues here today have pointed to all sorts of horror stories allegedly involving IDEA students, I would urge my colleagues to be get the facts straight.

(1) For the vast majority of children with disabilities, most discipline problems can be handled by implementing their individualized educational plan, which now includes behavior management strategies.

(2) IDEA currently allows a school to suspend a child for up to 10 days per incident.

(3) Moreover, IDEA allows a school to discipline a child with a disability just like it would discipline any other child, so long as that child's behavior is not a manifestation of his or her disability.

Mr. President, IDEA took three long years to reauthorize, and was the product of bipartisan negotiations involving both chambers of Congress and the Administration, with extensive public input.

The IDEA regulations have just been issued, and they particularly strengthen the area of disciplinary procedures.

In many places, schools are only starting to use the tools that are available to them under current law in cases where disciplinary actions that could be prevented with early intervention.

In fact, GAO is currently doing a study as to whether schools have enough flexibility to discipline children with disabilities.

In this letter I received dated April 29, they stated that work on this study should be delayed for two reasons:

(1) ''Nationwide data on school discipline for special education students is not currently available, but is being collected this year,'' and

(2) ''IDEA regulations have only recently been published, allowing insufficient time for their results to be felt and measured.''

I ask that the text of this letter be printed in the RECORD following my remarks.

Mr. President, at this point I believe it is not necessary and in fact it would be unconscionable and premature to amend the IDEA and risk compromising the implementation of this landmark legislation.

Special education students should not be the scapegoats here. And let me state again, not one of the children involved in the tragedies that we have witnessed over the past two years was a special ed. student. We need to focus this legislation on strengthening all schools for all of our children, and stop blaming IDEA.

Mr. President, I want to join with the sheriffs, district attorneys, leaders of police organizations, violence prevention scholars, and school psychologists and counselors, in urging all my colleagues to vote against the Frist-Ashcroft amendment.

Mr. CAMPBELL. Mr. President, I intend to vote in favor of the pending amendment offered by my colleague, Senator ASHCROFT, to enhance school safety. This bill is based in large part on the work of the Republican Juvenile Crime Task Force, on which I served. I am pleased to see that the amendment includes three provisions I proposed to the Task Force to help make our children's schools safer.

The first provision authorizes the use of funds to train school personnel, including custodians and bus drivers. These key people on and near school grounds can be helpful in finding suspicious objects, pipe bombs, or other means of harm if they had the proper training. These personnel can be utilized for identifying potential threats, crisis preparedness, and emergency response. I intend to build on this work in the FY 2000 Treasury appropriations bill by supporting the role of the Bureau of Alcohol, Tobacco and Firearms in training school personnel in the detection of weapons and explosives.

The second provision authorizes the use of funds for the purchase of school security equipment and technologies, such as metal detectors, electronic locks, and surveillance equipment. This provision is based on S. 996, the ''Students Learning in Safe Schools Act of 1999'' which I introduced on May 11, 1999.

The third provision would invest more resources in School Resource Officers, including community policing officers. This important initiative expands the Cops in Schools program which I was pleased to author as S. 2235 in the 105th Congress. This bill was enacted into law in 1998 and this Spring the Justice Department is making $60 million available for this program in this year alone. School Resource Officers would work in cooperation with children, parents, teachers and principals to identify dangers and potentially dangerous kids before violence erupts and innocent children get hurt.

The Ashcroft Amendment includes many other important provisions to enhance school safety. I urge my colleagues to join me in voting in favor of this amendment.

I thank the chair and yield the floor.

Mr. FRIST. Mr. President, let me briefly comment on what I think is most appropriate. We have spent a couple of hours on the Frist-ASHCROFT amendment. It is a pretty clear and pretty straightforward amendment. We have debated some very useful aspects. I would like a vote on this amendment, because I think it will improve safety in our schools. It closes this loophole. I feel very strongly about not postponing it until later, or deferring it, or handling it in conference. I would like to see an up-or-down vote on it and move on after that.

Mr. ASHCROFT. Mr. President, I ask for the yeas and nays on the amendment.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HARKIN. Mr. President, we have had a pretty good debate, and it has been said that it has taken 2 hours. That doesn't bother me. I have spent years on this bill. I spent years on it. I spent my entire lifetime with a disabled brother. Do you think 2 hours means anything to me? It doesn't mean anything to me. We spent 3 years on this bill—3 years—bringing IDEA up to date. Do you think 2 hours bothers me? Not a bit.

I am going to say something to my friend from Tennessee. He is a good man; he has a good heart. I am going to read back to my friend from Tennessee his words spoken on the floor May 14, 1997. The issue then was a GORTON amendment, which would basically have turned back to the local school districts the power to basically discipline kids with disabilities. I want to read back to my friend from Tennessee what he said then:

> Mr. FRIST. Mr. President, I rise to speak in strong opposition as well to this amendment before the Senate, put forth by the Senator from Washington, an amendment which would instruct local education agencies to set out their own policy—a potentially very different policy—in disciplining students with disabilities. In short, under his amendment, each school district potentially would have its own distinct policy in disciplining disabled children. And with 16,000 school districts, the potential for conflicting policies is very real. And I am afraid this would be a turn-back to the pre-1975 era before IDEA. Is this a double standard? I say no. Clearly, we have outlined a process whereby students, if there is a manifestation of a disability, would go down one process. And if a discipline problem was not a manifestation of a disability, that student would be treated just like everyone else.

I am continuing to quote from the statement of the Senator from Tennessee on May 14, 1997:

> I think this is fair, this is equitable. Remember, if behavior is not a result of that disability, all students are treated the same in this bill. If behavior is secondary to a disability, there is a very clear process which is outlined in detail. Yes, it does take several pages to outline that, but it sets up a balance between the school, between school boards, between parents, and between children.

Senator GORTON claims this amendment is about local control, and I feel that it will be used, I am afraid, to turn back the hands of the clock to the pre-1975 conditions where we know that children with disabilities were excluded from the opportunity to receive a free and appropriate public education.

I say to my friend in Tennessee that he was right then. Mr. President, he was right then. Now we are caught up with the issue of guns and bombs.

Mr. FRIST. Will the Senator yield?

Mr. HARKIN. The Senator was always kind enough to yield to me. I would certainly respond with the same kind of favor in response to the Senator from Tennessee.

Mr. FRIST. Does the Senator from Iowa believe there should be two standards, if one child with a disability walks into a school with a gun and a child without a disability walks in with a gun, if there is a zero tolerance policy for the States, the individual who walks in with the gun should be back in classroom within 45 days when the person without a disability is totally disallowed?

Mr. HARKIN. I say to my friend from Tennessee, I use his own words. He said this is a ''double standard.'' I say no.

Mr. FRIST. Let me also say that in this bill, if you look on page 3, lines 1 through 8, in terms of intentional or not intentional, in terms of whether or not someone brings a gun or a firearm——

Mr. HARKIN. Where is the Senator reading from?

Mr. FRIST. In terms of ''intent.'' We have narrowed this bill so specifically

in terms of an individual bringing a gun or a firearm with intent into the classroom that they should all be treated the same. I think it is important that is what this amendment is all about is equal treatment, fair treatment, the same treatment, whether or not you have a disability, whatever your educational status is, that you are treated the same, if you bring a gun into the classroom or you bring a firearm into the classroom.

Mr. HARKIN. Is the Senator talking about subsection (a)(2) on page 3?

Mr. FRIST. Yes.

Mr. HARKIN. I read that. It says, ''Nothing in clause (I)(1) shall be construed to prevent a child with a disability who is disciplined pursuant to the authority provided under clause 1''—that is, expulsion—''from asserting a defense that the carrying or possession of the gun or firearm was unintentional or innocent.''

I ask the Senator, to whom does that child assert the defense?

Mr. FRIST. To whom?

Mr. HARKIN. Yes.

Mr. FRIST. To the people he jeopardizes by bringing into that classroom a gun. Is it intentional or not intentional when you come in? It should not matter other than it is intentional. He needs to be treated the same as everyone else. If you are placed out of the classroom, if you do not have a disability, you ought to be placed out of the classroom for that same period of time whether you have a disability. All children should be treated the same.

Mr. HARKIN. We have already been through that. I don't know if we need to go over it again. We have already decided that if a kid brings a gun to school, the principal can take that kid out of that school immediately, can call the police and have the police come and haul them away.

Does the Senator disagree with that?

Mr. FRIST. That is the not issue. It is who ends up back in the classroom. I pointed out again and again the statistics of individuals with disabilities, because of this special loophole, who end up within 45 days back in the classroom bringing a gun the first time, the second time, and ending up back in the classroom. If you do not have a disability, you cannot end up in the classroom. Let's treat everyone the same if they bring a gun or if they bring a bomb into the classroom. That is what the amendment is about.

Mr. HARKIN. The Senator says a kid can assert a defense that the carrying or possession was unintentional. I ask, to whom? It doesn't spell it out here. They can assert a defense. But assert it to whom? The principal?

Mr. FRIST. Yes. To the local authority, to the principal, to the teacher. That is correct.

Mr. HARKIN. He can assert that defense.

Mr. FRIST. That is correct.

Mr. HARKIN. That it was unintentional. And what kind of process is set up which would ensure that there would be a fair and impartial hearing on that?

Mr. FRIST. The same process that applies to every other student, the other 85 percent of the students in the classroom. That is the whole point. Let's treat everyone the same. If they come into a classroom with a gun or a bomb, you treat them the same. The local authorities do. The principal does. The teachers do. That is the whole point. Let's treat them the same. It is what equity is all about when we are talking about guns in the classroom, or firearms and bombs in the classroom. You treat them the same. They don't end up back in the classroom.

That is the fundamental essence of what this amendment is all about. You treat them the same.

Mr. HARKIN. If I might remind the Senator that he started off talking about the Littleton incident. I am going to get into this, because I think it is important. I ask the Senator—I will start with a statement. I hope it is not disputable that in the last 39 months there have been eight school shootings in which kids have died. How many of those shootings involved a kid with disabilities? I ask the Senator.

Mr. FRIST. I have not seen those statistics. I would be happy to take a look at them.

Mr. HARKIN. I will say it and open it up to any repudiation. There have been eight school shootings in 39 months. Not one of those involved a kid with a disability—not one. Yet we have an amendment going after kids with disabilities. Yet not one involved a kid with a disability. In fact, I will point out that four of the kids killed at Littleton were kids with disabilities.

Mr. FRIST. Will the Senator yield?

Mr. HARKIN. Of course, I yield.

Mr. FRIST. How many people have to die or be murdered before the Senator from Iowa is willing to close this loophole? Do you want to wait? Is that the point of using statistics? Wait until people are murdered? We know people with disabilities who bring a firearm or a bomb to school are ending up back in school when students without disabilities are not. Do you want to wait until statistics show people are murdered?

Mr. HARKIN. No. That is why we changed IDEA 2 years ago, I say to my friend, to provide that whoever brings a gun or weapon to school can be immediately removed by the police and taken down to the police station. That is why we did that.

Mr. FRIST. That gets them out for 10 days?

Mr. HARKIN. No.

Mr. FRIST. Then what?

Mr. HARKIN. During that 45 days, I say to my friend, during the 45 days—he should know this; I am sure he does—during the 45 days there is an Individualized Education Program, an IEP, developed during that 45 days. That IEP will address behavior modification, therapy services, and intervention to make sure the behavior does not occur again. This IEP protects not just the child but protects the school. The only way a school needs to let a kid back in is if that kid is meeting the objectives in the IEP and the school wants them back in. That is the process.

Mr. FRIST. Will the Senator yield?

Mr. HARKIN. Sure. I would be glad to yield.

Mr. FRIST. There were eight students in Tennessee a year and a half ago brought firearms in the school. We have gone through this, I know. Two had no disability and were expelled. They are out. Six of the eight were disabled students, individuals with disabilities, and were in special education. For three of those who brought the gun to the classroom, it was related to a manifestation of their disability. It has to be that the individuals with disabilities have individual needs that have to be addressed. They should be addressed. Constitutionally, they should be addressed. Ethically, they should be addressed.

When it comes to a firearm, or a when it comes to a bomb, after those 45 days, three of those eight students in Tennessee who brought a bomb to the classroom, or a gun, or firearm, firearm, deadly weapon, ended up back in school through this loophole when none of the other students without a disability had that loophole. They entered back into the school.

When you keep saying get them out for 10 days, in truth, whether it is 35 or 45 days, they are back in the classroom and treated in a different way. I say treat them the same.

Mr. HARKIN. Again, I ask my friend from Tennessee, was that under the old law or the new law?

Mr. FRIST. Those eight, may have been under the old law, I am not sure. I gave other statistics with the nine students from this year. I will have to check on that.

I don't want to stress the statistics too much. I keep using them because I have a great fear something bad will happen as a result of the law we created.

I can say on the 45-day period which we have talked about and worked on writing together, if a person is a threat during that 45 days, and your team says you are a threat, the Senator is exactly right, they can be kept out another 45 days. After that 45 days, what? I guess it can keep going on. We have great faith in that.

As someone who has, as the Senator, seen a lot of individuals with disabilities, if somebody brings a gun into the classroom and they are expelled like everybody else for 10 days and go through a manifestation period, I don't know exactly how to know whether that individual is threatening. We have to go through all the disabilities. That will be a tough diagnosis to make in terms of saying, no, you are too threatening to go back when parents are there who are saying go back; teachers, lawyers, who say he hasn't done anything over the last 15 or 20 days, maybe we should let him go back.

That is what our bill gets out. Treat everybody the same, if you have a disability or no disability. If you bring a gun or firearm to school, you should be treated the same. The same applies to cessation of services. You should be subjected to the decisionmaking of the local principals and teachers in terms of services, as well as in terms of expulsion.

Mr. SESSIONS assumed the Chair.

Mr. HARKIN. I say to my friend from Tennessee that the example he keeps using in Tennessee did occur under the old law, not the new law. I hope we can forget about using that example.

Under the new law we passed, we do provide that 45 days can be extended indefinitely if the school officials feel that child is a threat either to himself or herself or to the school.

Again, I just hope that example is not used because it confuses people. We shouldn't be confusing people when the new law is different than the old law.

I take a back seat to no one when it comes to the issue of safety in schools. I just put two daughters through public schools all their lives. One just graduated from college; my second daughter is a senior in public high school—student body president, too, I might add. Why not brag? If you can't brag about your kids, what can you brag about?

Both my wife and I have always been concerned about safety at school. We have talked a lot about it with our daughter, Jenny, so I don't take a back seat to anyone in terms of safety. There are few things as critical to any parent as making sure the kids are safe when they go out the door in the morning and when they come home in the afternoon.

I think the recent tragedies in Colorado are the culmination, the end result, of eight school shootings in 39 months—Oregon, Kentucky, Mississippi. I point out, again, to my friend from Tennessee, the kid in Oregon was expelled, went home, got a gun and came back and shot kids. I don't know if expulsion helped in that case.

If you want to base this on the fact that expulsion will make the kids safer in school, I say look what happened in Oregon. It didn't seem to work there.

I do believe that what has happened during these 39 months and what happened in Littleton is, indeed, a call to action to our families, to our churches, schools and communities.

Mr. HATCH. Will the Senator yield?

Mr. HARKIN. I am just getting on a roll.

Mr. HATCH. Will the Senator yield to his friend on the other side?

Mr. HARKIN. I yield without losing my right to the floor.

Mr. HATCH. I have to ask the Senator, this debate has gone on for quite a well. It has been one of the better debates I have seen or listened to, on both sides.

It is clear we have a difference of opinion. It is clear both sides think they have a legitimate case to make. I know the distinguished Senator is one of the champions for persons with disabilities, as am I. We have worked closely together through the years. I understand the difficulties that are involved here. I understand his sincerity. I also understand the sincerity of the Senator from Missouri and the Senator from Tennessee. They are decent people. They are good men. The Senator from Tennessee is a major force on the Labor Committee, as is the distinguished Senator from Iowa.

We are in the middle of a bill that really needs to be passed now. This is our seventh day on this bill. It is not a full-blown crime bill that took a tremendous amount of time. This is a limited, narrow bill with a lot of provisions that will make a difference with regard to children in our society. I would like to bring it to conclusion.

I guess I am asking my friend from Iowa, can we get an idea of how much time the Senator desires? I will talk to my people on my side to try and shorten our time so we can proceed with the rest of the amendments on this bill and hopefully lock in the final time agreement on all the remaining amendments and a final vote certain so everybody in the Senate will know what we are doing. I just want to ask my colleague if he will cooperate with me and set a time agreement so we can move this bill ahead, rather than have this stay in the logjam it is in.

It is a sincere set of differences. It seems to me the way to resolve those differences is time honored. We go to a vote on this amendment and then I ask unanimous consent that the next amendment be the Senator's amendment which rebuts this amendment. So we go to a vote on the amendment of the Senator from Iowa and let the chips fall where they may.

I don't see any reason to delay this bill when I am willing to make that offer. I will see that the Senator gets an amendment immediately following.

If you win, you win; if you lose on this one, you lose.

Mr. LEAHY. Mr. President, while the Senator is thinking over his offer, and he will yield without losing his right to the floor, during the few moments when the Senator from Utah was otherwise engaged on the Senate floor and I discussed this with him, I made a suggestion that we actually accept both the amendments—the amendment of the Senators from Tennessee and Missouri and the amendment that the Senator from Iowa would have—knowing that it goes to conference, where the distinguished Senator from Utah will be the Chair, I will be the ranking member from the Senate. This whole issue is going to have to be revisited in conference, anyway. I can guarantee from my experience that it will be different from the other body.

I suggest that as a possible way out. I have a couple of reasons for doing that: No. 1, with 25 years experience, it is a pragmatic way to do it; secondly, this is the juvenile justice bill. Earlier this afternoon, I was speaking about crimes against senior citizens. If we stay on this much longer, the juveniles we are talking about today will be senior citizens that we may want to protect tomorrow.

I would like to bring this to an end. We have an agreement. I think there will be time agreements on anything left. The distinguished Senator from Utah and I are going to very soon propose a package of managers' amendments that wipes out a lot of the deadwood and perhaps we could go forward.

I throw that suggestion out again. I know the Senator from Tennessee said he would not find that acceptable, and of course he, as any Senator, has an absolute right—the Senator from Missouri, as any other Member, has an absolute right to have a vote one way or the other on their amendment or in relation to it.

However, I ask the Senators that they might want to consider that.

Mr. HATCH. If the Senator will yield further.

Mr. HARKIN. I yield further without losing my right to the floor.

Mr. HATCH. I can understand why the Senators from Missouri and Tennessee want a vote on their amendment. I can understand why the Senator wants a vote on his amendment. It is a legitimate way to resolve an issue. I don't know which way the votes will go on either issue and I take a great interest in this as well. But there will be a conference and we will probably resolve these issues in the best interests of all.

My position is we have had a lengthy debate. I have deliberately stayed off the floor because I wanted Senators to have a free and open debate on this. But it seems to me we have had the debate. Basically, both sides have really explained their positions. Everybody knows what they are.

My suggestion is we go to a vote on the amendment of the Senator from Tennessee and the Senator from Missouri, up or down, and then if they lose, they lose. Then I will ask unanimous consent, whether they win or lose, that the Senator be entitled to immediately bring up his amendment which would undo everything they are doing and we go up or down on a vote there. And we even could have an additional period of time so people could hear one last explanation on the differences between the two sides.

What I want to avoid is a filibuster. I want to avoid the Senator feeling he has to now delay this whole bill because he feels deeply about this issue. I feel deeply about it, too. I think these Senators on this side feel deeply about it. You feel deeply about it. Frankly, there is still a conference where we can work with both sides to see if we can resolve this as we go to conference. But I would like to be able to push this bill forward, because it is an important bill and every day we delay—we all know once we get it through the Senate, the

bill has to come through the House. Then we have to go through conference. Then we have to send it down to the President. If he signs it, then it becomes law.

We are talking weeks or months before we can get a juvenile justice bill passed that might prevent more Columbine High School massacres. But we have to get this done.

We also have a supplemental appropriations bill that has to be brought up, because it is important. It is not fair to hold this bill hostage—either side—now. It is not fair to hold this bill hostage because of a dispute that literally is a legitimate dispute on both sides that can be resolved by voting. Let the chips fall where they may. I have had to do that. I have had to eat a lot of stuff here on the floor.

Mr. LEAHY. As have I.

Mr. HATCH. As has the distinguished Senator from Vermont.

As floor managers, we are trying to bring people together. I say to the distinguished Senator from Iowa, I believe he has faith that I will always try to do what is right for persons with disabilities. I will use my optimum good efforts to try to make sure this matter is resolved in a manner that is credible and acceptable to both sides—or at least as acceptable as can be to both sides. But I would like to set a time limit for further debate, which I hope will not be very long because you have been debating now for hours. I think virtually everything has been said that needs to be said. Then let's just go to those votes.

The Senator is not on a list right now, to come up, I do not believe, after this amendment. But I will get you on the list. I will ask unanimous consent you be given that privilege. I think it is fair. I think it is a way of resolving this. I don't want to see a filibuster here at the last minute on a bill of this importance when this could be resolved through voting and when I am giving the Senator a shot at his amendment, which basically rebuts theirs, immediately following it. I think that is fair. It is a reasonable way of doing it.

You are dealing with two managers who have done their utmost to bend over backwards for everybody on the floor. I have even bent over backwards for the Senator from Minnesota, time after time—I finally got a smile out of him. It is the only time he smiled all day.

But I would like to see my friend from Iowa do that. If he would, I would personally appreciate it. I would like to get this bill done, at least pushed forward as far as we can. I believe we can finish this bill tonight if we have time today. We have had 7 days on this bill. I would hate to go on 8 days, but I would even do that if we have time agreements on all these amendments, time agreements on when we vote, and let the chips fall where they may and let's go at it.

I intend to call up an amendment as soon as these two are disposed of, if that is what we do, and we will move ahead on the other amendments and we will try to shorten the time on all the amendments. I am asking the distinguished Senator from Iowa to shorten the time, agree to a time agreement, and I will certainly live up to asking unanimous consent and getting his amendment immediately following the amendment of the distinguished Senators from Tennessee and Missouri.

Will the Senator please help me in that regard—help us, Senator LEAHY and me?

Mr. HARKIN. I will respond to my friend from Utah, and he is my friend and someone I like a lot, and respect a lot.

Mr. HATCH. And vice versa.

Mr. HARKIN. He has made a very impassioned plea here, and I know he feels strongly about the bill.

But I just have to respond this way. This bill may be cited as the Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act of 1999.

Mr. HATCH. Right. That is if we ever get it passed.

Mr. HARKIN. Kids with disabilities haven't been shooting anybody. I mean, let's be honest about it. The reason this bill is here on this floor is because of what happened in Littleton, CO. The Senator from Tennessee, when he first started out——

Mr. HATCH. Will the Senator yield on that point, just on that point? I am sorry to interrupt him, but this bill has been in the works for 2 solid years. We have worked with our colleagues on the other side repeatedly. I think the distinguished Senator from Vermont and I are together on the managers' package. It is very comprehensive. This is not some quick thing. We have worked very hard on it. Littleton—yes——

Mr. HARKIN. But what precipitated bringing it to the floor?

Mr. HATCH. I would have brought it to the floor before Littleton, but we didn't have the time to do it. But it certainly helped.

Mr. HARKIN. Everyone hears talk about school shootings and school violence. As I have pointed out, as I said to my friend from Utah, there have been eight school shootings in 39 months and 27 have been killed. Not one of those involved a kid with a disability. Not one. Two years? We spent 3 long years, and I spent years before that, working with IDEA. We spent 3 years hammering out an agreement because there was this clash between the school boards and the principals and the teachers and the parents of kids with disabilities—3 years we sat in rooms around here.

Mr. HATCH. And I am a strong supporter.

Mr. HARKIN. We finally got it resolved. I can remember as though it was yesterday when we went to the Mansfield Room. It was Newt Gingrich, it was TRENT LOTT, there were Democrats and Republicans and the disability community and representatives of the principals and the school boards. We sat in that room right there, that Mansfield Room, and we all said hallelujah, we all agree. We didn't all get what we wanted. Parents had to give up something. Principals gave up something. But we got a bill we all agreed we were going to live with and work with.

We agreed in that room that we were not going to go back and make changes on this bill. We were going to give it a chance to work. These are the changes we made.

I say again to my friend from Tennessee, he keeps bringing up this example—that happened under the old law, not the new one. The new law, I say to my friend, the regulations for the new IDEA, just went into effect in March of this year. I have been on the Department of Education for a year to get these regs out, but they received them in March. We have not even given it a chance to work. Yet, that great bipartisan effort, that bipartisan solution that we had that culminated in the IDEA amendments of 1997, somehow is now being torn apart.

Why? Because of school shootings—what is going on?—when none of these kids were disabled?

I know the Senator from Missouri is a nice guy. The last thing he would want to do is to be mean to anybody. But I have to tell you, if you back up and see it from where I am coming from, I have to tell you honestly, with all my heart, this is almost scapegoating kids with disabilities. I know you do not mean to do that. But I have talked to so many parents out there. They talked to me about this amendment and said: Why are they scapegoating my kids? My kids didn't shoot anybody. My kids with disabilities haven't done anything. Why are we doing this?

Mr. HATCH. Will the Senator yield without losing the right to the floor?

Mr. HARKIN. Let me please finish. This amendment does not belong in this bill.

If I am going—if I am taking time, I say to my friend, the only reason I am taking time is because I think there are a lot of Senators here who do not understand what is going on. They have not had the privilege I have had of working on disability issues for 25 years. I believe they need to be informed.

It took us 2 hours today simply to get us to agree that if a kid brings a gun to a school, regardless of whether that kid is disabled or not, they can kick him out right away and take him to the police station. It took us 2 hours just to get that agreement.

Now we are onto another phase, and that phase is what happens after they are removed. I do not think it has been fully fleshed out yet as to why there is a process set up for kids with disabilities. Then we have to get to the third stage and that is what happens at that point in time, at the end of 45 days. If I take some time, I say to my friend from Utah, it is because I believe I

have an obligation to my families with kids with disabilities—

Mr. HATCH. I know that.

Mr. HARKIN. To be able to look them in the eye and say: I did everything humanly possible to make sure that every Senator who comes down and casts that vote knows exactly what that vote is about. I do not believe I have done my job yet. I, obviously, have not done my job yet.

Mr. HATCH. Will the Senator yield?

Mr. HARKIN. And I am going to take more time to do my job.

Mr. HATCH. Will the Senator yield without losing his right to the floor?

Mr. HARKIN. I yield without losing my right to the floor.

Mr. HATCH. I am suggesting we take some more time, but that we agree on a time limit so everybody in the Senate knows. What that does for you—you are concerned about Senators learning, knowing what to do and hearing your position—when they know there is a time certain, that is when Senators generally try to listen. I am not asking you not to take more time. I am not asking you to not filibuster. I am asking you—

Mr. HARKIN. I am just not certain how much time it is going to take me. That is why—-

Mr. HATCH. I am asking you to set a reasonable time limit. I am also suggesting, as somebody who has been around here as long as the Senator from Iowa, that the time-honored way to resolve these matters when you have a legitimate, honest difference of belief is to vote. Right now, the Senator does not have the right to a vote on his amendment, as I understand it.

Mr. HARKIN. I have my amendment filed.

Mr. HATCH. You cannot bring it up.

Mr. HARKIN. I have my amendment filed.

Mr. HATCH. I want your amendment to come up after this.

Mr. HARKIN. I have my amendment filed.

Mr. HATCH. You cannot get it up in this context without unanimous consent. I will get that for you.

Mr. HARKIN. I can get it up anytime.

Mr. HATCH. Sure you can. What I am saying is, let's vote, but do it after you have a reasonable time to explain your position. But let's set a time limit so 99 Senators are not held up.

Mr. LEAHY. Mr. President, I wonder—

Mr. HARKIN. I still have the right to the floor. I yield, again, without losing my right.

Mr. LEAHY. Mr. President, we are trying to do a number of things. One, the Senator from Utah and I are reflecting our respective parties. We want to get through the bill, get a final vote one way or another and do it in such a way as to protect Senators on both sides of the aisle. He has a responsibility for his side of the aisle, and I have responsibility for my side of the aisle. I take that responsibility strongly. Senators have a right to be heard and a right to vote. But at some point, we have to wrap it up and vote.

Mr. HATCH. That is right.

Mr. LEAHY. May I suggest this: Senators may have good, strong debates on this—and I yield to nobody in my admiration of the Senator from Iowa and what he has done. I have taken his lead on so many issues involving the disabled because he is a recognized national expert on this.

My suggestion, another possibility, is we set this matter aside and start voting on some of the things we have already done. We finished debate, or all but the last couple of minutes of debate, on the Lautenberg amendment. Let's vote on that. Let's vote on something on the chairman's side of the aisle and maybe set it in such a way that those votes will come within a few minutes of each other.

During that time, Senators will be able to talk more. The Senator from Utah and I will be able to bring up the managers' amendment and then see if it is possible to have time agreements, but time agreements in such a way that Senators will know this amendment comes up at this time, this amendment comes up at another time, so there will be more focus.

I suggest that as a possibility. We also know that as much as we talk, oftentimes these things are worked out during a rollcall vote. That is one way we can do it.

Mr. WELLSTONE addressed the Chair.

Mr. LEAHY. The Senator from Iowa has the floor.

The PRESIDING OFFICER. The Senator from Iowa has the floor.

Mr. HARKIN. Again, I yield without losing my right to the floor.

Mr. WELLSTONE. Mr. President, I will take just a moment. I certainly pay tribute to the—I have not heard more passionate, more heartfelt, more substantive, more powerful oratory and argument on the floor of the Senate than what Senator HARKIN has done. I thank him as a friend.

I say to my colleagues, if I can get their attention for a moment—Senator LEAHY and Senator HATCH—if there is agreement to see what can be resolved in discussions while Senators come to agreement with one another, I would be very pleased, on behalf of myself and Senator KENNEDY, to have the pending amendment laid aside and we will just go right to this disproportionate issue, which is a complicated and important debate. I am ready to do that right now. If you want to try to work this out, I am ready to ask consent to lay the pending amendments aside and go right to this amendment and the debate and we have time set for it. I want to make that clear.

Mr. HATCH. Will the Senator yield again without losing his right to the floor?

Mr. HARKIN. Yes.

Mr. HATCH. Mr. President, I ask unanimous consent that Senator HARKIN be permitted to offer his amendment, and that the regular order be, for voting purposes: the Frist-Ashcroft amendment, then the Harkin amendment—so Senator HARKIN's amendment will immediately follow—then the Wellstone amendment and then the Lautenberg amendment, and then we will have one from our side as well at that point. Is there any objection to that order?

Mr. HARKIN. I reserve the right to object.

Mr. HATCH. I am putting it in the order I think you want to be in.

Mr. HARKIN. I reserve the right to object, and I say this——

Mr. HATCH. This is not the vote. I am just putting the order together.

Mr. HARKIN. I understand. I am saying if there is a vote on the Frist amendment, then what kind of time is allotted to the Senator from Iowa for his amendment?

Mr. HATCH. We have to agree on this. We are not setting time limits.

Mr. HARKIN. You are just setting the order.

Mr. HATCH. I want to set a time——

Mr. HARKIN. Will you read that again?

Mr. HATCH. I am asking unanimous consent that the order of the next group of amendments to be voted upon be Frist-Ashcroft, Harkin, Wellstone and then Lautenberg and then one from our side.

Mr. HARKIN. I think there may be some people here who may want—I don't know what the majority leader's predisposition is on this. Maybe some people want to move to Wellstone and vote on that before they get to this. I hate to preclude that possibility with a unanimous-consent request that this is the only order we will take. I would object to that.

Mr. HATCH. You would object to having yours put into the appropriate order?

Mr. HARKIN. Only if that order is locked in totally.

Mr. HATCH. It is locked in, but it is locked in in a way that protects you—that is what I am trying to do here—so everybody knows what the matter is. I am putting in an order so that you can immediately follow the Frist amendment.

Mr. HARKIN. You say that upon completion of a vote on the Frist-Ashcroft amendment——

Mr. HATCH. Then you have a right to call up your amendment.

Mr. HARKIN. Then I have a right.

Mr. HATCH. That is what I am saying.

Mr. HARKIN. Don't put it in that wording because that locks in the order and because there may be votes before the Frist amendment.

Mr. HATCH. No, there will not be votes before Frist.

Mr. HARKIN. Then I object.

Mr. HATCH. Why? This protects you.

Mr. HARKIN. We may want to lay it aside and go to another amendment.

Mr. HATCH. We can do that. This is to benefit you. You don't give up one

thing other than you get in line; you are not in line now, behind the Frist amendment. To be frank with you, my purpose is to give you a shot at your amendment. If theirs happens to be adopted, you have a shot at yours which does away with theirs.

Mr. HARKIN. Actually, it does not do away with it. It modifies it; it does not do away with it.

Mr. HATCH. But it puts you in a position, and you don't lose a thing.

Mr. LEAHY. Reserving the right to object, and I will not object, I suggest, again, what I suggested earlier: if this can be set aside, go to the Lautenberg amendment and vote on it very quickly, one on your side that can be voted on quickly thereafter, and then go back to the Frist-Ashcroft amendment, partly so that we can talk during the votes. I don't make that as a request, but I suggest that really as a way out of all of this without giving up anything.

Mr. HATCH. With the same understanding that Senator HARKIN has the right to the floor, that is just not acceptable. The Senators from Missouri and Tennessee want a vote on their amendment. They are willing to go ahead with Senator HARKIN's amendment immediately following, if I understand it, and let the chips fall where they may.

I just want to move this ahead. I am trying to protect you so you are in order to come in at that point. If you don't want to, that is fine with me. It is an advantage to you.

Mr. HARKIN. I don't know that it makes a lot of difference.

Mr. HATCH. It keeps the thing focused so people know what you are talking about. To me, that is a reasonable request.

Mr. HARKIN. Well——

Mr. HATCH. Let me withdraw it then. I don't care. What I am trying to do, I say to Senator HARKIN again without you losing the right to the floor, I am trying to move this ahead. I am making a legitimate good-faith effort to move it ahead. It is apparent that we are not going to have a vote until we have the Ashcroft-Frist, Frist-Ashcroft amendment voted on.

I would like, then, to give you the opportunity to have your amendment called up, which modifies their amendment. Then we will have a vote on your amendment. Then we go and just keep going down the line, as we have done. We are not going to move ahead until we vote on this amendment. If you are going to filibuster, that is another matter.

Mr. HARKIN. I say to the Senator that I may still move to table the Frist-Ashcroft amendment.

Mr. HATCH. That is a right the Senator has.

Mr. HARKIN. I have a right to do that.

Mr. HATCH. Sure.

Mr. HARKIN. I may move to table; whereupon, after that motion to table is dispensed with, one way or the other—obviously, I am sure I would lose on that—the bill then becomes open to amendment. I may have some amendments to the Frist-Ashcroft amendment.

Mr. HATCH. Amendments or an amendment?

Mr. HARKIN. Amendments. And that could only occur, if I understand the parliamentary procedure, after a motion to table is dispensed with.

The PRESIDING OFFICER. No amendment is in order at this point.

Mr. HARKIN. At this point.

Parliamentary inquiry. If I move to table the Frist-Ashcroft amendment, and that is disposed of, as I understand the unanimous-consent request, the bill then would be open for amendment—or the amendment would be open then after there is an action on it, on that amendment, on the motion to table.

The PRESIDING OFFICER. If the Frist amendment were tabled, the question would recur on the Lautenberg amendment.

Mr. HARKIN. No. No. What would happen if the Frist amendment were not tabled?

Mr. HATCH. Parliamentary inquiry. I do not think the Lautenberg amendment is next on that list.

Mr. HARKIN. If I might, Mr. President, reclaiming my right to the floor——

Mr. HATCH. Could I have that parliamentary inquiry? I just want to know, what is the order? I do not think Lautenberg is next.

Mr. HARKIN. On the parliamentary inquiry, I just want to read from the unanimous-consent request, Order No. 8.

Ordered further, That the following amendments be the only remaining first degree amendments in order, with relevant second degree amendments in order thereto only after a vote on or in relation to the first degree amendment and the amendments limited to time agreements, where noted, all to be equally divided in the usual form.

So, obviously, a tabling motion would be a vote in relation, and therefore reading that, I submit, that then relevant second-degree amendments would be in order. I make that parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Iowa is correct that a second-degree amendment would be in order if the motion to table Frist fails.

Mr. HARKIN. I thank the Chair.

Mr. HATCH. What I propose does not change that at all. If we put these amendments in order, the Frist-Ashcroft, Harkin and Wellstone and Lautenberg, that still does not take away your right to move to table and then file a second-degree amendment, if you desire to. We would have to dispose of the Frist-Ashcroft amendment first. And you would have every right to do that.

Mr. HARKIN. Again——

Mr. LEAHY. Is that correct?

Mr. HATCH. Is that correct? All I am doing is setting the order in which these things would follow. He would not be deprived of moving to table the Frist-Ashcroft amendment, and if it is not tabled of offering amendments.

Mr. HARKIN. Offering amendments.

The PRESIDING OFFICER. Under the understanding of the unanimous consent request, a vote on Frist would include either a motion to table or an up-or-down.

Mr. HATCH. I do not understand.

The PRESIDING OFFICER. If your interpretation of your consent request is that a vote on Frist includes a vote to table, then we would be correct in that we have agreement on that.

Mr. HATCH. Well, I think we would.

Mr. HARKIN. You want to read that unanimous consent request again? I am still——

Mr. HATCH. I ask unanimous consent that Senator HARKIN be permitted to offer his amendment, and that the regular order be the Frist-Ashcroft amendment, and if there is a motion to table by Senator HARKIN, and it is not tabled, then it would be open for——

Mr. HARKIN. Or any motion to table.

Mr. HATCH. Any motion to table, and it is not tabled, then it would be open for a second-degree amendment. But immediately following the disposition of that would be the Harkin amendment with the same conditions, the Wellstone amendment with the same conditions, and the Lautenberg amendment with the same conditions.

The PRESIDING OFFICER. Is there objection?

Mr. HARKIN. Reserving the right to object, then under his proposal, how many second-degree amendments could be offered to the Frist-Ashcroft amendment if, in fact, the tabling motion was not agreed to?

The PRESIDING OFFICER. How many angels can dance on a pin?

Mr. LEAHY. I did not hear the response.

Mr. ASHCROFT. How many angels can dance on the head of a pin?

The PRESIDING OFFICER. If the motion to table the Frist amendment fails, then that amendment is open to relevant second-degree amendments.

Mr. HARKIN. Relevant second-degree amendments, in the plural?

The PRESIDING OFFICER. That is correct.

Mr. HARKIN. Let me ask one other question about this unanimous consent request. Let's say someone wants to set this aside and move on to another amendment. Would that be allowed under this proposal?

Mr. HATCH. With unanimous consent, it would.

Mr. LEAHY. That would require unanimous consent, I would assume.

The PRESIDING OFFICER. It would require unanimous consent.

Mr. HARKIN. Just as it does now.

The unanimous consent request, again, because I really want to protect my rights, and I just want to make sure my rights are fully and adequately protected, I ask the Senator if perhaps it could be reduced to writing or something just so I can take a look at it. I

am going to be here for a while talking anyway.

Mr. HATCH. We will be happy to do that.

Mr. HARKIN. I just want to make sure my rights are protected. That is all. I just want to look at it.

Mr. HATCH. I withdraw my unanimous consent request at this particular point.

The PRESIDING OFFICER. The request is withdrawn.

Mr. HATCH. We may want to set this aside for that purpose. If we do, I will ask the Senator, would the Senator please give some consideration to my request that we have a time agreement—I am not suggesting what time, but that we have a time agreement on the Frist-Ashcroft amendment so that everybody here knows what is going on? Then people will listen to his recitation of what he believes as to the situation. Can you give us a time agreement?

Mr. HARKIN. Not at this time I cannot, I say to my friend. I cannot at this time.

The PRESIDING OFFICER. The Senator from Iowa has the floor.

Mr. HARKIN. Mr. President, as I said, I take a backseat to no one in my concern for safety in schools, having a daughter who is a senior in high school now and a daughter who just graduated from college, both of whom have attended public schools all of their lives.

I daresay that what has precipitated this bill has been the recent tragedy in Littleton, CO, and the eight shootings over 39 months in our public schools in America. These tragedies have, indeed, called us to action, called us as families, churches, schools, communities, parents, teachers, and, yes, as lawmakers.

I hope these tragedies lead us all to take positive and constructive steps to reduce the likelihood of any recurrence. We want to make sure all of our schools are places of learning, not of fear.

But we should not let this tragedy of Littleton lead us into emotional, unfounded, though well-intentioned actions which can harm the most vulnerable in our society, and those are our kids with disabilities.

I know that the amendment is well-intentioned. The Senator from Tennessee and the Senator from Missouri are good people. But this would amend the Individuals with Disabilities Act, and I believe in the deepest part of my being that this amendment will have just the opposite effect. If enacted, it will do a couple of things. It will make our schools and communities less safe, and it will turn the clock back on all the advances we have made in our country to ensure that kids with disabilities have a fair shot at the American dream.

This amendment targets a group of students who are more likely to be the victims of school violence than the perpetrators. It is the kids with disabilities, now mainstreamed into our schools, who are beat up on, preyed upon, made fun of by nondisabled kids. Time and time again, it is the kids with disabilities who are the victims of the violence. This has been true for a long time, a long time.

Why are we singling them out with this amendment? None, not one, of the eight school shootings in the last 39 months was perpetrated by a child in special education. So why do we have this amendment?

Well, I just want to point out, sadly, four of the students shot in the rampage at Columbine High School were special ed kids —four of them. So why are we singling out kids with disabilities? Why are we changing a law that we passed 2 years ago, that we just got the regulations issued in March of this year, which has not had even an opportunity to work? Why are we doing it?

Well, I forget which Senator it was who said, well, we do not want to wait until something bad happens. My gosh, under that philosophy, what else can we do to our schools? How about all the kids with disabilities? What are we going to do with them if we don't want to wait until something bad happens? That philosophy can take you down a lot of alleys, a lot of dead-end alleys. I think the answer to ''we don't want to wait till something bad happens'' is exactly why we passed the amendments to the Individuals with Disabilities Education Act 2 years ago. That is why we have said, if a kid is violent, brings a gun to school, they can get them out immediately to protect the school.

I hope everyone heard here today—we finally got an agreement on that point—that if a kid brings a gun to a school, regardless of whether that kid is disabled or not, they can call up the police and have that kid hauled down to the police station immediately, immediately. Now, when there is some thought around here that somehow because a kid is disabled, the principal has to go through all kinds of hoops to get them out of school, I say that is not true. And we finally at least got that nailed down today.

I yield to my friend from Minnesota.

Mr. WELLSTONE. I want to ask the Senator one question.

Mr. HATCH. Would the Senator yield for another inquiry from the manager?

Mr. WELLSTONE. I would be pleased to yield.

Mr. HARKIN. I yield to the Senator.

Mr. HATCH. I have been trying to avoid a filibuster here on a bill that I think everybody admits is very important. The Senator has indicated he is willing to filibuster. And as somebody who has been around here a long time, who knows how to do it, I recognize one when I see one.

Let me make an offer here that I think is superfair. I have tried to make an offer that the Senator get in line right behind this amendment so he has every shot at his amendment.

Let me ask Senators FRIST and ASHCROFT, as well, would both sides be willing—since we know 60 votes is the key, would both sides be willing to do this: That we call up for a vote, after another reasonable time for final debate here, but hopefully a very short time, call up the Ashcroft-Frist/Frist-Ashcroft amendment? And if it does not get 60 votes and we call yours up right after, if neither of them gets 60 votes, we pull them both, rather than have a filibuster here—excuse me, Lautenberg and Frist. OK.

Let me ask, I have to ask the Senator from Vermont. It has been suggested that since we had had problems with this amendment, which is 60 votes, if they don't get 60 votes, they pull it. We do the same with the Lautenberg; if he doesn't get 60 votes, we pull that.

Mr. HARKIN. You are going to have to ask Senator LAUTENBERG that.

Mr. LEAHY. Are you talking about the—

Mr. LAUTENBERG. I didn't hear the question.

Mr. LEAHY. I want to make sure I understand this. If the Senator from Utah is suggesting that if the most hotly contested gun amendment does not get 60 votes, we throw it out—

Mr. HATCH. Right.

Mr. LEAHY. —I don't think anybody is going to accept that.

Mr. HATCH. We throw this one out and that one out.

Mr. LEAHY. I think there is a better way of doing that. I was discussing it with the distinguished Senator from Mississippi. I would like to listen to his suggestion.

Mr. LOTT. Who has the floor?

The PRESIDING OFFICER (Mr. ABRAHAM). The Senator from Iowa has the floor.

Mr. LOTT. Will the Senator from Iowa yield to me?

Mr. HARKIN. Of course.

Mr. LOTT. I think everybody is trying in good faith to find a way to deal with this issue and move on. I thought that idea just proposed might work, but it looks as if that would be objected to.

What I would like to propose as an alternative—and it is being typed up now, and we want both sides to look at it—is that we go forward. We set aside the pending amendment, and we go forward with a series of votes, including probably the managers' package, which a lot of people have been interested in and concerned about. They would be able to see what it was. And then go to the Lautenberg amendment and have a vote. Then go to a Smith-Jeffords amendment and have a vote. Then go to Wellstone and have a vote, and then to a McConnell.

So we would have a series of stacked votes while we continue to work to see how we can resolve other outstanding issues. But rather than just continuing to talk back and forth without making progress, looking at the hour here, if we could have a series of, I believe it would be five votes—six votes now—I think that would be one way to give us time so we could make progress and

give us time to continue to work on these other issues.

Mr. LAUTENBERG. Will the majority leader yield?

Has the Smith-Jeffords amendment been sent up and discussed? We have several amendments that have already been offered, and I do not know why we are—maybe I do know why and I just don't want to realize after this very amiable discussion, Mr. Leader, that we had earlier about how we were going to cooperate and let the public hear what we are really doing here.

I ask—we have several amendments, on both sides—what would the regular order be, Mr. Leader? As I understand it, the Parliamentarian can answer that. There was no Smith-Jeffords in there. We have an order, and it would be nice to not suddenly suggest that perhaps 60 votes would do it. And then we could hear—

Mr. LOTT. Well, 60 votes—it was suggested.

Mr. LAUTENBERG. In good fellowship, I know.

Mr. LOTT. It was suggested. This is not taking everything in the exact order. We have been moving the order around back and forth since Monday. For instance, the managers' amendment—usually you don't do that until the last thing. In a show of good faith, an indication from Senator LEAHY was that Senators would like to have that done and see what is in it. We would put that first in the pecking order, which would not be the way it is always done, but it would be constructive. Then Lautenberg, I think, would be the next pending thing. And these others, I am not sure of the exact order they are in, but I propose that we do them that way so we can move forward.

Mr. LEAHY. Mr. President, I might say, if the Senator from Iowa will yield so I may respond.

Mr. HARKIN. Yes.

Mr. LEAHY. I find much in the proposal—I realize it is going to be typed up and has not been made yet, but the proposal by the Senator from Mississippi is a good one for moving us forward. I am not sure the managers' package would even need a rollcall vote. If that is the case, the first rollcall vote will be on the amendment of the Senator from New Jersey, and the next one would be—well, it would be whatever order the distinguished leader has spoken. Again, based on the experience I have had managing bills, I tend to agree with the distinguished majority leader. This might be a good way to get us moving. I also suggest that it protects the Senator from Iowa, the Senator from Missouri, and the Senator from Tennessee. But it moves us forward.

Mr. LOTT. Right. We are having this typed up now. We will get copies to the managers on both sides and the leadership. But I believe this is one way to keep the bill going. We have had a good lengthy discussion today, and there is a fundamental disagreement on this. At some point, I hope the Senator from Iowa—like on Lautenberg and on these others, we worked through this without second-degreeing, without obstructing. You all have had some amendments you don't like, and we have had a few amendments we don't like, but in the end you vote. If you win, you win; if you lose, you lose. It still has to go to conference and all that. I hope we can get an agreement on this. I don't think anybody is disadvantaged. I think everybody will think they have had a fair shot. Senators FRIST, ASHCROFT and the Senator from Iowa can talk during the votes and see if we can't find a way to bring it to a conclusion.

Mr. WELLSTONE. Mr. President, I ask the Senator from Iowa to yield for a question.

Mr. HARKIN. I still have the floor. I will yield without losing my right to the floor.

Mr. WELLSTONE. My question is really vis-a-vis the Senator from Iowa to my colleague from Utah. The amendment I have been trying to get on the floor is the Wellstone-Kennedy amendment dealing with disproportionate minority confinement. I assume when we listed the amendments that already has a 2-hour limit set.

Mr. LOTT. If the Senator from Iowa will yield, he is getting to be a really good traffic cop here.

Mr. HARKIN. Red light, green light.

Mr. LOTT. If your understanding is that you would like to have your vote maybe earlier in the lineup, I don't see a problem with that. We try to alternate, Republican and Democrat.

Mr. WELLSTONE. That is fine. We already have a 2-hour time limit on that. We agreed on that.

Mr. LOTT. Two hours more debate?

Mr. WELLSTONE. It is on disproportionate minority confinement. It is the amendment I have with Senator KENNEDY.

Mr. LOTT. I think that is another amendment. Don't you have another Wellstone amendment?

Mr. WELLSTONE. I have another one.

Mr. LOTT. This is regarding your other Wellstone amendment.

Mr. WELLSTONE. I have been waiting on the floor forever. I am pleased at what the Senator from Iowa is doing. The one laid aside is going into the managers' package. I have been waiting patiently. When you put it in order, please put in the Wellstone-Kennedy amendment, which deals with a very important question that we have been trying to debate for days.

Mr. LOTT. This one is No. 356, identified as a Wellstone amendment. It is not the amendment you are speaking of. If I understand you correctly, you are talking about a Kennedy-Wellstone amendment, and you need 2 more hours for debate.

Mr. WELLSTONE. This has been agreed to for days. That is right. The amendment, I am assuming, in the sequence that we are talking about is the Wellstone-Kennedy amendment dealing with disproportionate minority confinement. Two hours to be equally divided is the agreement on that. No. 356 has been allegedly put in the managers' amendment. If we can please put this one on the list.

Mr. HATCH. Nobody ever agreed to 2 hours. I don't know if we ever had an agreement on that. Of course you have to have enough time to argue, but I hope it is not 2 hours.

Mr. LEAHY. Mr. President, the Senator from Iowa has the floor, and I ask if he will yield without losing his right to the floor.

Mr. HARKIN. I yield under those conditions.

Mr. LEAHY. I ask if it might be in order to suggest the absence of a quorum, which I am not doing, but to do that under a unanimous consent, that at the completion of it the Senator from Iowa would be allowed to reclaim the floor.

Mr. LOTT. I ask the Senator from Iowa if he will be willing to have a vote on his amendment in the sequence we are talking about here?

Mr. HARKIN. I want to see the lay of the land before I answer a question like that.

Mr. LOTT. I am inquiring because I had nobody to ask that. You all have had a good, full debate. I wondered if you would not be ready to go to a vote now.

Mr. HARKIN. No, I don't feel that I am. I haven't even finished my statement yet. As I said earlier to my friend from Utah, I believe there are a lot of misperceptions out there on this amendment, and being the poor debater that I am and the poor teacher that I am, I don't believe that I have fully and adequately represented what this means to families with kids with disabilities. It will probably take a little longer simply because I am so poor at getting across my point, it seems. So I am going to have to take a look at that before I make any decisions. I am not going to answer hypothetical questions.

Mr. LOTT. Mr. President, I suggest the absence of a quorum.

Mr. HARKIN. I have the floor.

The PRESIDING OFFICER. The Senator from Iowa has the floor.

Mr. HARKIN. Mr. President, I will yield to the leader to do that. I ask unanimous consent that when the quorum call is dispensed with, this Senator, the Senator from Iowa, be given the right to the floor at that point in time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LOTT. If the Senator will yield the floor, you will have the floor when we return, too. That was agreed to. I will put in a quorum call to try to work this out.

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. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that the privileges of the floor be granted to Lucille Zeph for the pendency of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Under the previous arrangement, I further suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Let me make it clear at the beginning, Mr. President, we don't want to in any way dispossess the Senator from Iowa from his opportunity to be further heard, if he so desires, on his position with regard to the Ashcroft-Frist amendment. I ask in this agreement that that discussion be set aside and we go to four other amendments and have the debate and stacked votes on those amendments.

I will state the agreement which Senator DASCHLE had a chance to review. I ask unanimous consent that the pending amendments be set aside and the Senate proceed immediately to the managers' package, and following that amendment, the following amendments be considered for votes in the following sequence, under time agreements where noted, in the usual form.

I want to emphasize, the managers' package would go first; there would be some description of that. We understand that would probably not require a recorded vote. I further ask consent that the amendments be voted in the order listed below, with 2 minutes for debate prior to each vote for explanation. In other words, we will have 2 hours of debate on the first one, then go to the other amendments, but before the actual votes occur there will be 2 minutes for final explanation, and that all provisions of the consent agreement of May 14 be in place.

The amendments are as follows: The Wellstone disproportionate minority amendment, for 2 hours of debate; the McConnell amendment regarding public schools, 30 minutes; the Boxer amendment regarding afterschool time, 10 minutes; and the Gordon Smith-Jeffords amendment regarding pawnshops. We will specify the time when we have had a chance to review that.

That is the order.

Mr. WELLSTONE. Mr. President, reserving the right to object, there are no second-degrees; is that correct?

Mr. LOTT. It would be the usual agreement of no second-degrees prior to a vote on the motion to table.

Mr. WELLSTONE. Mr. President, a Wellstone-Kennedy amendment is listed?

Mr. LOTT. Yes.

Mr. ASHCROFT. Reserving the right to object, frankly, this is addressing the amendment which is pending, and it is rather complex. I would be grateful for an opportunity to look at this agreement if it is written up. I would like to have a chance to consider it.

Mr. LOTT. As I told the Senator from Iowa—and I believe Senator FRIST has been on the floor most of the time—this is in no way intended or will not disadvantage or eliminate this amendment. It will just set it aside so we can make some progress on amendments where time agreements are already locked in. We will have votes on those amendments at the end of those agreed-to times.

Mr. DASCHLE. Reserving the right to object, let me just remind everyone that we have approximately 24 hours left of this week. In that timeframe we have to do not only the rest of this bill but the supplemental appropriations bill. The only way we are going to finish this is if everybody is willing to cooperate a little bit more and indulge the leadership and the managers of this bill in such a fashion that will allow completion.

It has been difficult, and, I must say, increasingly frustrating, for those who have tried to work through all of this in a way that would allow some reasonable conclusion. It seems the longer we work on it, the more everyone's back is up. It is essential we work together and try to resolve this matter. We have been on this bill now for over a week. It is time to bring it to a successful conclusion.

I ask the cooperation in the remaining hours of this debate on the part of Members on both sides, so that we can finish it.

I have no objection.

Mr. LOTT. I thank Senator DASCHLE for his comments. I very strongly feel the same way. We have come a long way on this bill. The underlying bill was one that had bipartisan support.

We have narrowed down the number of amendments to a finite list. Senator REID has worked very diligently to accomplish that. We must deal with the supplemental appropriations bill before we go. In order to do that, we will have to have some cooperation.

I have been criticized because I have maybe tried to be too fair, everybody has that fair, straight-up shot: No second-degrees, make your point, have the vote, win some, lose some. If we go with that attitude, we can complete this list and the other amendments and complete this bill and do the supplemental.

Mr. LEAHY. Reserving the right to object, and I will not object, I think this is a good step forward. The Senator from Utah and I and the Senator from South Dakota and the Senator from Mississippi have worked very hard, along with appropriate other people, to cut down the list.

I ask one question, because it is one we are obviously going to be asked: Under this agreement, when will we vote on the Lautenberg gun amendment? When would the leader expect we would be voting on the Lautenberg amendment?

Mr. LOTT. There will be an effort for that to be either the first or the second vote. The pending business, I believe, would be the Ashcroft-Frist issue. We would have to dispose of that and then we would go to, I hope, a series of additional stacked amendments which would lead off, I presume, with Lautenberg right at the front.

In order to do that before we did Ashcroft-Frist, we would have to get another agreement. I would like to do it because I think that is an issue that a lot of people feel very strongly about. I would like to do it like the rest. It is time to vote.

Mr. LEAHY. The distinguished leader is saying it would not be voted on tonight?

Mr. LOTT. No, it would not be voted on tonight. What we would do, for these four amendments, is debate and then vote, and the pending business would be the Frist-Ashcroft amendment at the end of that. I want to make that clear so you are not dispositioned by that.

Mr. ASHCROFT. Is it possible to modify this consent request to say the Frist-Ashcroft amendment would be the pending business at the conclusion of this vote, and no later at the onset of the business tomorrow morning?

Mr. LOTT. That is the status. But I would be glad to modify it to that extent, because it just confirms what the status is, procedurally, anyway.

The PRESIDING OFFICER. Is there objection to the unanimous consent as amended?

The Senator from Iowa.

Mr. HARKIN. I agree with Senator ASHCROFT with one provision, if we say "Senator HARKIN retaining the right to the floor when the Senate returns to the Frist-Ashcroft amendment."

I have the right to the floor now. I had the floor. I just want to make sure when this amendment comes back up that I have the right to the floor.

Mr. LOTT. Is that the procedure? Did he have the floor anyway?

I am told you have that right anyway, so I don't think we give anything up by including it in the unanimous consent request.

Mr. HARKIN. OK.

The PRESIDING OFFICER. Is there objection?

Mr. LOTT. Then I would add we would then pass this amendment by voice vote. I was just kidding, Mr. President.

The PRESIDING OFFICER. Is there objection?

Mr. HARKIN. That last part was not included.

Mr. LOTT. That was not there.

Mr. LEAHY. That was not included.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, we are now anxiously awaiting the comments of the Senator from Minnesota. We hope he will feel free to condense his time. Oh, the managers' amendment would be first. We expect there would be stacked votes in sequence between 7:30 and 8.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I have a managers' amendment which has been cleared on both sides as far as I know. This amendment is a compilation of amendments by Members on both sides.

The PRESIDING OFFICER. The Senate will come to order. The Senator from Utah has the floor.

Mr. HATCH. I now ask unanimous consent that any pending amendments be temporarily set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 363

Mr. HATCH. Mr. President, I send a managers' amendment to the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Utah [Mr. HATCH], for himself and Mr. LEAHY, proposes en bloc an amendment numbered 363.

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. LEAHY. Mr. President, the Chairman and I have been able to put together a managers' amendment and a package of amendments that improve S. 254 in a number of ways that should please Members from both sides of the aisle. We have accomplished this task by finding the middle ground, and the bill will be a better one for it.

I said last week during the Senate's consideration of this bill that we should not care whether a proposal comes from the Republican or Democratic side of the aisle. A good proposal that works should get the support of all of us. Our first question should be whether a program or proposal will help our children effectively, not whether it is a Democratic or Republican proposal.

This managers' amendment and package of amendments reflects that philosophy. It shows that when this body rolls up its sleeves and gets to work, we can make significant progress. I commend the Chairman for his leadership in this effort and I am glad we were able to work together constructively to improve this bill.

Many Members had good additions and modifications to make to this bill, and we have agreed to accept them in the managers' package of amendments.

In addition to the amendments included in the package, the chairman and I have worked together on a managers' amendment to address a number of my longstanding concerns with the underlying bill. Let me explain what those changes accomplish.

I noted my concern at the beginning of this debate that the State prerogative to handle juvenile offenders would be undermined by this bill. The changes we made to the underlying bill in the managers' amendment satisfies my concerns. For example, S. 254 as introduced would repeal the very first section of the Federal Criminal Code dealing with ''Correction of Youthful Offenders.'' This is the section that establishes a clear presumption that the States—not the federal government—should handle most juvenile offenders—18 U.S.C. section 5001. While the original S. 254 would repeal that provision, the managers' amendment retains it in slightly modified form.

In addition, the original S. 254 would require Federal prosecutors to refer most juvenile cases to the State in cases of ''concurrent jurisdiction . . . over both the offense and the juvenile.'' This language created a recipe for sharp lawyering. Federal prosecutors could avoid referral by simply claiming there was no ''concurrent'' jurisdiction over the ''offense'' due to linguistic or other differences between the federal and state crimes. Even if the juvenile's conduct violated both Federal and State law, any difference in how those criminal laws were written could be used to argue they were different offenses altogether. This was a huge loophole that could have allowed federal prosecutors to end-run the presumption of referral to the State.

We fix this in the managers' amendment, and clarify that whenever the federal government or the State have criminal laws that punish the same conduct and both have jurisdiction over the juvenile, federal prosecutors should refer the juvenile to the State in most instances.

Finally, I was concerned that, contrary to current law, a federal prosecutor's decision to proceed against a juvenile in federal court would not be subject to any judicial review. The managers' amendment would permit such judicial review, except in cases involving serious violent or serious drug offenses.

Another area of concern has been the ease with which S. 254 would allow federal prosecutors to prosecute juveniles 14 years and older as adults for any felony.

While I have long favored simplifying and streamlining current federal procedures for trying juveniles, I believe that judicial review is an important check in the system, particularly when you are dealing with children. S. 254 included a ''reverse waiver'' proposal allowing for judicial review of most cases in which a juvenile is charged as an adult in federal court. I had suggested a similar proposal last year. The managers' amendment makes important improvements to that provision.

First, S. 254 gives a juvenile defendant only 20 days to file a reverse waiver motion after the date of the juvenile's first appearance. This time is too short, and could lapse before the juvenile is indicted and is aware of the actual charges. The managers' amendment extends the time to make a reverse waiver motion to 30 days, which begins at the time the juvenile defendant appears to answer an indictment.

Second, S. 254 requires the juvenile defendant to show by ''clear and convincing'' evidence that he or she should be tried as a juvenile rather than an adult. This is a very difficult standard to meet, particularly under strict time limits. Thus, the managers' amendment changes this standard to a ''preponderance'' of the evidence.

As initially introduced, S. 254 would require juvenile criminal records for any federal offense, no matter how petty, to be sent to the FBI. This criminal record would haunt the juvenile as he grew into an adult, with no possibility of expungement from the FBI's database.

The managers' amendment makes important changes to this record requirement. The juvenile records sent to the FBI will be limited to acts that would be felonies if committed by an adult. In addition, under the managements' amendment, a juvenile would be able after 5 years to petition the court to have the criminal record removed from the FBI database, if the juvenile can show by clear and convincing evidence that he or she is no longer a danger to the community. Expungement of records from the FBI's database does not apply to juveniles convicted of rape, murder, or certain other serious felonies.

Much of the debate over reforming our juvenile justice system has focused on how we treat juvenile offenders who are held in State custody. The Federal government for years has required States, in order to qualify for certain grant funds, to provide certain core protections, including separating juveniles from adult inmates, keeping status offenders out of secure facilities, and focusing prevention efforts to reduce disproportionate confinement of minority youth.

In the last Congress, S. 10 either eliminated or gutted each of these core protections. The chairman and Senator SESSIONS significantly improved S. 254 in this regard, and I commend them for that. The managers' amendment continues to make progress on the ''sight and sound separation'' protection and the ''jail removal'' protection.

Specifically, the managers amendment would make clear that when parents in rural areas give their consent to have their children detained in adult jails after an arrest, the parents may revoke their consent at any time. In addition, the judge who approves the juvenile's detention must determine it is in the best interests of the juvenile, and may review that detention—as the judge must periodically—in the presence of the juvenile.

The managers' amendment also clarifies that juvenile offenders in rural areas may be detained in an adult jail for up to 48 hours while awaiting a court appearance, but only when no alternative facilities are available and

appropriate juvenile facilities are too far away to make the court appearance or travel is unsafe to undertake.

The managers' amendment contains a significant improvement in the sight and sound separation requirement for juvenile offenders in both Federal and State custody. S. 254 has been criticized for allowing ''brief and incidental'' proximity between juveniles and adult inmates. This amendment fixes that by incorporating the guidance in current regulations for keeping juveniles separated from adult prisoners. Specifically, the managers' amendment would require separation of juveniles and adult inmates and excuse only ''brief, inadvertent or accidental'' proximity in non-residential areas, which may include dining, recreational, educational, vocational, health care, entry areas, and passageways.

I am pleased we were able to make this progress. I appreciate that a number of Members remain concerned, as do I, about how S. 254 changes the disproportionate minority confinement protection in current law. This will be an important debate, and I continue to believe we should support an amendment intended to correct that part of S. 254.

S. 254 includes a $200 million per year Juvenile Delinquency Prevention Challenge Grant to fund both primary prevention and intervention uses after juveniles have had contact with the juvenile justice system. I and a number of other members were concerned that in the competition for grant dollars, the primary prevention uses would lose out to intervention uses in crucial decisions on how this grant money would be spent.

With the help of Senator KOHL, we have included in the managers' amendment a clear earmark that 80 percent of the money, or $160 million per year if the program is fully funded, is to be used for primary prevention uses and the other 20 percent is to be used for intervention uses. Together with the 25-percent earmark, or about $112 million per year if that program is fully funded, for primary prevention in the Juvenile Accountability Block Grant that was passed by the Senate in the Hatch-Biden-Sessions amendment, this bill now reflects a substantial amount of solid funding for primary prevention uses.

I expressed some concern when the Senate passed the Hatch-Biden-Sessions amendment authorizing $50 million per year for prosecutors and different kinds of assistance to prosecutors to speed up prosecution of juvenile offenders. I pointed out that this amendment did not authorize any additional money for judges, public defenders, counselors, or corrections officers. The consequence would be to only exacerbate the backlog in juvenile justice systems rather than helping it.

The managers' amendment fixes that by providing $50 million per year available in grant funds to be used for increased resources to State juvenile court judges, juvenile prosecutors, juvenile public defenders, and other juvenile court system personnel.

I mentioned before that S. 254 includes a sense-of-the-Senate resolution urging States to try juveniles 10 to 14 years old as adults for crimes, such as murder, that would carry the death penalty if committed by an adult—the resolution does not urge the death penalty for such children. While Vermont is probably one of the few States that expressly allows for the trial of juveniles 10 years and older as adults for certain crimes, I do not believe that this is a matter on which the Senate must or should opine. The managers' amendment correctly deletes that sense-of-the-Senate from the bill.

These improvements to S. 254 in both the managers' amendment and in the managers' package of amendments make this bill worthy of our support, and I am glad to do so.

The chairman and I have agreed that Members from both sides of the aisle had good additions and modifications to make to this bill, and we have agreed to accept them in the managers' amendment. Let me give some examples of amendments we have agreed to incorporate into the bill.

Senators LANDRIEU and SCHUMER proposed amendments to the Juvenile Delinquency Prevention Challenge Grant program to help abused, foster, and adopted children so they will not fall through the cracks and become at-risk for delinquency;

Senator DURBIN sponsored an amendment to help schools use caller-ID to deal with bomb threats;

Senator FEINGOLD sponsored an important amendment to clarify the intent requirement in the new gang crime so it has a better chance of withstanding a constitutional challenge;

Senators SESSIONS, ROBB, ALLARD, and BYRD joined together on an amendment to authorize a national hotline for confidential reporting of people who have threatened school violence. This important proposal was first proposed by Senator ROBB in a more comprehensive amendment that was tabled in a party line vote;

Senators KOHL, BIDEN, DORGAN, DODD, and others from both sides of the aisle, including Senator HATCH, have made a number of good proposals for prevention and intervention of juvenile crime.

Mr. DOMENICI. Mr. President, I rise today with my colleague from Connecticut, Senator DODD, to talk a little bit about a program we understand has been accepted by the Senate for inclusion in this bill.

Five years ago, during the last re-authorization of the Elementary and Secondary Education Act, Senator DODD, Senator Nunn and I included a provision in that Act to allow for several pilot projects around the nation centered on increasing character education in our schools.

That legislation helped foster the growth of the Character Counts movement across a few schools in a few states.

The amendment that the Senate has agreed to accept today will expand upon that effort. The bill provides $25 million in funding for character education through the Department of Education, including $15 million for schools and $10 million for after-school programs.

My colleagues have heard me talk before about the Character Counts program, where children and teachers use six pillars of character and incorporate them into their daily lessons. Things like trustworthiness, respect, responsibility, fairness, caring, and citizenship.

After five years, I believe that I can say that the effort to bring character education to our schools has been a success. In New Mexico, 200,000 kids and 90 percent of our schools participate in some form of character education. Teachers tell me that character education has empowered them in a fabulous way to teach and reinforce positive behavior by their students.

Schools which have utilized Character Counts report lower instances of truancy, classroom disruptions and student violence. Character Counts makes schools better places to learn for our children, and teaches them values in the process.

And it's not just the teachers who want to bring this program to our nation's children. Parents believe that it is important too. A recent survey by the Superintendent of the Albuquerque Public Schools found that 84 percent of parents felt that strengthening education programs which teach character and integrity should be a high priority for their schools. Improving character education is the number three overall concern parents express about the quality of their children's education in Albuqerque. The amendment accepted today will allow more schools to address this concern.

I have heard colleagues say that six percent of all juvenile criminals commit 60% of all of the violent crime in America. This bill will encourage states to treat this small percentage of violent juvenile offenders like adults and get them off of the streets.

It is obvious that there are a lot of very good kids out there, working hard every day to go to school, study hard and improve their lives. Character education will help the adults in their lives to teach them to make good decisions, based on things like respect, caring, and responsibility.

I understand that the Senate also has accepted two other Domenici amendments to allow states to use some of their portion of the $450 million Accountability block grant program and part of the $200 million Delinquency Prevention Challenge grant program to fund character education initiatives. This will provide states with additional resources to incorporate character education in their schools, if they choose to do so.

I have seen this work in New Mexico, and I am pleased that the Senate has

agreed to help bring Character Counts to other areas of the country where maybe it has not caught on quite as well as it has in my state or Connecticut. I thank the Senate for accepting my amendments and I yield the floor.

PREVENTING DELINQUENCY THROUGH CHARACTER EDUCATION

Mr. DODD. Mr. President, I am pleased to join with the distinguished Senator from New Mexico in offering this amendment to provide support for character education projects in schools and in after-school programs. These programs, organized around character education, would provide alternatives to youth at risk of delinquency and work specifically to reduce delinquency, school discipline problems and truancy and to improve student achievement, overall school performance, and youths' positive involvement in their community. Our amendment—which I understand will be considered as part of the managers' package—would authorize no less than $25 million per year for character education in schools and in after-school settings.

I am not here today to claim that character education is the answer to all the questions that have been posed to us as policy makers, parents and community members in the wake of the tragedy at Littleton, CO.

But character education is part of the answer. Today's children have so many obstacles to overcome, including violence, drug use, peer and cultural influences, and too much unsupervised time on their hands. As a society, we must find ways to help these children become responsible citizens, to distinguish between right and wrong. To do this, we must build on traditional education by nurturing students' character.

That is fundamentally what character education is about—it is about reinforcing those elements of character which bind us together into communities and into this great nation. Ideas like—trustworthiness, respect, responsibility, fairness, caring and citizenship—underlie all of our government and civic organizations. We must reinforce these beliefs with our children at every opportunity.

Parents have the primary responsibility here. Churches and other community organizations support these efforts. Schools are a key part of the equation. And these ideas must be a part of a child's day—after school—when they are often unsupervised and most risk of negative behaviors.

And that is what this amendment does. It would set aside $25 million for school-based and after-school programs in character education. Schools could use these funds to work with parents and develop a character education program for their schools. We have seen so many successful programs in schools in my state; indeed, over 10,000 students currently participate in these activities. And the schools report amazing turn-around with reduced absenteeism, discipline problems, graffiti and fighting and improved student achievement and student participation in positive extra-curricular activities.

In addition, this amendment would support afterschool programs that are organized around character education. These out of school hours are a key opportunity for our youth. We can provide enriched academic activities, sports and the arts. Or we can leave them to the alternatives—smoking, drug use, teen pregnancy, delinquency, and crime. I believe the better route is supervised, quality after school programs—and these programs will be even stronger with the inclusion of a character education focus, such as provided in this amendment.

I commend my friend and colleague from New Mexico for his dedication to our children and to character education. I am pleased to be here with him again today to move forward this critical initiative that truly gets at the core of delinquency.

Mr. KERREY. Mr. President, I thank the managers of this bill for accepting the mentoring amendment that I offered, and I want to thank my colleague Mr. DORGAN for cosponsoring this amendment.

I believe that youth mentoring is an important piece of our effort to decrease violence among our young people. This amendment encourages us to take youth mentoring seriously. It asks states to develop criteria for assessing the quality and effectiveness of mentoring programs and to reward those programs that do a good job. It also asks the Departments of Justice and Education to disseminate information on best mentoring practices, so that mentors can receive guidance on how to make the best use of their time with students.

Since the school shooting in Littleton, Colorado, a few weeks ago, Congress and the nation have been grappling with the question ''How do we prevent such a terrible tragedy?'' The answer to this question is complex, and, as we know from our debate here on the floor of the Senate, there are many different points of view as to what more we should do to keep our kids healthy and safe.

I believe that one of the things we must do is increase the amount of quality time our young people have with caring, responsible adults. Without a doubt, the most important adult in a child's life is that child's parent. But even the most committed, well-intentioned parents cannot be with their children 24 hours a day. And often young people, especially teenagers, feel uncomfortable talking to their parents about sensitive or troubling issues.

That is why it is important that young people have someone in their lives they can turn to in troubling times. Now, some kids are fortunate enough to have a trusted aunt, uncle, or family friend in whom they can confide. But some are not so lucky. Fortunately there are caring adults who volunteer their time to become that trusted friend—we call them mentors.

We cannot know for certain that having mentors would have stopped the two teenagers in Littleton from harming their classmates. But we know that the young men were troubled. And if we can increase the number of individuals who are close enough to a young person to detect problems when they arise, we increase our chances of keeping those problems from spiraling out of control.

Mr. President, we know that mentoring works. In 1995 a Big Brothers/Big Sisters of America Impact Study showed that at-risk young people with mentors were 46% less likely to begin using illegal drugs; 27% less likely to begin using alcohol; 53% less likely to skip school; 37% less likely to skip a class; and 33% less likely to hit someone than at-risk children without mentors.

In a 1989 Louis Harris poll, 73% of students said their mentors helped raise their goals and expectations.

And a Partners for Youth study completed in 1993 revealed that out of 200 non-violent juvenile offenders who participated in a mentoring relationship, nearly 80% avoided re-arrest.

I believe in the power of mentoring, because I've seen it firsthand in my own state of Nebraska. In Nebraska, we have a fantastic program run by Tom and Nancy Osborne called TeamMates. TeamMates is a school-based program that pairs adult volunteers one-on-one with middle and high school students.

The Osbornes created TeamMates quite simply because they saw an unmet need. They realized that there are a lot of bright and capable young people out there who receive too little support and encouragement. In order to reach their potential to become good citizens and productive members of their community, these young men and women just need a helping hand.

Tom and Nancy started TeamMates in 1991, and the success they saw in that first year inspired them to continue. They started out with 25 matches, and of the students in those matches, 20 graduated from high school and 18 pursued postsecondary education.

The response to TeamMates has been highly encouraging. Principals and administrators have commented on the positive attitude change they see in students in just the first year of their relationship with a mentor. And 99% of the mentors choose to continue their relationship with their students after the first year.

Right now there are 475 TeamMate matches throughout Nebraska. And they hope to have a total of 900 a year from now.

We have another terrific mentoring program in Omaha called All Our Kids, which began in 1989 at McMillan Junior High School. At present, nearly 80 mentors are providing guidance to at-risk junior and senior high school students.

And All Our Kids enjoys a strong relationship with the Omaha Public Schools System. OPS staff work closely with All Our Kids staff to identify students who need the services provided by its long-term mentoring and scholarship program.

With our help, TeamMates, All Our Kids, and other promising mentoring programs throughout the nation will be able to expand the horizons of more young people by providing them with caring adults to show them the way.

I also want to thank the managers for accepting my Sense of the Senate urging the President of the United States to allow each Federal employee to take one hour a week to serve as a mentor to a young person in need.

Recently, Jim Otto, Nebraska State Director of the U.S. Department of Agriculture, called me and said, ''I read what you said about the importance of youth mentoring, and I want to let you know that I'm a mentor in the TeamMates mentoring program in Lincoln. I want you to know it's been a great experience.''

Jim said he was fortunate that his employer allowed him to take one hour a week of administrative leave to spend time with his student. But he also said that some of his colleagues in other Federal agencies and departments were not so fortunate. Many employees would like to become mentors, but they just can't take time away from work.

Now, we have a lot of dedicated individuals throughout the nation who serve as mentors. Several members of my own staff participate in the Everybody Wins program in the D.C. Public Schools. And, as I mentioned earlier, we have great mentoring programs in Nebraska. But we need more adults to say, ''I want to make a difference.''

The purpose of this legislation is to enable more adults to take the time to contribute to the well-being of their communities. It's just one hour a week, but in a child's life it can make a world of difference.

Mr. President, whether it's helping a student take an interest in schoolwork, helping build a young person's self-esteem, or helping a young man or woman communicate more effectively with parents, friends, and teachers, a mentor can be that invaluable safety net that keeps a child from falling into despair.

Now, there are many steps we can take to try to prevent violent acts once an individual reaches that point of desperation, but it is better for all of us if we intervene before that point—and it is also less costly.

With additional support for good mentoring programs we will be able to reach more young people before they become lost to substance abuse, isolation, or any other destructive behavior that leads them to commit acts of violence against themselves or others. In helping these programs continue their good work, we raise the hopes of more of our children. And when our children's hopes are high, we all benefit.

Mr. DORGAN. Mr. President, I am glad to be a cosponsor of the mentoring amendment offered by my colleague from Nebraska, Mr. KERREY, and I commend him for his work on this issue. I also want to thank the managers of this bill for accepting our amendment.

When it comes to juvenile delinquency, I subscribe to the notion that ''an ounce of prevention is worth a pound of cure.'' I think it makes a great deal of sense to spend a dollar now to try and prevent young people from becoming criminals in order to save the thousands of dollars it would cost later to incarcerate and rehabilitate them.

I believe one of the most effective forms of prevention is mentoring. I have seen firsthand that mentoring can make an important difference in a child's life through my participation in a wonderful program started by Senator JEFFORDS called Everybody Wins. Every week, I have the privilege of spending an hour or so with a boy named Jamal. It has been a pleasure to watch him learn and grow into a fine, confident, young man.

I would encourage any of my colleagues who want to make a real difference to become a mentor. At-risk young people with mentors are 46 percent less likely to use illegal drugs and half as likely to skip school than at-risk youth without mentors. Nearly three-quarters of young people with mentors indicate that their mentors have helped to raise their goals and expectations.

Unfortunately, there are too many at-risk youth who do not have an adult willing or able to give them the regular, individual attention they need. The amendment offered by Senator KERREY and I would help to ensure that exemplary youth or family mentoring programs in each of our states are funded by the Juvenile Delinquency Prevention Challenge Grant program established in this bill. I believe this would be a good investment in our young people, and I again thank my colleagues for their support of this amendment.

Mr. KOHL. Mr. President, I rise to express my appreciation to the managers of this bill for agreeing to include in the manager's package my amendment to authorize the FAST (Families and Schools Together) program.

Over the last few weeks, we have all spent much time mourning lost children—whether they are lost to bullets or to the lure of a violent culture, whether they end their lives holding a gun or facing one. And we have spent much time discussing the many factors that can lead our young people to become lost. We can blame guns, or mindless T.V., or savage movies, or violent video games, or illegal drugs. But we know that a child is most likely to be lost—most likely to fall under the influence of these evils—when he or she is alone, cut off from parents, teachers, and the community.

FAST is a successful program that finds troubled youth and reconnects them with their schools and families. FAST brings at-risk children, parents, and educators together to help them learn to succeed at home, in school, and in their communities. FAST helps ensure that youth violence does not proliferate to our schools and communities by empowering parents, helping to improve children's behavior and performance in school, preventing substance abuse, and providing support and networking for families by linking them to community resources and services.

Currently, the FAST program—which was created in my home state of Wisconsin—is being implemented in 484 schools in 34 States and five countries. It has received numerous national honors and awards, and is supported by the Department of Education, Department of Justice, Office of Juvenile Justice Delinquency Prevention, Department of Health and Human Services, Office of National Drug Control Policy, Substance Abuse and Mental Health Services Administration, National Institute of Mental Health, Head Start, the Harvard/Ford Foundation, and the United Way of America.

My amendment is simple and effective. It authorizes $12 million a year for the next five years to the Office of Juvenile Justice and Delinquency Programs in the Department of Justice for FAST sites and programs. Of this amount, $10 million will go toward the implementation of local FAST sites and programs and $2 million will be used for research and evaluation of FAST. This amendment will allow more communities across the nation to reap the benefits of FAST—and will go a long way toward preventing youth violence in this country.

Mr. President, one of the best ways to prevent youth violence is by building and preserving close, healthy relationships within families. The FAST program is instrumental in achieving this goal, and has been proven to work in reducing behavioral problems among troubled youth. I am pleased that Senators HATCH and LEAHY have recognized the importance of this small, yet vitally important program by including the FAST amendment in the manager's package. I thank them for their efforts in working with me on this amendment.

I yield the floor.

BEHAVIORAL AND SOCIAL SCIENCE RESEARCH ON YOUTH VIOLENCE

Mr. KENNEDY. Mr. President, today we are offering an amendment to the juvenile justice bill to authorize funding for the National Institutes of Health to carry out a broad-based initiative for basic research into youth violence. This research will look into the fundamental cause of such violence and will be linked to research on the most effective ways to prevent it.

Clearly, we must do more to enhance our understanding of the fundamental psychological, behavioral, and social factors that contribute to violence by young people.

NIH currently provides modest support for behavioral research related to violence, but the research is seriously under-funded in light of the obvious magnitude of the problem. In addition, the current funding is spread across many NIH Institutes and some important areas are not funded at all.

This coordinated initiative, relying on the Office of Behavioral and Social Sciences Research at NIH, will enable NIH to respond more quickly to the crisis of youth violence, eliminate the gaps in current knowledge, and focus more effectively on the important high priority questions that scientists in the field have identified.

Violence is also a public health problem, and it is as perilous as any epidemic. The tragic shooting rampage by the two students in Colorado shocked the country into a greater sense of urgency about youth violence. Many elements contribute to violent behavior, and it is seldom traced to any single cause.

These causes need to be better understood if we are to design effective methods for treatment and prevention. We also need a greater understanding of how to apply the knowledge that we already have.

More effective school, family and community prevention activities can be designed on the basis of what we learn from research and from the practical experience of clinicians, educators, and social scientists. The goal of part of this research effort will be to develop better organizational models of effective partnerships among scientists, public agencies, and community members. The research will also address the psychological impact of violence on the victims, since many perpetrators of violence were themselves victims of violence earlier in their lives.

Our proposal for greater NIH research is an essential part of the answer we are seeking to the tragedies of juvenile violence, and I urge the Senate to support it.

FAST PROGRAM

Mr. FEINGOLD. Mr. President, I rise today to support Senator KOHL's amendment which was included into the Juvenile Justice bill's Manager's Package. Mr. President, Senator KOHL's amendment would expand the Families and Schools Together or FAST program to reach the many at-risk students in need. FAST is an award winning drug abuse prevention program that supports and empowers parents to be the best line of defense between their children and the dangers of drug abuse. The program uses a cooperative approach that gives parents professional support to prevent and confront drug abuse in the home.

I am proud to report, Mr. President, that the FAST program, which has received many awards and honors since its development 10 years ago, was founded in my home state of Wisconsin by Dr. Lynn McDonald. Dr. McDonald is one of the nation's experts on the prevention of drug abuse by young people. The unique FAST program is today being used in 484 schools in 34 states and five countries.

Research indicates that to be most effective, substance abuse prevention education should be initiated when children are young. Researchers also believe that prevention efforts that focus on family and peer relationships can greatly reduce risk factors for our children. While no one solution will rid our country of the problem of youth drug abuse, it is critical that we make available to students, parents and schools successful programs that can make a difference. FAST has a proven track record: it has been tried, adapted, implemented and studied. It is clearly a program that has proven successful and should be expanded to reach more families in need.

It is important to note, Mr. President, that we are not powerless to help prevent destructive behaviors, such as drug abuse, in our children. The FAST program requires a strong, committed partnership between schools and families to help the students at risk and to intervene successfully to prevent the downward cycle of drug abuse, which too often leads to youth violence.

I support this amendment, Mr. President, because I know that FAST is a prevention program which helps young children at risk for developing problems later on—by working with them and their families early on. Senator KOHL's amendment is a wise investment at the front end to catch students before their risky behavior results in tragic consequences for themselves and their families. With assistance from the FAST program, families become their own child's best prevention resource.

WORKER PROTECTION

Mr. KENNEDY. Mr. President, we have been engaged over the last week in the important, and at times difficult, task of defining how the nation will address the problem of youth violence and crime. Our goal is to develop steps that will be more effective in protecting society against juvenile crime and enabling youth to become productive and successful members of our society.

We must also protect the rights of the men and women in the criminal system responsible for working with juvenile offenders. It is in the nation's interest to ensure that states which receive federal dollars for their juvenile justice programs administer these programs in a manner that protects the worker, the juvenile offender, and ultimately, the taxpayers and citizens.

This amendment will ensure that workers who provide juvenile justice services do not lose their jobs, their existing bargaining rights, or a loss of benefits if their program receives federal funds.

This is not a new concept. Since enactment of the Juvenile Justice and Delinquency Prevention Act in 1974, Congress has recognized the importance of making sure that the rights of state workers are protected in juvenile justice programs funded with federal money. Current law provides that the distribution of federal funds for state juvenile justice programs will not displace workers, negatively reduce their wages, or impair existing collective bargaining agreements.

The intent of the current law, and of this amendment, is two-fold: to protect workers' rights, and to protect the safety of juvenile offenders. For almost 25 years, the law has protected the employment rights of tens of thousands of state workers in the court system and the juvenile justice system. These men and women, whose jobs are funded through grants to the states, are at the core of our juvenile justice system. They perform vital work, supervising and training troubled youths in the courts and in the parole system. Even with the protections under current law, and even when workers are covered by collective bargaining agreements, these are not high paying jobs. Salaries go from the high teens to the low thirty thousand dollar range.

The law also ensures the quality of the services provided by these workers. Protecting the rights of current, experienced workers maintains the stability of the workforce and ensures that well-trained, qualified personnel are staffing the juvenile justice system. If we are serious about protecting society against violent youth—if we are serious about rehabilitating young people and safely returning them to society, then we need well-trained and experienced workers and a stable workforce with adequate skills and training in our juvenile justice system.

This amendment will make sure that existing collective bargaining agreements, and the rights under those agreements, would not be disturbed when a state program receives a federal grant. The amendment will prevent displacement of current workers when a program receives a federal grant. For workers who are not covered by a collective bargaining agreement, this amendment may be the only job protection they have when their program is funded under a federal grant.

We all agree that the juvenile justice system must be improved. Let's also agree that preserving the existing rights of state juvenile justice workers, and preventing disruption of existing employment relationships, are essential components that must be part of an improved system. I urge my colleagues to vote for this amendment.

DEMONSTRATION PROGRAM FOR HIGH RISK YOUTH

Mr. GREGG. Mr. President, America is struggling with a disturbing and growing trend of youth violence. While it is true that crime is generally down in many urban and suburban areas, it is equally true that crime committed by teens has risen sharply over the past few years and it is expected to continue to rise. Crime experts who study demographics warn of a coming crime wave

based on the number of children who currently are younger than 10 years old. These experts warn that if current trends are not changed, we might someday look back at our current juvenile crime epidemic as ''the good old days.''

Thirty years ago, DANIEL PATRICK MOYNIHAN, then an official of the Johnson Administration, wrote that when a community's families are shattered, crime, violence and rage ''are not only to be expected, they are virtually inevitable.'' He wrote those words in 1965. Since then, arrests of violent juvenile criminals have tripled.

If we have learned anything from this debate and from all the research that has been done on juvenile violence, it is that there is no magic bullet, no single solution or panacea to the problem of rising juvenile crime. Juvenile crime is a complex problem that demands a myriad of responses. It is a problem that demands a partnership solution involving family, community, religious institutions, the media, the schools and law enforcement.

The amendment I am offering today with Senator LIEBERMAN is a multi-tiered approach. First, the proposal targets youth who are at the highest risk of leading lives that are unproductive and negative; youth who have been or are likely to be incarcerated. Second, it brings together representatives of local government, juvenile detention providers, local law enforcement, probation officers, youth street workers, local educational agencies, and religious institutions to provide highly intensive, coordinated, and effective intervention services to high risk youth.

We provide seed money ($4 million a year with a 30% match) to enable the establishment of a collaborative partnership in 12 cities: Boston, New York, Philadelphia, Pittsburgh, Detroit, Denver, Seattle, Cleveland, San Francisco, Austin, Memphis, and Indianapolis. We also provide grants to grass roots entities in 8 cities to fund intervention models that establish violence-free zones through mediation, mentoring, coordination with law enforcement and local agency partnerships and the development of long term intervention strategies.

Research has documented that this is the approach that yields sustainable results. According to Public Private Ventures, Inc., which has been engaged in the study of programs for children, youth and families, interventions for seriously at-risk older youth and youth who have already become involved with the juvenile justice system require an innovative joining of youth development and crime reduction strategies. This amendment does just that.

At the same time we must recognize that government solutions are limited. Government is ultimately powerless to form the human conscience that chooses between right and wrong. Locking away juveniles might prevent them from committing further crimes, but it does not address the fact that violence is symptomatic of a much deeper, moral and spiritual void in our Nation.

In the battle against violent crime, solid families are America's strongest line of defense. But government can be an effective tool if it joins private institutions (families, churches, schools, community groups, and non-profit organizations) in preventing and confronting juvenile crime with the moral ideals that defeat despair and nurture lives.

This amendment is a step in that direction and I urge its adoption.

''PARTNERSHIPS FOR HIGH-RISK YOUTH''

Mr. KENNEDY. Mr. President, I support GREGG's ''Partnerships for High Risk Youth'' amendment. This amendment establishes a national demonstration project to identify the most effective practices and programs for reducing youth violence. This initiative will provide 12 high-risk cities across the nation with funds to carry out local demonstration projects. These initiatives will help us learn much more about the best programs for reducing youth violence. Communities across the country will benefit from the knowledge.

The most successful violence prevention programs take a comprehensive approach to youth violence. The goal is to reach out to youth and their families on a variety of levels. Diverse groups—law enforcement, schools, mental health professionals, religious organizations, parents, and teachers—all need to join forces. This amendment supports this vital type of cooperation. The knowledge we gain will save lives. Communities across the country will be able to learn from these successful models and develop similar programs in their own towns and cities.

Boston has long understood the importance of community cooperation, and many of the ideas we have discussed have proven effective there. Boston's strategy is based on three strong commitments—tough law enforcement, heavy emphasis on crime prevention (including drug treatment), and effective gun control. Neglect of any one of these commitments undermines the whole strategy.

Several years ago, concerned groups in Boston joined forces to develop community-based solutions that made youth violence ''everyone's business.'' Successful partnerships have included the pairing of mental health professionals, police and probation officers and school administrators with clergy, community leaders, and even gang members themselves. Statistics show that this strategy works. During the period from July 1995 through December 1997, there was only one juvenile death in Boston that involved a firearm.

Boston's Ten Point Coalition has received national acclaim for its work with troubled youth. This is exactly the type of program that Senator GREGG's amendment will support. The Ten Point Coalition which was founded by Rev. Eugene Rivers, is an ecumenical group of clergy and lay leaders who are working to mobilize the community on issues affecting African-American youth—especially those at risk. The Coalition is committed to helping at-risk children reach their full potential, and it offers training, technical assistance, resource development, and networking opportunities to churches and other community groups interested in mentoring, advocacy, economic alternatives, and violence prevention. Its goal is to build a coalition of churches nationwide, united in their commitment to changing children's lives and reducing violence.

This amendment will help outstanding initiatives like this across the country, and I urge the Senate to support it.

VIOLENCE PREVENTION TRAINING FOR EARLY CHILDHOOD EDUCATORS

Mr. DODD. Mr. President, one of the best ways to approach juvenile justice is to prevent violent offenses from occurring in the first place. Therefore, I am pleased to offer the ''Violence Prevention Training for Early Childhood Educators'' amendment to S. 254, which is aimed at preventing the development of violence in children at the earliest ages so that they never grow up to become juvenile offenders. This amendment—which I understand will be contained in the Managers' amendment at the conclusion of consideration of the bill—would authorize no less than $15 million in grants for teachers to learn violence prevention skills.

All of us have been shaken by the tragedy at Littleton, CO. Americans are left searching for answers to many questions. How could these teenagers have committed such brutality? What happened to the innocence and joy of youth? How can society help prevent such violent, deadly behavior from happening again?

One of the most effective solutions is to begin violence prevention at an early age. This program is a carefully thought-out program aimed at true prevention. It is designed to help early childhood educators—the people who work directly with young children in preschools, child care centers, and elementary schools—learn the skills necessary to prevent violent behavior in young children. This amendment would provide support to programs that prepare these professionals so that early childhood teachers, child care providers, and counselors are able to teach children how to resolve conflicts without violence. In addition, these professionals are in the perfect position to reach out and extend these lessons to parents and help whole families adopt these powerful skills.

Research has demonstrated that aggressive behavior in early childhood is the single best predictor of aggression in later years. Children observe and imitate aggressive behavior over the course of many years. They certainly

have plenty of exposure to violence, both in the streets and at home. A Boston hospital found that 1 out of every 10 children seen in their primary care clinic had witnessed a shooting or stabbing before the age of 6.

I am disheartened to report that in my home State of Connecticut, 1 in 10 teens have been physically abused. Alarmingly, more than a third of teenage boys report that they have guns or could get one in less than a day. In these circumstances, aggression becomes very well-learned by the time a child reaches adolescence.

We must provide children with strategies for altering the negative influences of exposure to violence. Early childhood offers a critical period for overcoming the risk of violent behavior and later juvenile delinquency. And the proper training of professionals who work with young children offers one of the most effective avenues for reaching these kids.

This is not to suggest that early childhood professionals would replace parents as a source of teaching social skills and acceptable behavior. Instead, these teachers should demonstrate these skills with the children in their care and be encouraged to work with the whole family to address conflict without violence and aggression.

In 1992, Congress enacted similar legislation to provide grants for programs that train professionals in early childhood education and violence counseling. These grants funded some remarkable programs. In my home state, a program at Eastern Connecticut State University trained students—half of whom were minority, low-income individuals—to be teachers in their own communities, and trained child care providers in violence prevention with young children.

Unfortunately, just as these efforts were getting off the ground and starting to show promising results, the funding for the program was rescinded as part of the major 1994 rescission bill. Looking back, after the horrible events in Littleton, CO, Springfield, OR, and too many other communities, I think we can clearly see that was a mistake. Hindsight is always clearer—but let's not make the same mistake going forward. Let's reinvest in these efforts so that we can prevent our children from developing into violent juvenile offenders.

Preventing future acts of violence is an issue that rises above partisan politics. I think we can all agree that steps need to be taken to reduce the development of violent behavior in children. Please join me in this effort to begin creating a safer society for everyone, especially our children.

TRUANCY PREVENTION

Mr. DODD. As many of my colleagues know, I have worked consistently for the last several years to address what I believe is one of the key ''gateway'' offenses leading to delinquency and serious crime among our youth—Truancy. Working with Senator Sessions, we have been able to include language encouraging states and local communities to pursue truancy prevention programs with the assistance they will receive under this bill. I want to thank Senator Sessions for working with me on this effort.

Truancy is a dangerous and growing trend in our nation's schools. It not only prevents our children from receiving the education they need, but it is often the first warning of more serious problems to come. Truant students are at greater risk of falling into substance abuse, gangs, and violent behavior. For many students, truancy is the beginning of a lifetime of problems.

It is estimated that, in the past ten years, truancy has increased by as much as 67 percent. On an average school day, in the United States, as many as 15 percent of junior and senior high school students are not in school. In some urban schools, absentee rates approach 50 percent. Alarmingly, the problem is becoming increasingly prevalent in our elementary schools. Almost one quarter of Connecticut's truants were 13 or younger.

By some estimates, truants cost our nation more than $240 billion in lost earnings and forgone taxes over their lifetimes. Yet this sum does not include the billions more in dollars spent on law enforcement, foster care, prisons, public assistance, health care and other social services.

Fortunately, truancy is a solvable problem. Many communities, including many in Connecticut, have set up early intervention programs—to reach out and prevent truancy before it leads to delinquency and more serious criminal behavior. A number of Connecticut cities have brought back truant officers, hired drop-out prevention workers, held parents accountable for their students absences, denied credit to students with unexecused absences, and have created truancy courts.

These programs are showing signs of success. Several towns have reported dramatic drops in daytime burglary rates—some as much as 75 percent—after instituting truancy prevention initiatives.

Unfortunately, communities have had difficulty implementing these programs as truancy is considered an educational rather than a criminal justice issue, and, with growing classroom enrollments, many financially-strapped schools simply do not have the resources to adequately address this problem.

The provision that Senator Sessions and I are adding to the juvenile justice bill will ensure that communities have the wherewithal they need to respond to this increasingly serious problem. The legislation's goal is to promote anti-truancy partneships between law enforcement agencies, schools, parents, and, community organizations. While each community must create a program which works for it, I believe that there are certain key components of successful programs.

First, parents must be involved in all truancy prevention activities and they must be given incentives to face up to their own responsibilities. Second, students must understand that they will face firm sanctions for truancy. Third, all hubs of this partnership wheel—law enforcement, educational agencies, parents, and youth serving organizations—must work together to help solve this problem.

Truancy is an early warning that a child is heading in the wrong direction. I am hopeful that states and communities will use this new authority to support high quality truancy partnership projects. And we can move on to spend more time celebrating the accomplishments of our children than grieving over lost opportunities to stop the cycle leading to violent crime.

FEDERAL SON OF SAM LEGISLATION

Mr. DORGAN. Mr. President, last year, I introduced a bill to correct problems with the Federal Son of Sam Law, as those problems were perceived by the United States Supreme Court. Today, I am reintroducing this legislation, which deals with a continuing problem. The New York statute analyzed by the Supreme Court, as well as the Federal statute which I seek to amend, forfeited the proceeds from any expressive work of a criminal, and dedicated those proceeds to the victims of the perpetrators crime. Because of constitutional deficiencies cited by the Court, the Federal statute has never been applied, and without changes, it is highly unlikely that it ever will be. Without this bill, criminals can become wealthy from the fruits of their crimes, while victims and their families are exploited.

The bill I now introduce attempts to correct constitutional deficiencies cited by the Supreme Court in striking down New York's Son of Sam law. In its decision striking down New York's law, the Court found the statute to be both over inclusive and under inclusive: Over inclusive because the statute included all expressive works, no matter how tangentially related to the crime; under inclusive because the statute included only expressive works, not other forms of property.

To correct the deficiencies perceived by the Court, this bill changes significantly the concepts of the Federal statute. Because the Court criticized the statute for singling out speech, this bill is all encompassing: It includes various types of property related to the crime from which a criminal might profit. Because the Court criticized the statute for being over inclusive, including the process from all works, no matter how remotely connected to the crime, this bill limits the property to be forfeited to the enhanced value of property attributable to the offense. Because the Court found fault with the statute for not requiring a conviction, this bill requires a conviction.

The bill also attempts to take advantage of the long legal history of forfeiture. Pirate ships and their contents

were once forfeited to the government. More recent case law addresses the concept of forfeiting any property used in the commission of drug related crimes, or proceeds from those crimes. I hope that courts interpreting this statute will look to this legal history and find it binding or persuasive.

The bill utilizes the Commerce Clause authority of Congress to forfeit property associated with State crimes. This means that if funds are transferred through banking channels, if UPS or FedEx are used, if the airwaves are utilized, or if the telephone is used to transfer the property, to transfer funds, or to make a profit, the property can be forfeited. In State cases, this bill allows the State Attorney General to proceed first. We do not seek to preempt State law, only to see that there is a law in place which will ensure that criminals do not profit at the expense of their victims and the families of victims.

One last improvement which this bill makes over the former statutes: The old statue include only crimes which resulted in physical harm to another, this bill includes other crimes. Examples of crimes probably not included under the old statute, but included here are terrorizing, kidnaping, bank robbery, and embezzlement.

Mr. President, our Federal statute, enacted to ensure that criminals not profit at the expense of their victims and victim's families, is not used today because it is perceived to be unconstitutional. I believe victims of crime deserve quick action on this bill, drafted to ensure that they are not the source of profits to those who committed crimes against them. I ask for your support.

AMENDMENT NO. 352

Mr. CHAFEE. I just want to be clear about the civil liability provisions. Does this bill create civil liability immunity for gun manufacturers, dealers of guns accessed in the home, or manufacturers or distributors of safety devices?

Mr. KOHL. No. It creates civil liability immunity only for gun owners.

Mr. CHAFEE. Does this bill create civil liability immunity only for gun owners who use a safety device?

Mr. KOHL. That is correct.

Mr. CHAFEE. Does that immunity apply if the gun owner is negligent—even if he doesn't actually give anyone permission to use the gun, but for example leaves the key to the lock sitting next to the gun?

Mr. KOHL. No.

Mr. CHAFEE. And is it correct that this section does not change in any way existing product liability law?

Mr. KOHL. That is correct.

Mr. CHAFEE. And, finally, is it correct that any pending suits against gun owners would be allowed to continue?

Mr. KOHL. That is correct.

Mr. CHAFEE. I thank the Senator once again. On another matter, I want to make equally clear for the record exactly what a ''secure gun storage or safety device'' is and is not. Specifically, would the Senator from Wisconsin agree with me that the definition of such devices in our amendment is intended solely to include personalized guns, lockable devices which either are affixed to a firearm directly, or to secure locked containers or safes.

Mr. KOHL. I would agree.

Mr. CHAFEE. Finally, would you further concur with me that our definition of a ''secure gun storage or safety device'' is not intended to include a permanent feature of a home or motor vehicle, such as a closet or glove box, even though such environments also may be locked?

Mr. KOHL. I would agree.

Mr. KENNEDY. Mr. President, for the past several days, we have debated the best practices and programs for preventing youth violence. We have disagreed on a number of issues including the need to restrict guns, invest in after-school care, and expand counseling services and mental health services for troubled youths and children. But there is one issue that members on both sides of the aisle agree on—parents play an important role in their children's lives.

Everywhere we look, children are under assault: from violence and neglect; from the break-up of families; from the temptations of alcohol, tobacco, sex, and drug abuse; from greed, materialism, and the media. These are not new problems, but in our time, they have become increasingly serious. Against this bleak backdrop, the struggle to raise children and to support families, emotionally as well as practically, has become more difficult.

Parents bear the first and primary responsibility for their sons and daughters—to feed them, to shelter them, to talk to them, to teach them to ride a bike, to encourage their talents, to help them develop physically and emotionally, and to make countless daily decisions that influence their growth and development.

Parents are the most important influence in their children's lives, but they are being pulled in many different directions. Healthy development depends on strong parental guidance. Spending time together is an essential part of building positive parent-child relationships. Yet time together is increasingly scarce.

Parents are eating fewer meals and having fewer conversations with their children. Between 1988 and 1995, a significant drop took place in parent-child activities. Sixty-two percent of mothers reported eating dinner with their child on a daily basis in 1988, but only 55% reported doing so in 1995. Fifty percent ate dinner with their child in 1988, but this rate dropped to 42% in 1995.

We need to support parents, not attack and blame them. Sylvia Hewlett and Cornel West said it best in the title of their recent book, ''The War Against Parents.'' That's exactly how it feels for many of today's parents. Like parents before them, they struggle to keep children at the center of their lives. But major obstacles stand in their way, undermining their efforts.

Over the course of the last thirty years, public policy and private decision-making have often tilted heavily against the activities that comprise the essence of parenting. A myopic government increasingly fails to protect or support parents, while the competitive forces in the marketplace are allowed to take up more and more time. We talk as though we value families but act as though families are a last priority. Sooner or later, worn-out parents get the message that devoting their best time to raising children is a lonely, thankless undertaking that cuts against the grain of other activities that are apparently valued more highly by society.

Last week, I spent time in Boston talking to students about violence and other issues affecting their lives. I asked them whether they felt their parents were too busy to talk to them—and 3/4ths of the students raised their hands.

Parents need to spend more time listening to children—and the nation agrees. A recent Newsweek poll asked, ''How important is it for the country to pay more attention to teenagers and their problems?'' Eighty-nine percent of those polled replied that it is very important. If parents are not raising their children, we need to worry about who is.

The wrong kind of parenting can cause problems as well. Inconsistent or overly harsh discipline, may lead children to develop aggressive behavior. Inconsistent discipline is often associated with poor behavior in school and at home. These children also tend to have more trouble establishing strong relationships with their family, their teachers and their fellow students.

Parenting and coaching classes can make a significant difference in avoiding such problems. A recent study published in the American Psychological Association's Journal of Consulting and Clinical Psychology found that mothers who participated in Head Start parenting programs showed a decrease in their use of harsh criticism and an increase in their use of positive and competent discipline. The children were happier and their behavior was more satisfactory than children whose mothers did not receive parenting education.

When parents have the skills to deal effectively with their children, they are less likely to be abusive. Unfortunately, too many parents lack these essential skills. Each year over 3 million children are identified as victims of abuse or neglect. The consequences are devastating. Traumatized children are more likely to have alcohol and substance abuse problems and learning problems. They are also more likely to be arrested as juveniles and to engage in abusive behavior toward their own children when they become parents.

We know that suffering abuse as a child is strongly related to subsequent delinquency and abusive behavior later in life. But improved parenting skills can help break this vicious cycle. Parenting support and education have been proven to reduce abuse. In the Prenatal and Early Infancy Project, high-risk mothers were randomly assigned to one of two groups. One group received visits by specially trained nurses who provided coaching in parenting skills and other advice and support. The other group received no services. For those who received the assistance, child abuse was reduced by 80% in the first 2 years. 15 years after the services ended, these mothers had only one-third as many arrests, and their children were only half as likely to be delinquent.

Law enforcement officials also recognize the benefits of training parents. More than 9 out 10 police chiefs (92%) agreed with the statement, ''America could sharply reduce crime if government invested more in programs to help children and youth get off to a good start'' by ''fully funding Head Start for infants and toddlers, preventing child abuse, providing parenting training for high-risk families, improving schools, and providing after school programs and mentoring.''

These law enforcement officers are right. Parenting classes in conjunction with early education programs improve caregiver skills they also reduce crime dramatically and they reduce the likelihood of later delinquent behavior. A High/Scope Foundation study at the Perry Preschool in Michigan provided at-risk 3 and 4 year-olds with a quality Head Start-style preschool program, supplemented by weekly in-home coaching for parents. Two decades later years later, by age 27, those who had been denied the services as toddlers were five times more likely to be chronic lawbreakers.

A similar program in Syracuse provided child development and health services for at-risk infants and toddlers and parenting support for their mothers and fathers. The study found that kids denied the services were ten times more likely to be delinquent by age 16.

We pay a high price for abuse and neglect. In addition to its damaging psychological consequences, it is estimated that $22 billion is spent each year on services for abused children, their families, and foster care families. Investing in prevention programs, particularly parent support and education, will significantly reduce these abuse-related expenditures.

There is no question that investing in parents will pay-off. When we don't make this investment, we all pay more later, not just in terms of lives and fear, but also in tax dollars.

The ''Parenting As Prevention'' Act, which Senator STEVENS and I are proposing, will fund several initiatives that will improve parenting skills.

To identify the best parenting practices, a National Parenting Support and Education Commission will be established. The Commission will identify the most effective parenting practices, including the best strategies for disciplining children and youth, the best approaches for building integrity and character, and the best techniques for ensuring healthy brain development.

The Commission will also conduct a review of existing parenting support and education programs, and will provide Congress and the Administration with a detailed report of its findings. Perhaps, most important, essential parenting information will also be provided to parents—no new family will leave a hospital or adoption agency without information on how to best care for a baby. In Massachusetts, such an initiative is already underway.

Our amendment also supports the establishment of a grant program to strenghthen state initiatives for supporting and educating parents. Block grants will go directly from the Department of Health and Human Services to the states. Each state will establish their own Parenting Support and Education Council to award local grants. States will use their funds to establish support and education resource centers for parents and to strengthen support programs for children and teenagers. The grant program will support a wide variety of parental support initiatives including: home visitation for mothers of new babies; the distribution of parenting and early childhood development materials; the development of support programs for parents of young children and teenagers; respite care for parents of children with special needs; and the creation of a national toll free number that will offer counseling and referral services for parents.

Finally, our amendment will improve mental health services for violence-related stress. Regional centers around the country will be established to provide special training and research in psychological counseling and treatment. We know that the early years are essential to healthy development and that inadequate care during this critical period can have a devastating impact on future behavior. To reverse the impact of negative early experiences, regional centers on psychological and trauma response will identify the best practices for dealing with these problems. In the long run, successful early intervention is the best way to modify the culture of violence instilled in so many youth.

I urge my colleagues to support this amendment. Investing in parents and children is one of the best ways to prevent youth violence and we clearly need to do more in order to achieve this important goal.

I ask unanimous consent that letters of support for this amendment be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MIT,
FAMILY RESOURCE CENTER,
Cambridge, MA, May 18, 1999.

Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, DC.

DEAR SENATOR KENNEDY: It is with pleasure that I write to express my full and enthusiastic support for your Amendment to S. 254 entitled ''PARENTING AS PREVENTION.''

The provision of the Amendment, including the establishment of a Parenting Support and Education Commission, a State and Local Parenting Support and Education Grant Program, and Grants to Address the Problems of Violence Related Stress to Parents and Children, could not be more needed, or more timely. I am confident that the Amendment will make a major contribution in addressing the pressing needs of parents in our country, and thus in preventing the tragic problems among children and youth that confront our nation today.

You are to be commended for your leadership in bringing forward this critically important legislative initiative.

In addition to serving as Administrator of Parenting Programs at MIT, I am Chief Consultant to the Harvard Parenting Projects and Director of the Harvard Project on the Parenting of Adolescents at the Harvard School of Public Health. I am also Founding Chair and National Liaison for the National Parenting Education Network.

If there is any assistance that I can provide to the new Commission, I would be very happy to do so.

Respectfully yours,
A. RAE SIMPSON, Ph.D.,
Administrator, Parenting Programs.

THE LATIN SCHOOL OF CHICAGO,
Chicago, IL, May 18, 1999.

DEAR SENATOR KENNEDY: I am writing to support your efforts at adding The Stevens-Kennedy Amendment to S. 254—the Parenting as Prevention Act. I have working at parenting education for two decades. I have taught parent education to lawyers, social workers, teachers, parents and students in k–12 settings in some of the most violent neighborhoods in Chicago. I have been able to prove that it does help children and parents to have more options, to understand the needs of children and others and to choose non-violent solutions to problems.

I have also been working for several years on parent advocacy groups to professionalize parent education and get some consensus regarding best practices. We need support and resources to do this. Many of us have been doing this for years at our own expense because we know how important parent education and support is to parents and future parents. Thank you for your efforts and please call upon me in any way I can to support your good work. We need this Act to do our good work.

Very sincerely yours,
DANA MCDERMOTT MURPHY,
Adjunct Professor, Family Studies Program—Loyola of Chicago; Coordinator, Parent Education Initiative, The Latin School of Chicago; Member, Advisory Council of the National Parent Education Network; and Member, Advisory Board of the Parenting Project-Boca Raton, FL.

WEBSTERS INTERNATIONAL, INC.,
May 18, 1999.

Senator EDWARD KENNEDY,
c/o Parenting Coalition International,
Washington, DC.

DEAR SENATOR KENNEDY: I am in support of the Stevens/Kennedy Amendment to S. 254 subtitled; PARENTING AS PREVENTION.

This is a most critical time in America's history. All of us need to realize, recognize,

and support the premise that parents are the single most important factor in determining the success or failure of their child. Beyond a doubt, based on the very latest research, parents are their child's most influential teachers. Therefore, it stands to reason that parents truly desire to learn the skills and attitudes they need in order to be the best parent they can be for their child. Those skills and attitudes do not come naturally; they are learned. We need programs that will ensure that parents are taught those skills and attitudes using the most positive methods available. Too many of them have learned negative parenting through the bad examples of their own parents.

We must start sending positive messages to our children instead of the poor, often confusing scenarios, we present to them now. I believe providing the states with funds to help them implement such programs would be most desirable, but only if we have a true method of determining that the monies are being spent correctly on parenting materials that have been proven to make a difference in the lives of both parents and their children, and that such programs are making a difference.

Sincerely,

GRETCHEN GLEAVES,
Vice President.

THE HEATHS,
Haverford, PA, May 18, 1999.

BELINDA ROLLINS,
President, Parenting Coalition International, Inc., Washington, DC.

DEAR BELINDA: Thank you for the privilege of reviewing and commenting on the provocative Stevens-Kennedy Amendment to S. 254.

Establishing a Parenting Support and Education Commission must be a component of any effort to improve the lives of America's children. Parents, defined broadly as anyone who has made a commitment to care for a child from now until the child reaches adulthood, provide their children with continuity of understanding and love as those children move through their growing years. That continuity is vital given the complexity of the society in which our children live, the range of experiences that they have and the vast number of choices which they have to make.

Senator Kennedy and his staff are to be congratulated for incorporating into the existing bill this additional component that will provide a means of strengthening parents' ability to nurture their children.

My experience of over thirty years of working with parents as well as consulting with parent programs world wide has led me to recognize the need for a Commission that focuses on the role of parents in the lives of their children, the effects of that role on the parents themselves and how to support parents that they may more effectively nurture their children. The Commission to be created by this bill will address these needs in at least three ways.

(1) Establishing such a commission will give recognition to the importance of parents in the lives of their children. No educational or social agency provides the continuity of love and care that parents give to children. This commission will keep in the national consciousness the unique role of the parent.

(2) The Commission will provide a means for investigating in depth social issues related to parenting. For example, rather than the public argument over whether or not mothers should work the commission could investigate the conditions that allow parents to have the time they need with their children while also carrying on their own lives and earning an income for their families.

(3) Having state and local initiatives, as described in the bill, will provide a means for raising issues from the local level to national attention as well as a means of passing down current research and information.

This amendment to S. 254 adds a significant component to the national agenda of supporting children by recognizing the important role that parents have in the lives of their children and by providing support and information to parents that will enhance their ability to nurture their children.

Again let me thank you for giving me an opportunity to respond to this innovative amendment.

Sincerely,

HARRIET HEATH, Ph.D.,
Director, The Parent Center, Bryn Mawr College.

BELINDA: Thank you so much for giving me the opportunity to review this amendment. I am amazed that you were able to get it put together and through the channels to be added to the bill. Congratulations.

I hope my letter supports the amendment is the way you had hoped.

I do have some comments on the amendment itself, as I think you were also asking for. I find it fascinating the groups you have included and see the political reasons for doing so. Your political savvy is amazing and so necessary if you are going to achieve your goals. And I am so glad that you are there working towards the betterment of parents.

A few comments: In your list of Commission members you need people knowledgeable about parental development and about the role of the parent in child development. I am not sure I am saying this very clearly but the writing on parents tends to focus on what parents do with and to their children, not on the determinants of the parental behavior themselves. Parenting tends not be discussed as it affects the parent except for specific periods such as the early adjustments to parenthood and parenting the adolescent when the mother may be menopausal and the father seeing limits to what he may accomplish.

I am uneasy about the dichotomy that seems to exist in the 8th and 9th listing. A good parenting education program, not including that produced through the media, has a strong supportive component.

In 8 are you speaking of family support programs that provide social and medical services as well as parenting education and support or are you referring to parent programs that are defined as totally emotionally supportive of parents without a content component except what the parents offer each other?

Speaking of ''best practices'' gives me visions of a cook book. It implies there are good recipes and all we have to do is identify them. I have not yet figured out how to write these sections but so much of parenting is developing plans for specific situations. Planning involves considering several key factors which include obvious such as the developmental level of the child, the temperament pattern, the needs, and the less often mentioned factors such as what are the parents' values and beliefs. The fact that parents deal with the issues they face by considering key factors must be recognized, and supported because, as we all know, one approach does not meet the needs of all children. But maybe all this is too complex for a bill.

One other issue—for future consideration. You pass over the elementary school years. They are a time when parents can delight in their children as those children are old enough to explore new skills, discuss ideas and just enjoy each other. These are also the years parents can do so much in preparing their children for the adolescence. It is a time of giving them that factual information they can use when making decisions about drugs, sex, etc. It is the time for developing decision making skills. And maybe most of all it is the time of deepening the loving relationship that will carry them both through the teen ages.

All of this may be too much for the bill. I look forward to the continuation of the discussion.

Again, thank you Belinda for the work you are doing and for including me in it.

I will send you a paper copy of the letter. Should it go somewhere else also?

Best wishes. See you Friday,

HARRIET.

FIGHT CRIME; INVEST IN KIDS,
May 18, 1999.

Re Stevens-Kennedy Amendment to Juvenile Crime Legislation.

DEAR SENATOR: As an organization led by over 500 police chiefs, sheriffs, prosecutors, victims of violence, leaders of police organizations, and violence prevention scholars, we write in support of the Stevens-Kennedy ''Parenting as Prevention Act'' amendment to S. 254.

Today, kids are being raised in households where both parents must work. In many cases, single, working parents raise children on their own. These new stresses are compounded by our increasingly mobile society. Parents often lack nearby grandparents and other close relatives to share the work of raising a child as well as provide coaching and emotional support.

The Stevens-Kennedy amendment recognizes that we must help parents face today's challenges in raising a child from the toddler to teen years. We all have a vital stake in seeing that children are provided with the best quality parenting because it is a critical factor in determining if a child will grow up to be a criminal or a contributing citizen and good neighbor.

Programs that help parent raise infants and toddlers supporting parents have been shown to dramatically reduce child abuse and neglect and other factors that increase the chances for kids to later engage in criminal behavior. For example, the Prenatal and Early Infancy Project (PEIP) randomly assigned half of a group of at-risk mothers to receive visits by specially trained nurses who provide coaching in parenting skills and other advice and support. Rigorous studies show the program not only reduced child abuse by 80% in the first two years, but that fifteen years after the services ended, these mothers had only one-third as many arrests, and their children were only half as likely to be delinquent.

The amendment would also help parents who struggle in the volatile teen years by offering advice, family counseling, and other services. Research demonstrates that parental involvement is critical in the teen years for the healthy development of kids, and to help troubled kids get back on track. For example, the Multi-Systemic Therapy program for teens already involved in serious crime works closely with the teens' parents and in replications around the country it has been shown to cut long-term rates of re-arrest by up to 70%.

The Stevens-Kennedy amendment provides much needed resources to treat victims of abuse and neglect, sexual abuse, violence, and other traumas. Research shows that when children are directly abused, or even when they witness violence in their lives, their developing brain's anatomy and chemistry is altered—a sound, or some other stimulus can ''flip the switch'' and their heart races as their mind becomes concentrated on flight . . . or fight. As opposed to the myth that children are infinitely resilient, Bruce

Perry of Baylor College of Medicine says, ''If anything we now know that children are more vulnerable to trauma than adults.'' Perry estimates that over 5 million children in the United States witness or experience traumatizing violence every year, including 1 million who are victims of abuse or neglect.

Programs that help parents raise responsible, healthy adults save lives and money. For example, a RAND cost-benefit estimate of the PEIP program concluded that the savings to the government alone (excluding other benefits to society at large) were four times the costs, and that figure did not include many savings, such as expected lower welfare costs for the children beyond age 15, nor the extra taxes they may pay as adults. RAND found that government savings from the program exceeded program costs by the time the kids were four years old.

If we can be of further help as you consider this amendment, please don't hesitate to call us.

Sincerely,

SANFORD A. NEWMAN,
President.

Mr. KENNEDY. Mr. President, I ask unanimous consent that a summary of the Parenting As Prevention Act be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SUMMARY OF THE STEVENS AMENDMENT—PARENTING AS PREVENTION ACT

The Parenting as Prevention Act addresses youth violence and juvenile delinquency by providing support and training to parents and potential parents to improve their parenting skill and focusing attention on brain stimulation to improve early childhood development.

A Rand study shows that for every dollar invested in parenting and improving early childhood education through brain stimulation, at least $4 are saved in later prison costs, rehabilitation costs, special education expense, welfare payments, etc. GAO puts the savings at above $7 for every dollar invested.

This state block grant program would be administered by the Secretary of Health and Human Services and developed in cooperation with the Attorney General who has responsibility for juvenile justice prevention programs such as the Boys and Girls Club, the Secretary of Education who provides some support to early childhood learning, the Secretary of Housing and Urban Development who would help distribute materials on parenting through public housing programs, the Secretary of Labor who offers parent training to welfare mothers as part of the Welfare to Work program, the Secretary of Agriculture who operates the WIC program and distributes information to rural America through the Cooperative Extension Service, and the Department of Defense who runs child care centers and provides other services to children of military families.

A National Parenting Support and Education Commission would be established to identify the best practices for parenting on issues ranging from discipline to character development to brain development to gun safety (Eddie Eagle). It would review existing parenting support and education programs and report back to Congress and the Administration on which ones are most effective.

The Commission would publish materials for parents in various formats on parenting practices and brain stimulation or distribute already available materials. No new family would come home from the hospital or adoption agency without information on how to raise the baby. Referral information on existing federal, state, and local programs would also be collated on one sheet of paper for distribution which would include eligibility criteria, phone numbers, and addresses.

The Commission must wrap up its work within 18 months. Such funds as are necessary are authorized for appropriation.

A State and Local Parenting Support and Education Grant Program is established which would provide a block grant to states with a small state minimum: States with Indian populations over 2% would provide 2% of the money to tribes.

The State would establish a State Parenting Support and Education Council to award grants at the local level which would include state government, bipartisan representation from the state legislation, and interested groups to be appointed by the Governor. If a state had an existing group, it could use that.

The State Council could award grants for:

(1) Parenting support programs for young children including distribution of parenting materials on brain development and best parenting practices; one on one visits to mothers of new babies on brain development and best parenting practices (cited as the best way to reduce child abuse, a leading cause of juvenile delinquency and violent crime); and parent training programs.

(2) Parenting support for teenagers including providing parenting materials in conjunction with existing programs such as Boys and Girls Clubs, YMCA, after school programs, and parent training classes, support groups, and mentors.

(3) Parenting support and education resource centers including a national 800 toll free number offer counseling, parenting advice, and referral to existing programs; and respite care for parents with children with special needs (retarded, mentally ill, behavior disorders, FAS/FAE).

A state which got a grant to provide a statewide program or a local group would only have to report back every two years, but would have to use specific performance measures, i.e. things like improvement in IQ scores, school achievement tests.

No more than 5% of the money could be used for administrative costs. The typical rate is 18–30 percent.

A state would have to maintain its existing effort, i.e. it can't cut its existing state program and replace it with a federal grant.

The program is authorized at such sums as are necessary.

Finally, the bill creates a program to reverse bad brain wiring caused by exposure to physical or sexual abuse or family/community violence. Research shows early intervention to be much more effective than later rehabilitation efforts as an adult.

Again, best practices for dealing with these problems would be identified by regional centers of excellence on psychological trauma and response.

Indian tribes, Native Hawaiians and other non-profits would be eligible for grants which would last for 3 years.

This program is authorized at such sums as are necessary.

Mr. HATCH. Mr. President, I ask unanimous consent the amendment be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 363) was agreed to.

The PRESIDING OFFICER. The Senator from Minnesota.

The Senator will withhold. The Senate is not in order. The Senator from Minnesota.

AMENDMENT NO. 364

(Purpose: To make an amendment with respect to disproportionate minority confinement)

Mr. WELLSTONE. Mr. President, I send an amendment to the desk on behalf of myself, Senator KENNEDY, Senator FEINGOLD, and Senator FEINSTEIN.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

The Senator from Minnesota [Mr. WELLSTONE], for himself, Mr. KENNEDY, Mr. FEINGOLD, and Mrs. FEINSTEIN, proposes an amendment numbered 364.

Mr. WELLSTONE. 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 129, strike lines 6 through 14, and insert the following:

''(24) address juvenile delinquency prevention efforts and system improvement efforts designed to reduce, without establishing or requiring numerical standards or quotas, the disproportionate number of juvenile members of racial minority groups who come into contact with the juvenile justice system.''

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, let me talk in a general way about this. This legislation deals with juvenile justice. This amendment focuses on the justice part. We speak to what is called disproportionate minority confinement. What that really means, in concrete terms, to use one example, is African American kids ages 10 to 17 make up 15 percent of the population, but 26 percent of all juvenile arrests, 32 percent of delinquency referrals to juvenile court, 46 percent of juveniles in public long-term institutions, and 52 percent of cases judicially waived to criminal court; that is, adult court.

In the current legislation, what we have done is we turn the clock back a long ways. In the past, since the late 1980s, we have always tried to deal with this question of disproportionate minority confinement. What this legislation does is to essentially reverse this progress. I think, roughly speaking, about 33 percent of the population, ages 10 to 17, are minority youth. They represent about 66 percent, or thereabouts, of kids who are now incarcerated. The question is, Why?

There are lots of different reasons. Let me just list some that come from Department of Justice reports, some lessons that have been learned from some five different States. Some of the factors that can contribute to minority overrepresentation can be: racial ethnic bias, insufficient diversion options, system labeling, barriers to parental advocacy, poor juvenile justice/community integration, low-income jobs, few job opportunities, few community support services, inadequate health and

welfare resources, inadequate early childhood education, inadequate education quality, lack of cultural education, single-parent homes, economic stress, limited time for supervision. The factors go on.

But the key to an effective juvenile justice system is to treat every offender as an individual, to treat every offender fairly, and to provide the needed services to all. All youth who come into contact with the juvenile justice system should receive fair treatment. Surely every Senator agrees with that proposition.

The disproportionate minority confinement requirement in the current law is bringing about change and focusing attention on the problem. The current law says we call upon States to try to come to terms with this question. We call upon States to collect the data. We call upon States to think about whether or not there are steps that can be taken, and to put into effect some of these programs and some of the steps that could be taken to deal with this problem, to bring about more fairness, to end some of the discrimination.

As you look at this graph here, when you have 15 percent of young people ages 10 to 17, African American, but 46 percent of the juveniles in public, long-term institutions are African American kids, this ought to bother all of us. We ought to come to terms with this.

William Raspberry wrote in the Washington Post last week:

> These numbers strongly imply not disproportionate lawlessness, but dissimilar treatment throughout the juvenile justice system.
>
> At the very least, they are the type of numbers that ought to prompt criminal justice authorities across America to take a closer look at what they are doing.

That is what is so incredible about this legislation right now. It is as if starting in the late 1980s and then going to 1993 we recognized this problem, and in our juvenile justice legislation, up to this bill, we have said to States: You need to collect the data; you need to look at this problem; you need to try to address this problem.

This piece of legislation essentially guts this effort, and the amendment that we have offered is essentially the same House language that is now in their juvenile justice bill. It addresses juvenile delinquency prevention efforts and system improvement efforts designed to reduce, without establishing or requiring numerical standards or quotas—that is very important—efforts designed to reduce, without establishing or requiring numerical standards or quotas, the disproportionate number of juvenile members of minority groups who come into contact with the juvenile justice system.

There were close to 400 votes—I want my colleagues to listen to this—400 votes in the House of Representatives for this amendment that we now bring to the Senate floor.

The current law talked about the need to address this problem, to reduce the proportion of juveniles detained or confined in secure detention facilities, jails and lockups, who are members of minority groups if such proportion exceeds the proportion such group represents in the general population.

S. 254 guts the current law and talks about segments of the juvenile population. What does that mean? Boys? Girls? It does not deal with the issue of race and the severe overrepresentation of young kids of color who are locked up. That is the issue.

This amendment that I bring to the floor with Senator KENNEDY, Senator FEINGOLD, and Senator FEINSTEIN essentially says that we call upon the States to address the juvenile delinquency prevention efforts and system improvement efforts designed to reduce, without establishing or requiring numerical standards or quotas, the disproportionate number of juvenile members of minority groups who come into contact with the juvenile justice system.

This is an eminently reasonable amendment, but it goes to the heart of the debate about racial justice in our country. S. 254 undermines this DMC core requirement of the Juvenile Delinquency and Prevention Act which directs States to identify this disproportionate confinement, to assess the reasons it exits, and to develop strategies to address the disproportionate number of minority children in confinement.

This legislation, S. 254, as now written, takes those efforts—some good efforts by our States, some 40 States involved with this—and basically heads these efforts for the scrap heap. This is a huge step backward.

This amendment has nothing to do with quotas. It does not require or suggest the use of numerical quotas for arrests or release of any juvenile from custody based on race. No State's funding is based upon quotas or anything else. But this amendment does put the Senate on record supporting the disproportionate minority confinement core requirement which now is in existing law that addresses a very serious and a very real problem.

It is well-documented that in every State—nearly every State—including my State of Minnesota, minority youth are overrepresented at every stage of the juvenile justice system, particularly in secure confinement. For example, a study in California showed that minority youth consistently received more severe punishments and were more likely to receive jail time than white youth who committed the same offenses.

Another study in Portland, OR, found minority youth being locked up at a rate several times higher than their arrest rates.

We ought to be concerned when, roughly speaking, 7 out of every 10 youths in secure confinement are minority juveniles in our country, a rate more than double their percentage of the youth population. Should we be concerned about that? Isn't this juvenile justice legislation? Let's look at the justice part.

We have close to 7 out of 10 kids who are in confinement in our country today who are locked up, incarcerated—juveniles, who are kids of color, minority kids, double their percentage of the population. We have way too many examples of kids having committed the same offense as white kids but receiving stiffer sentences or winding up incarcerated, and it is not right. It is unconscionable. It is unacceptable.

I do not think this whole problem of disproportionate minority confinement is the product of bigoted or racist authorities, though there is too much bigotry and there is too much racism. It is far more complex, and it results from all kinds of things, including the likelihood that minority youth are more likely to be poor, they are going to be unable to find work, uneducated, or, as William Raspberry suggests in his column, or they are politically unconnected, which means they will be less likely to have their children released to their custody by police officers and judges.

From William Raspberry's piece:

> It may result in a tendency of white officials to basically look at white kids as troubled youth and black offenders as troublemakers, gangsters or predators.

Forty States are doing good work. The Department of Justice issued a report several months ago which talked about some of the lessons learned from five States. I began to talk about some of those lessons earlier on and the kinds of efforts these States—Arizona, Iowa, North Carolina, Florida, and Oregon—are taking.

I believe Senator KENNEDY will come down and speak shortly on this amendment and then I will follow up his remarks. I am anxious to hear what my colleague from Utah has to say because he has been a Senator who has been extremely sensitive to these issues.

This does not make any sense. We have language in our current legislation that deals with this problem of the disproportionate number of kids of color who are locked up so we can find out what is going on and how we can do better. States all across the Nation are collecting the data and trying to find out what is wrong and trying to do better.

This current legislation before the Senate really turns the clock back. Why as a nation do we not want to come to terms with this question? Again, let me be clear about this, the current law talks about the need to reduce the proportion of juveniles who are detained or secured, confined in these secure detention facilities, the disproportionate number of minority groups, and then S. 254 comes along and talks about segments of the juvenile population.

This basically undermines the efforts that are underway. We are not talking about segments of the population. We are talking about race and, as a matter

of fact, it is very important that we continue to identify some of the problems we have to confront as a nation that deal with race. We are not talking about segments of the population; we are talking about the question of race.

Our amendment—I want every Senator to focus his or her attention on this—takes the House language, which was passed by 400 votes, and we talk about the importance of addressing the juvenile delinquency prevention efforts and system improvement efforts designed to reduce, without establishing or requiring numerical standards or quotas, the disproportionate number of juvenile members of minority groups who come into contact with the juvenile justice system.

The current law, before this piece of legislation, acknowledges race is an issue. Whether we want to talk about it or not, whether we want to recognize it or not, whether we are comfortable with it or not, this isn't an issue that arose overnight.

In 1988, over a decade ago, the Coalition for Juvenile Justice released a report to Congress on race in the system called ''The Delicate Balance.'' They made the point, and this became part of the law that we had to do better as a nation, that we should be troubled by this, that we should be troubled that close to 70 percent of the kids who are locked up are kids of color, minority youth.

We want to make sure there is no discrimination. We want to make sure kids are treated fairly. We want to make sure that all of our citizens have some confidence in this justice system. Well, this piece of legislation takes us a long ways back, a long ways back.

For those who want to talk about the constitutionality of the DMC provision, it is just a scare tactic. It is just a figleaf. I read the language of the amendment which makes it crystal clear that we are not talking about numerical standards or quotas. I would like to read from a letter and ask unanimous consent that this be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. WELLSTONE. This is from 23 law professors endorsing the constitutionality of the disproportionate minority confinement amendment. I just read:

> There can be no serious constitutional objection to the DMC requirement in existing law. First, it does not single out members of racial minorities for any sort of distinctive treatment, nor does it impose any burdens on anyone else. The Supreme Court's decisions made it clear that constitutional questions arise, not merely from the use of racial terms in a law—for otherwise compiling census information about race would be unconstitutional—but only if there is some burden or benefit allocated on the basis of race. . . . The DMC requirements do nothing that crosses this minimum threshold.

This letter goes on and makes really a very strong case, signed by 23 law professors in our country.

I want to just make it real clear that the disproportionate minority confinement amendment that I bring to the floor with Senator KENNEDY is about race. Can I say this one more time to colleagues? Because when you vote on this, please understand this amendment is about race. Please understand that this amendment has the support of probably every single civil rights organization in our country. Please understand that this amendment has the support of just about every single children's organization you can think of, starting with the Children's Defense Fund.

Please understand that this amendment and your vote is all about race, because please understand that we are doing better, but to have a really better America we have to do even better when it comes to questions of race and discrimination.

Please understand that many citizens in our country do not have complete confidence in the system. When the minority community sees that close to 70 percent of their kids are locked up, when their kids make up not even 35, 33 percent of the population, and when they see that kids of color wind up incarcerated, when white kids do not, having committed the same offense, or given longer sentences, and when they see all the ways in which there is discrimination—and we have not come to terms with what is really going on with so many kids in these communities—it makes members of minority communities in our country very suspicious of a piece of legislation which focuses on juvenile justice but takes out the language we had in our legislation dealing with kids that assures that States will collect the data and will look at this question and try and do better.

I am telling you, this is a huge vote. This is all about race. It is about the disproportionate share of minority youth in our Nation's juvenile justice system. It is about helping States come up with plans to enhance prevention, to work with communities. It is not about releasing individuals from confinement because of their racial makeup or about instituting some kind of quota system. It is about fairness. It is about ending discrimination. It is about justice. It is about doing better as a nation. It is about doing better for all of our children, including children of color, and that is why this amendment has such intense, broad support. And it is why 400 Members in the House of Representatives voted for this amendment.

Mr. DURBIN. Will the Senator yield?

Mr. WELLSTONE. I will yield to the Senator or yield the floor, if you like.

Mr. DURBIN. I ask the Senator from Minnesota to simply yield for a question.

Let me say at the outset that I am honored to support this amendment. I am glad that Senator WELLSTONE, Senator KENNEDY, and many others have joined in this effort.

For those who question whether Senator WELLSTONE's testimony before the Senate is accurate, I share with them some statistical information which came as a shock to me. General McCaffrey, who is our Nation's drug czar, appeared before the Senate Judiciary Committee last year. I asked General McCaffrey if the statistics I had read were accurate.

The statistics I had read were as follows: 12 percent of the American population is African American; 13 percent of those committing drug crimes are African American; 33 percent of those arrested are African American; 50 percent of those convicted are African American; and 67 percent of those in prison for drug crimes are African American.

This is clearly completely disproportionate. This segment of the population has been focused on and what Senator WELLSTONE is seeking to do with this amendment is to make certain that we do not close our eyes to the reality. The statue of justice can keep a blindfold over her eyes with the scales before her; we cannot put a blindfold over our eyes. We have to be open to the reality that if we are discriminating against any group of Americans, regardless of their background or color, ethnic origin or race or religion, we have to be sensitized to it.

I do not know why this bill takes a step backwards. Thank goodness for the amendment offered by Senator WELLSTONE and others which puts us back on the right track to be honest and fair in the administration of justice in America.

I proudly stand in support of your amendment. I thank the Senator for his leadership.

Mr. WELLSTONE. I thank Senator DURBIN. He would like to be added as an original cosponsor. I would be very proud for him to do that. I ask unanimous consent that Senator DURBIN be added as an original cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Thank you, Mr. President.

I have visited some of these facilities and they are pretty troubling. When you visit—I think, again, of the visit to Tallulah, LA—there and there is just a sea of, in this particular case, African American faces, young kids—many of them, by the way, locked up for as long as 7 weeks in solitary confinement, 23 hours a day; that is part of what they do there—it is troubling.

I think in the State of Louisiana—I do not know what the overall percentage of the population is, but I think about 80 to 85 percent of the kids that are confined there are African American. Here is what makes this so troubling.

It would be easy—I want every Senator listening to this—to simply attribute this large discrepancy to the fact that young people of different racial groups commit different types of crimes.

In 1992, though, there were significantly higher rates of admission of African American juveniles for every offense group. Please listen to that, because I do not want some colleague to come out on the floor and say: Well, there is a reason for this. These kids commit the crimes in exactly this percentage or this proportion.

Crimes against persons: Black males and females were six times more likely to be admitted to State juvenile facilities than their white counterparts—same crimes, six times more likely.

Property crimes: Black males were almost four times more likely to be admitted to State juvenile facilities than white males, and black females were almost three times more likely to be committed than white females.

Drug offenses: Black males were confined at a rate 30 times that of white males. In fact, among all offense categories, black youth were more likely to be detained than white youth during every year between 1985 and 1994. Minority youth were also more likely to be removed from their families than white youth. Black youth are also much more likely to end up in prisons with adult offenders.

In 1995, nearly 10,000 juvenile cases were transferred to adult criminal court by judicial waiver. Of those proceedings, cases involving black youth were 50 percent more likely to be waived than those cases involving white youth. Overall, again, black youth were 52 percent of all the children and adolescents waived to adult court, and in most States minority juveniles were overrepresented on average in these adult jails at a rate more than 2½ times their proportion of the total youth population. These are damning statistics.

When he was director of the Massachusetts Department of Services, Commissioner-Member Jerome Miller wrote of the cumulative effect of decisions made throughout the juvenile justice process:

> I learned very early on that when we got an African American youth, virtually everything from arrest summaries to family history to rap sheets to psychiatric exams to waiver hearings, as to whether he would be tried as an adult to final sentencing, was skewed. If a middle-class white youth was sent to us as dangerous, he was much more likely to be dangerous than the African American teenager with the same label. Usually the white kid had been afforded competent legal counsel, appropriate psychiatric and psychological testing, been tried in a variety of privately funded options and, all in all, had been dealt with more sensitively and more individually at every level of the juvenile justice process. For him to be labeled dangerous, he usually had done something that was very serious indeed. By contrast, the African American teenager was dealt with as a stereotype from the moment the handcuffs were first put on, to be easily and quickly moved along to the more dangerous end of the violent/nonviolent spectrum, albeit accompanied by an official record meant to validate the biased series of decisions.

I say to my colleague, Mr. DURBIN, I really appreciate his being here. Sometimes when we are in this Chamber, this is our reality. I want every Senator, including Republican Senators, to know, this is an amendment that deals with a very sensitive issue. This is an amendment that deals with race in America. This is an amendment that deals with all of the biases that go with that. This is an amendment that says we should not be passing a piece of legislation which essentially turns the clock backward, which takes the language that we had in our past juvenile justice legislation which calls on States to study this problem, calls on States to address the problem, and calls on States to do better, as many are doing right now, and essentially remove all that language. It is a charade.

I will go on record right now—I cannot see any way that I can support this piece of legislation if this amendment does not pass. I cannot see any way as a Senator I can support this. I will put Senators on notice—I think a good many Senators, many Senators should not be able to support this piece of legislation if this amendment, which is the same language passed by 400 Members of the House of Representatives—that has to include some Republicans; am I correct?

Mr. DURBIN. Yes.

Mr. WELLSTONE. Does not pass in the Senate.

What in the world is going on on the floor of the Senate that we are unwilling to pass an amendment that just calls upon States to continue to try to come to terms with this really huge, stark problem in America? Why in the world am I even out here having to debate this?

I am going to reserve the remainder of my time.

Mr. DURBIN. Will the Senator yield?

Mr. WELLSTONE. How much time do I have on our side?

The PRESIDING OFFICER (Mr. GRAMS). The Senator from Minnesota has 31 minutes 35 seconds.

Mr. WELLSTONE. I am pleased to yield to the Senator from Illinois.

Mr. DURBIN. Let me say to the Senator from Minnesota, again, in support of this amendment—and I am happy to be a cosponsor of it—the important aspect in the administration of justice that is often overlooked is respect for the law. We teach our children to respect the law. We try to make certain that they teach their children. It is that legacy which allows the administration of justice to succeed.

When people lose respect for the law, it doesn't take too many of them to turn on a system and break it down. This amendment being offered by Senator WELLSTONE is an effort to make certain that we have respect for the law here, respect for the equal administration of justice.

We cannot be impervious or blind to the obvious. The obvious is demonstrated by the statistics I have mentioned on the floor and those read by Senator WELLSTONE. I cannot believe in 1999, at this stage in the history of this great Nation, we are prepared in this piece of legislation to take a step back in time when it comes to progress toward racial harmony in America. If we are so foolish to do that, we risk respect for the administration of justice and respect for the law.

People who observe this system can't ignore the fact that disproportionate numbers of minorities are being incarcerated and treated unfairly. I stand, as I am sure the Senator from Minnesota does, in saying that I want those who break the law to answer for it. I want to live in a safe neighborhood. I want to live in a safe town. If the perpetrator of a crime is black, white, or brown, male or female, it is irrelevant. They should be treated under our system of justice fairly and the same.

But when we look at the end result of this system of justice and see this disproportionate confinement of minorities, are we to turn our backs on that? Are we to walk away from that? What do we do to this Nation and our system of laws if we do? We risk, I am afraid, a disintegration of a sense of community in America, a disintegration of respect for law. Then we all suffer, not just African Americans, but also Hispanic Americans, those of every color and hue and ethnic background.

So I support this amendment, an amendment that passed overwhelmingly in the House of Representatives. I hope it will be enacted as part of this legislation. I say, as the Senator from Minnesota has said, every Senator should take this amendment very, very seriously.

I yield back to the Senator.

Mr. WELLSTONE. Mr. President, I don't want to take too much more of my time right now, because I really want this to be a debate. I will tell you, this amendment does not say you release kids. It has nothing to do with that. And, by the way, most of the kids in these facilities have committed nonviolent crime. That needs to be said as well. I have met kids breaking and entering, theft of mopeds; you name it, they are there.

What is going on right now in the country has a dramatic impact not just on these kids and not just their parents, but it has a devastating impact on minority communities. Let us finally please understand that as well. The disproportionate minority confinement, the disproportionate number of kids who are locked up, has a devastating impact on minority communities, a devastating impact on family relationships, a growing sense of anger and isolation and alienation and—my colleague from Illinois is right—distrust of the institutions in our country.

This is the final point, before I hear from my colleagues on the other side. All too often these ''corrections institutions''—this needs to be said—do not correct. They are a gateway to adult prison, because a lot of kids get out, and when they get out, they have it on

record that they have served time. They do not get the adequate training. They do not get the adequate support. And as opposed to any real correction that takes place, you have a lot of kids who get out of these institutions who are really, in many ways, kids who have become much hardened and with much less chance of doing well.

So there is also a connection to this problem, I argue, in the fact that, roughly speaking, in 1999 one-third of all African American men between the ages of 18 and 26, or 20 and 28, are either in prison or waiting to be sentenced, or have been paroled. Five times as many African American men of this young age are in prison as are in college, in higher education, in the State of California. We have to ask ourselves what is going on.

Again, we were making progress up to this legislation. We were making progress. We did something that made sense to our States. We called upon our States to really look at this problem and try to address this problem.

Mr. President, I reserve the remainder of my time.

EXHIBIT 1

MAY 17, 1999.

Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, DC.

Hon. DIANNE FEINSTEIN,
U.S. Senate,
Washington, DC.

Hon. PAUL D. WELLSTONE,
U.S. Senate,
Washington, DC.

DEAR SENATORS KENNEDY, FEINSTEIN, and WELLSTONE: As the Senate is considering S. 254, the Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act of 1999, it has come to our attention that the sponsors of S. 254 have altered the language of the Disproportionate Minority Confinement (DMC) mandate in current federal law by removing any reference to the word minority, claiming that the law as currently written is unconstitutional. We believe this argument is without merit.

There can be no serious constitutional objection to the DMC requirement in existing law. First, it does not single out members of racial minorities for any sort of distinctive treatment, nor does it impose any burdens on anyone else. The Supreme Court's decisions make it clear that constitutional questions arise, not merely from the use of racial terms in a law—for otherwise compiling census information about race would be unconstitutional—but only if there is some burden or benefit allocated on the basis of race. Cf. Anderson v. Martin, 375 U.S. 399 (1964). The DMC requirements do nothing that crosses this minimum threshold.

Second, the DMC mandate is designed to identify whether unconstitutional racial discrimination is occurring in the juvenile justice system. The Supreme Court has held that practices that result in disproportionate burdens on racial minorities are unconstitutional if they have been adopted intentionally to have that effect. Washington v. Davis, 426 U.S. 229 (1976). The DMC requirements are directed at precisely that concern: They ask the states to determine whether DMC is occurring, and if it is, what its causes are. It cannot possibly be unconstitutional for Congress to direct that such an inquiry be undertaken. Cf. Hunter v. Underwood, 421 U.S. 222 (1985).

We hope that this information is useful as you continue your debate on this legislation.

Sincerely,

Mark Tushnet, Carmack Waterhouse Professor of Constitutional Law, Georgetown University Law Center; Milner Ball, Professor of Law, University of Georgia School of Law; Taunya Lovell Banks, Professor of Law, University of Maryland School of Law; Kelley H. Bartges, Associate Clinical Professor of Law, University of Richmond Law School; Steve Berenson, Assistant Professor of Law, Shepard Broad Law Center, Nova Southeastern University; Surrel Brady, Associate Professor of Law, University of Maryland School of Law; Angela O. Burton, Professor of Law, Syracuse University College of Law; Peter Byrne, Professor of Law, Georgetown University Law Center; Sheryll D. Cashin, Associate Professor of Law, Georgetown University Law Center; Sherman L. Cohn, Professor of Law, Georgetown University Law Center; John M. Copacino, Professor, Georgetown University Law Center; Michael Dale, Professor of Law, Shepard Broad Law Center, Nova Southeastern University; Steven Drizin, Northwestern University School of Law; John S. Elson, Professor of Law, Northwestern University School of Law; Dan Filler, Professor of Law, University of Alabama School of Law; Pamela Stanbeck Glean, Clinical Professor of Law, North Carolina Central University School of Law; Gerard F. Glynn, Visiting Professor of Law, Barry University School of Law; Martin Guggenheim, Professor of Law, New York University School of Law; Randy Hertz, Professor of Law, New York University School of Law; Paul Holland, Visiting Associate Professor, Georgetown University Law Center; Daniel Kanstroom, Associate Clinical Professor of Law, Boston College Law School; Madeleine Kurtz, Acting Professor of Clinical Law, New York University School of Law; Lundy Langston, Professor of Law, Shepard Broad Law Center, Nova Southeastern University; Stephen Loffredo, Associate Professor of Law, City University of New York School of Law; Kimberly E. O'Leary, Associate Professor of Law and Director of Clinical Programs, University of Dayton School of Law; Mari Matsuda, Professor, Georgetown University Law Center; Denise Meyer, Professor of Law, University of Southern California Law School; Alan D. Minuskin, Associate Clinical Professor of Law, Boston College Law School; Wallace J. Mlyniec, Lupo-Ricci Professor of Clinical Legal Studies, Georgetown University Law Center; Paul O'Neil, Professor of Law, Pace University School of Law; Bill Patton, Whittier School of Law; Patricia Roth, Georgetown University Law Center; Phillip G. Schrag, Professor, Georgetown University Law Center; Abbe Smith, Associate Professor, Georgetown University Law Center; Kim Taylor-Thompson, Professor of Clinical Law, New York University School of Law; Wendy W. Williams, Professor of Law, Georgetown University Law Center; Stephen Wizner, William O. Douglas Clinical Professor of Law, Yale Law School.

The PRESIDING OFFICER. Who yields time?

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. As usual, I have to commend the Senator from Minnesota for his heart and for his desire to try to resolve problems that are difficult in our society. I have to say that I am concerned about the disproportionate confinement of minority youth, especially young African Americans and Hispanics, in our society—especially African Americans because it is disproportionate. If you really stop and think about it, the issue is who is committing the crimes.

I also agree it would be wonderful if we had a perfect system of rehabilitation for these young people. The juvenile justice bill provides an additional $547 million in addition to the $4.4 billion we spend annually for helping young people to get rehabilitated or to help prevent crime to begin with. I think that is the right direction.

This is probably the first bill in history that has 45 percent of the money in the bill for law enforcement and accountability purposes and 55 percent of the money for prevention purposes. But, you know, you still can't ignore the fact that these kids are committing crimes. Just because you would like the statistics to be relatively proportionate, if that isn't the case, because more young people commit crimes from one minority classification than another, it doesn't solve the problem by saying states should find a way of letting these kids out.

Now, if there is another problem, if there is literally a civil rights violation or a discrimination against minority youth, then that is a problem I think would need fixing. But I don't think that is a case that has been made so far.

The Democrats' amendment requires States to address efforts to reduce the proportion of juveniles who have contact with the juvenile justice system who are members of minority groups, if such proportion exceeds the proportion such groups represent in the general population. It fails to take into consideration who is committing these crimes. If a higher proportion of young African Americans are committing the crimes, do we just ignore that because we don't like the fact that it is disproportionate compared to Hispanic Americans or Anglo Americans? I don't see how you get around the fact that the ones who are committing the crimes are the ones who are arrested or incarcerated.

This amendment is not only ill-advised as a matter of policy and principle, but it is also unconstitutional. The amendment makes an overt racial classification. Juveniles must be classified according to race in order for this amendment to be followed.

This amendment is unconstitutional. As the Supreme Court announced in the 1979 decision of Personnel Administrator of Massachusetts v. Feeney:

> A racial classification, regardless of its purported motivation, is presumptively invalid and can be upheld only upon an extraordinary justification.

Now, such a classification could be upheld if there is an extraordinary justification, but that is not evident here. I just hear that there are more young African American kids who go to jail than white kids; therefore, there must be something wrong with the system.

I don't agree with that. If there are more young African American kids

committing crimes, and especially vicious crimes and violent crimes, you don't help the problem by saying they should not be punished and they should not be incarcerated somehow or other be sent to—unless there is a justification for that.

Now, according to *Personnel Administrator of Massachusetts* v. *Feeney*, a 1979 decision:

> A racial classification, regardless of its purported motivation, is presumptively invalid and can be upheld only upon an extraordinary justification.

That is the law, and I think it is a correct law.

More recently, in *Adarand Constructors, Inc.* v. *Pena*, the Supreme Court held that the Constitution requires the strictest judicial scrutiny ''of all race-based action'' by Government. What does that mean? It means that this amendment is subject to strict scrutiny and can be constitutional only if it is, under *Adarand*, ''narrowly tailored to achieve a compelling governmental interest.''

This amendment does not pass strict scrutiny. The only ''compelling interest'' the Supreme Court has recognized in this context is the remediation of past discrimination. Moreover, the Court requires a particularized showing of past discrimination. I don't think anybody would disagree with that.

Here there is no such proof of discrimination, and the current law, which this amendment replicates—and, I might add, expands—is not narrowly tailored to remedy past discrimination. In fact, the Justice Department regulations under current law require States to intervene regardless of the cause of disproportionate confinement. Instead of remedying past discrimination, much of the current law is aimed at prevention programs. This amendment, and the current law it replicates, cannot pass strict scrutiny.

I wish I could support this amendment, but its constitutional flaws prevent that. And, frankly, I believe that this amendment is bad social policy, because basically this amendment just says that these young people who have been engaged in criminal activity, somehow or other, should be proportionately given a break because there are more—in this case—young African Americans than young whites who are convicted. Now, that is unconstitutional in the light of Adarand and the Feeney case, and, frankly, under any principle of race neutrality in the justice system.

The proponents of this amendment are motivated, in my opinion, by the best of intentions. I share their concern. That is one reason I want this juvenile justice bill to pass, so we can get serious about violent juvenile crime and so we can use the tools of this bill to help to prevent that in the future. And we have significant prevention moneys in this bill to help get these kids away from ever committing crime again.

Like I say, the proponents are sincere. They want to help minority children avoid detention. However, I believe the best way to prevent the detention of juveniles is to prevent juveniles—of all races—from committing crime. I am proud that S. 254 provides $547.5 million in new funds for prevention programs. I have had to fight to get that. That is on top of and in addition to the $4.4 billion that we already have on the books every year for prevention programs.

It is unhealthy for the Government to focus only on reducing the detention of minority juveniles. We should focus on preventing crime committed by juveniles of all races and recognize that detention of juvenile offenders is sometimes necessary. As this current debate illustrates, it is inherently divisive when the Government makes racial classifications.

Look, if there is discrimination against minority kids, then you can count on me. I will fight alongside of my Democrat colleagues to end that discrimination. But to just say it is disproportionate without consideration to what crimes were committed, it seems to me, is not only unconstitutional, it is wrong.

S. 254 has a better provision. It requires that prevention resources be directed to ''segments of the juvenile population'' that are disproportionately detained. Such ''segments of the population'' could include, for example, certain socioeconomic groups that are more likely to be at risk. S. 254 directs prevention resources to such groups who need these resources the most.

Finally, not only is this amendment unconstitutional, it sets a terrible precedent. The premise of this amendment—requiring States to provide racial groups special attention if members of those groups are disproportionately likely to be detained—could be used to justify racial profiles. In my opinion, racial profiling is also unconstitutional, and I believe a significant number of constitutional authorities would agree with my analysis on that.

The Government simply cannot use race as a classification or a factor in the criminal justice system, because our system of justice should be color blind. If it is not, then I will work to correct that. But I don't have any evidence that it is not at this particular point, other than the visceral feeling of some that because more young African Americans than whites are convicted and sentenced to detention, there must be something wrong with the system.

Mr. President, I strongly urge the Senate to oppose this amendment.

I also understand that in our society a lot of young African American kids, a lot of young Hispanic kids, a lot of young Native Americans—and you can just go down almost every minority; there are literally dozens of minorities in this country—a lot of them don't have the best chance in this life. They are born in poverty. They are born into situations where there is no father, or they have a father who takes off on them, or they have a father who won't accept responsibility. They start off with a couple of strikes against them. I acknowledge that. We have to do something about that. But that doesn't mean we have to start racial profiling or that we have to start racial classifications to get there, unless we can show that there is prejudice, unless we can show that there is a reason to have this amendment.

If I might add a final note. I have bent over backwards to craft language which addresses the concerns raised by my colleagues. I think my language is constitutional and it has bipartisan support. Senator BIDEN supports the underlying amendment, and with good reason, because it is constitutional.

Having said all of that, again I will reiterate that I respect my colleagues. I respect their desire to right wrongs in our society. They know that I work on that too. I respect their desire to make sure that everybody is treated equally and in a decent manner. I respect their approach to try to end discrimination in our society. I join with them in those matters. But this particular amendment, it seems to me, is unconstitutional, and I certainly hope our colleagues will vote against it when I move to table it.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I yield myself 12 minutes.

Mr. President, I want to first of all, thank my friend and colleague, Senator WELLSTONE, for offering this amendment and say that I welcome the opportunity to join with him and urge the Senate to accept this amendment, and to say that I think it is very basic and fundamental to the underlying purpose of the legislation, which is to try to deal with the challenge of juvenile violence in our country today.

Mr. President, the fact is that we should not have to be taking the time of the Senate on this amendment, because I am sure, as Senator WELLSTONE has pointed out, that this language which we are attempting to place into the juvenile justice bill is effectively the language that has been there since 1992. It was placed there as a result of extensive hearings that were held by Congress and the Senate—during that period of time—that showed the disparity of treatment between blacks and whites in the juvenile justice system. There is a range of different aspects of this particular provision.

I say at the outset that we will include in the RECORD a very comprehensive review on the constitutionality of this issue. It is interesting to hear that argument raised at this particular time, because the language has been in effect since 1992 and not challenged on a constitutional basis. It has just been mentioned during the course of this evening.

But, Mr. President, we should not look at this particular undertaking really in the abstraction of just juvenile justice. What we have to understand is that we as a country inscribed

slavery in the Constitution of the United States, and we have been trying to free ourselves from that admonition for some 200 years. We fought a civil war over it.

Over the very recent times, with the leadership of Dr. King and many others in the late 1950s and 1960s, we began to make some very important progress in knocking down the walls of discrimination. But still those elements of bigotry exist. Why else would we have the greatest number of hate crimes against blacks in our society? That happens to be a fact. We don't like it. We don't want it. We all deplore it. We are going to try to address that with hate crimes legislation. It is not going to solve all of the problems, but we are going to at least try to recognize that this is an issue.

Why is it that even after all the legislation we have passed to try to have fair and equitable employment on the basis of an individual's value and what they can do in terms of their skills in doing a job, why is it that we still find those barriers out there to knock out blacks and Hispanics and individuals whose skin is not white? That happens to be the case. We don't have to make that case tonight on the floor of the Senate.

Why, in 1988, did we have to revisit the Housing Act that we passed in 1968? Because of the continuation of racism in housing.

To listen to the Senator from Utah, you would think, maybe we do have problems there, but we don't have any problems in juvenile justice. Where are the studies? What studies have they looked at? That is just absolutely preposterous. That is absolutely preposterous. It exists in each of these areas I have mentioned. It exists in the criminal justice system. It exists between individuals who are white and black, out there tonight on the interstate highways, where you have racial profiling and where the number of people who are pulled over because their skin is black is sometimes four, five, six, seven times what it is if someone else's skin is white—and done over a long period of time. They can't demonstrate any higher percentage of incidents of violations of the law, not in terms of the growth percentage, but just in the incidental percentages. You can make that case. That is happening everywhere.

We had provisions in the juvenile justice that say to communities that we hope you will be encouraged to try to see in the areas of juvenile justice what we might be able to do—to try to see if we can't stem some of this problem among the young people in our society.

Why should we always have to wait until this problem exists? Why can't we try to see what can be done in the early days of young people to see what progress might be made?

This has not been used as a way or device to terminate funding for any of the States. You can't say that. You can't demonstrate that. If we had a fair time to talk about this and to debate it, you would find that States are making important progress in many different areas to try to deal with fundamental and underlying causes in their various communities. That is what we want to encourage—quiet, competent, effective work that is being done that can have an impact in terms of trying to make our juvenile justice system fair and equitable for all of the young people in our society.

Mr. President, this issue is of such importance, to be brought back in the time of the evening with the limitations I think really does a disservice to the importance of it. But we are where we are.

Let me mention the particular quote from the director of our Massachusetts Department of Youth Services, Mr. Miller, a very thoughtful, distinguished leader in terms of understanding the problems of juvenile justice. This is what Mr. Jerome Miller wrote about the cumulative effect of decisions made throughout the juvenile justice process:

> I learned very early on that when we got an African American youth, virtually everything, from arrest summaries to family history to rap sheets to psychiatric exams to waiver hearings as to whether he would be tried as an adult, the final sentence was skewed. The middle-class white youth sent to us was more likely to be dangerous than the African American teenager with the same label. Usually the white kid had been afforded competent legal counsel, appropriate psychiatric and psychological testing, been tried in a variety of privately funded options, and all in all had been dealt with more sensitively and individually at every level of the juvenile justice process. For him to be labeled dangerous, he usually had to have done something very serious, indeed. By contrast, the African American teenager was dealt with by stereotype from the moment the handcuffs were first put on, to be easily and quickly moved along to the most dangerous end of the violent/nonviolent spectrum, albeit accompanied by an official record meant to validate the series of decisions.

It goes on and on.

That is the state of the juvenile justice system in too many constituencies across this country. All this language does is remind us when we are talking about using the word ''justice,'' we are talking about equal justice, equal justice for blacks and browns in our system, equal justice for young people, equal justice for all.

Fundamentally, when we understand the problems we have in our society, to represent here on the floor of the Senate that somehow the juvenile justice system is an exception to all the kinds of challenges that we have in this Nation, fails, I think, the basic reason and rationality about what is going on in this country. It is not the accepted.

That is the effect of this, to try and not prescribe quotas, not get into the numbers game. That has never been part of the accusation on this provision, but just to hope that communities and States will, hopefully, develop a process and system that will be somehow more sensitive to the challenges we are facing as a country, as a community and in our States in juvenile justice.

This amendment cannot solve the problem and it won't even probably solve the majority of the problem, but perhaps because of it, there will be communities and there will be States that will have a truer system of justice for all the young people of this country. That is really what we ought to be undertaking and what we should be about.

The statistics on the treatment of minorities in the criminal justice system require an immediate response—especially the treatment of juveniles. I strongly support this amendment and I commend Senator WELLSTONE for his leadership. It deals with one of the most serious problems in current law—the disproportionate confinement of minority youths in state juvenile justice systems. In fact, the underlying bill will only make the problem worse, because it eliminates all references to ''minority'' or ''race'' and instead refers only to ''segments of the juvenile population.''

In 1988, after extensive testimony concerning the significant over representation of minority youth in state juvenile justice systems, Congress amended the Juvenile Justice and Delinquency Prevention Act to require states to address this issue. In the 1992 amendments to the Act, disproportionate confinement became a core requirement, by linking future funding to a State's compliance with addressing this basic issue.

Under current law, states are required to do three things: (1) identify the extent to which disproportionate minority confinement exists in their states; (2) assess the reason that it exists; and (3) develop intervention strategies to address the causes. The law does not require and has never resulted in the release of juveniles. It does not require numerical quotas for arrest or release of any youth from custody based on race. In fact, no state's funding has ever been reduced as a result of non-compliance with this provision.

This issue has festered in the juvenile justice system for years. To pretend otherwise is to ignore the facts. Over the past 10 years, documented evidence shows that disproportionately occurs at all stages of the system:

African-American youth age 10–17 constitute only 15% of the U.S. population. But they account for 26% of juvenile arrests, 32% of the delinquency referrals to juvenile court, 41% of juveniles detained in delinquency cases, 46% of juveniles in secure corrections facilities, and 52% of juveniles transferred to adult criminal court after judicial hearings.

As these statistics indicate, the over representation of minority youth increases as juveniles become more and more involved in the criminal justice system. The result is that African-American youths are twice as likely to

be arrested and seven times as likely to be placed in a detention facility as white youths.

Black males are 6 times more likely to be admitted to state juvenile facilities for crimes against persons than white youths—4 times more likely for property crimes—and 30 times more likely for drug offenses.

Black youths are also much more likely to end up in prison with adult offenders. In 1995, nearly 10,000 juvenile cases were transferred to adult criminal court, and black youths were 50% more likely to be transferred than white youths.

A study of the juvenile justice system in California found that minority youth consistently receive more severe punishment than white youth, and are more likely to be incarcerated in state institutions than white youth for the same offenses.

A 1998 University of Washington study confirms the justice within the juvenile system Narrative reports prepared by probation officers prior to sentencing portrayed black juveniles differently from white juveniles.

Black youth offenders were perceived as having character defects—condoning criminal behavior.

White youth offenders were perceived as victims of bad circumstances.

For example, two 17-year-old boys, one black and one white, are charged with first degree robbery. Neither had a criminal history; both used firearms and were accompanied by two friends. Listen to the probation officers' evaluation of the two boys—keeping in mind that 99% of the time, judges follow the recommendation of probation officers:

For the African-American youth, the probation officer wrote:

> This appears to be a pre-meditated and willful act by Ed. . . . . There is an adult quality to this referral. In talking with Ed, what was evident was the relaxed and open way he discusses his lifestyle. There didn't seem to be any desire to change. There was no expression of remorse from the young man. There was no moral content to his comment.

For the white youth, the probation officer wrote:

> Lou is the victim of a broken home. He is trying to be his own man, but . . . is seemingly easily misled and follows other delinquents against his better judgment. Lou is a tall emaciated little boy who is terrified by his present predicament. It appears that he is in need of drug/alcohol evaluation and treatment.

In 1993, Allen Iverson—who is the NBA's leading scorer and so far has led his team to the second round of the playoffs—was a senior in high school in Virginia. At the time, he was the top rated high school point guard and quarterback in the nation. One night, he and a group of other friends, all of whom were black, went to a local bowling alley and a racially-motivated fight broke out after a white kid directed a racial epithet toward Iverson. Although punches and chairs were thrown by both blacks and whites during the fight, no white kids were arrested or charged with a crime. Iverson, however, was convicted of ''maiming by mob'' and was sentenced to 15 years in prison with 10 years suspended. He was denied bail pending the appeal, even though felons convicted of more heinous crimes were routinely granted bail.

It was not until then-Governor Wilder granted Iverson partial clemency, that he was released from jail. He then went on to play basketball for John Thompson at Georgetown. He then left for the NBA where he became the first-round draft pick of the Philadelphia 76'ers. The only reason why Allen Iverson's case has a happy ending is because he is a star athlete. Otherwise, he would still be in jail like the thousands of other young black men who find themselves behind bars in much larger numbers than their white peers.

It is wrong to deny minority youth the right to fair treatment by the criminal justice system. Yet this legislation says to the African-American community, the Hispanic community and other minorities that Congress will continue to look the other way while minority youths are confined at disproportionately high rates by the current system.

What this bill says to minorities is that although we recognize that your children are more likely to be arrested than their white counterparts, we don't care, that although your children are being referred to juvenile court and adult court, at significantly higher rates than white youths, we're turning our backs on you.

It is essential for this legislation to retain fair requirements to deal effectively with this crisis. Current law does not require the release of juveniles. It does not require incarceration quotas. It does not require any other specific change of policy or practice. It does not take prevention money away from white youths and give it to minorities.

Disproportionate minority confinement is a serious problem requiring an ongoing and continuous effort to achieve a juvenile justice system which treats every youth fairly, regardless of race or background.

Examples of what the states are doing to address this challenge are numerous. In Pennsylvania, the State Commission on Crime and Delinquency provided funds to initiate prevention and intervention programs, including:

A drop-out prevention program; a program to help young minority females learn work and life skills; a program to decrease the delinquency rate and increase the level of school retention and success among targeted youth through life skills workshops, tutoring and homework assistance, physical fitness and sports, community service projects, and monthly parent group meetings.

By contrast, the underlying legislation encourages states to prosecute even more juveniles as adults. It allows records of juvenile arrests—not necessarily convictions—to be made available to schools, colleges and vocational schools. It requires school districts to mandate policies to mandate expulsion from school for regular possession of drugs, alcohol, or even tobacco.

The consequences of disproportionate minority confinement are harsh and unacceptable:

The Sentencing Project reported that ⅓ of all African-American males age 20–29 in the United States are under the jurisdiction of the criminal justice system—either in jail, in prison, on probation, or on parole.

The juvenile justice system often acts as a feeder system for minority youth into the adult criminal justice system.

In most states, the result of an adult felony conviction is the loss of voting rights. 1 in 7 of the 10 million black males of voting age are now either currently or permanently disenfranchised from voting-diluting the political power of the African-American community.

A significant impact of arrest or incarceration is often the reduction of future wage earning and employability. One study showed a 25% reduction in the number of hours worked over the next 8 years.

The truly tragic consequences of disproportionate minority confinement are removal of large numbers of potential wage earners, a disruption of family relationships and a growing sense of isolation and alienation from the larger society. These statistics only give us a small glimpse of the harsh consequences. They don't begin to tell the story of young black youth being targeted, harassed, intimidated, and treated differently because of their race.

The United Methodist Church has said that ignoring discrimination in juvenile sentencing * * * is 'careless, callous, and discriminatory enforcement of law.' ''

Ed Blackmon, Jr., Mississippi State House of Representatives, has said the ''So many of these young people have great potential for overcoming their troubles, and becoming successful young men and women in their communities. However, with the absence of good legal representation, and families that are not 'well-connected', they find themselves locked up, with very little hope.''

Kweisi Mfume, President and CEO of the NAACP, has said, ''The fact that S. 254 eases the requirement that states address the disproprotionatly high numbers of children of color in juvenile detention facilities is, in itself, a crime.''

Marian Wright Edelman, Founder of the Children's defense fun, has said ''With troubling reports of police brutality and racial profiling, Congress must continue to work with the states to ensure that the juvenile justice system affords our youth equitable and fair treatment, and not repeal the previous decade's worth of progress.''

This past weekend, in her address to the National Conference on Public Trust and Confidence in the Justice System, Supreme Court Justice Sandra Day O'Connor emphasized the need for racial equality and better legal representation, and called for improvements in family and juvenile courts. She also cited a 1999 survey entitled ''How the Public Views the State Courts''. According to that survey, 70% of African-American respondents said that African-Americans as a group, receive ''Somewhat Worse'' or ''Far Worse'' treatment from the courts than whites. A substantial number of whites agreed with this assessment.

As Justice O'Connor so aptly stated, ''Concrete action must be taken'' to erase racial bias.

At the very least, we cannot offered to retreat from the requirements of current law that the states must recognize and address this festering problem. To do less is unacceptable. I urge the Senate to accept our amendment and do the right thing on this critical issue of racial justice.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I yield 10 minutes to the Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico is recognized for 10 minutes.

Mr. DOMENICI. Mr. President, I will speak on our time in opposition to another subject for 10 minutes.

I rise today to address the issue of media and teen violence. I am sure I cannot do better than Senators who have spent so much time this month on this issue. I congratulate Senators MCCAIN, HATCH, BROWNBACK, BOND, and LIEBERMAN for their efforts.

However, because last year I had a personal, although long-distance encounter, with one of the more notorious characters in the media world, I thought I might share that event. First, I will start with a few observations of a more general nature.

First, just four short observations:

One, clearly a large body of research proves that the media target violence to teenagers. The movie and television rating system is too often unenforced. I urge my colleagues to read Sissela Bok's book, ''Mayhem,'' for a systematic look at the selling of carnage and rage to our youth by the media pushers.

Second, this issue is not new. Indeed, back in 1993 Senate bill 943, the Children's Television Violence Protection Act, was introduced in this body. Before that, we had a wide-ranging debate about television and movie violence in the 1980s.

So far, the entertainment industry, using the best public relations that money can buy, and by hiding their refusal to accept any restriction on their poison behind the first amendment of the Constitution, have been able to increase the violence and mayhem of their products without any accountability.

In 1954, the Senate Judiciary Subcommittee, chaired by then Senator Estes Kefauver, asked whether violence in media was destructive. The media kings said more research was needed. In 1969, the National Commission on Violence concluded that years of exposure to violence will cause the vulnerable among us to engage in violence much more readily and more rapidly.

I should add that CBS executives censored the script of CBS reporter, Daniel Schorr, when he tried to report this finding on television news.

In 1972, a massive report by Surgeon General Jesse Steinfeld concluded that a definite and causal relationship existed between violence viewing and acts of aggression. Then, in 1981, data further supporting Surgeon General Steinfeld's report was issued. This report was published by the American Psychological Association, a group of Boston pediatricians. They summarized 30 years of research on the subject: Watching violence causes aggressive behavior. That is their conclusion. To use the technical finding, there is a causal link between exposure of children to violent images and subsequent violent behavior.

As Senator BROWNBACK pointed out earlier, there is more and more evidence every single year that violence on television, in music, in movies, damages our children and leads some of them to act out of some of their violence in their daily lives.

Look at the trend lines. As violence has proliferated in the movies and on TV, juvenile violence has come right along with it and proliferated just as the violence in movies and on television.

Recently, at an event at which he raised $2 million from Hollywood, even President Clinton said, ''As studies show, hundreds (of vulnerable children) are more liable to commit violence themselves as a result of watching violence on television or in the movies.''

Both the American Medical Association and the American Association of Pediatrics have warned against exposing our children to violent entertainment. These doctors have to help rebuild the lives of children emotionally, sometimes physically maimed by elements of the entertainment industry.

Number 4, finally it is clear to me that the relevant committees of the U.S. Congress must continue to focus on this subject because the Congress sometimes has a short attention span, and the mind polluters know this. We have not had a comprehensive, intensive series of investigations.

But Congress should do this: We have subpoena power, which the relevant committees have, and should be used to compel those who hide to come forth and reveal the memos, the research, and the marketing tools they use to sell death and dismemberment to our children.

Mr. President, I hope that Senators will investigate the selling of movies that have the PG–13 ratings to those that are 7, 8 and 9 years of age as happened with Jurrasic Park. As Senator LIEBERMAN said recently, ''The evidence strongly suggests that Joe Camel has sadly not gone away, but has been adopted by the entertainment industry instead.''

In addition, we hope that committees will work on innovative legislation along the lines suggested by Senator BOND that will simply do one thing, the one thing the industry cares about: Making it less profitable to make and sell death and hate. Only by doing that will we force change. We have tried moral suasion and it is not working, although it is by far the best solution.

Let me conclude, Mr. President, with a personal interaction with one of the more outspoken opponents of change, Mr. Edgar Bronfman, chief executive officer of Seagrams Limited, which owns, among other things, Universal Studios and Universal Music Group, the world's largest record label.

On October 5, 1998, I wrote a letter to him. In that letter, I endorsed the plea of the National Alliance for the Mentally Ill, that Universal Studios, owned by Mr. Bronfman, add a statement to the studio's remake of the film ''Psycho.''

As most of my colleagues know, the subject of mental illness and efforts to help those afflicted, the work to remove the stigma of mental illness has been one of the issues I have worked on for much of my career.

So when I made my appeal I suggested that the industry merely note that in the years since 1960, when Alfred Hitchcock first made his movie, we have seen major advances in the treatment of major mental illnesses. We asked the statement also note that millions of Americans affected by those brain disorders are leading fulfilled lives because of medical research. We wanted to end the stigma attached to people who are mentally ill, and thus ask for a special favor.

I ask unanimous consent my letter of October 5 to Edgar Bronfman be printed in the RECORD, as well as the National Alliance for the Mentally Ill bulletin about the movie.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OCTOBER 5, 1998.

Mr. EDGAR BRONFMAN,
President and CEO, The Seagram Company Ltd., New York, NY.

DEAR MR. BRONFMAN: As you may know, I have a strong interest in improving the awareness and treatment of mental illness. Improving perceptions and policies toward the mentally ill has become an important goal for both my wife, Nancy, and me.

I am aware that your company, as the owner of Universal Studios, is sponsoring the remake of the film, ''Psycho''. The National Alliance for the Mentally Ill (NAMI), has suggested that a message, such as the one below, should be displayed at the beginning of the film. This message would be an important preface to a film that depicts mentally ill characters in extremely negative terms. I support this initiative to recognize the availability of treatment and improve awareness.

Times have changed since 1960 and I believe it is important to recognize that the mentally ill have a right to medical attention without undue stigma from society.

The statement might read:

''Since 1960 when the original film Psycho was made, knowledge of the major mental illnesses has grown enormously. People who suffer from these brain disorders can be medically treated and are no more violent than the general population when they are under treatment.

''Please view this remake of Psycho keeping in mind that millions of people are affected by these brain disorders. They can now lead fulfilled lives and contribute to society because of medical research and treatment that has occurred over that past three decades.

''It is vitally important that we erase the stigma that surrounds mental illness.''

I appreciate your consideration of this matter and appreciate a positive response.

Sincerely,

PETE V. DOMENICI,
U.S. Senator.

STAND AGAINST UNIVERSAL STUDIO'S REMAKE OF THE FILM ''PSYCHO''

Universal Studios is starting this week to remake the 1960 film ''Psycho,'' called a classic because of its master film maker Alfred Hitchcock.

However, NAMI members and friends know—and need to share with the film makers of 1998—that the myths and misconceptions of this film, and the title itself, simply refuel the damaging and pervasive stigma that already envelopes the lives of people with mental illness.

NAMI is out to Bust Stigma wherever it exists. Each of us must help by letting the owner of Universal Studios know that stereotyping persons with mental illness in ''Psycho'' is as unacceptable and offensive as stereotyping race, religion, ethnicity or any other physical illness.

Research shows that persons with mental illness do not commit violent acts when they are under treatment and taking their prescribed medications.

Send your letters to: Mr. Edgar Bronfman, Jr., President & CEO, The Seagram Company Ltd., 375 Park Avenue, New York, NY 10152.

Flood Mr. Bronfman's office with your letters! Write yours today and get your friends at home to do the same!!!

BOARD STATEMENT: REMAKING OF THE FILM ''PSYCHO'', JULY 1998

Whereas, NAMI, the Nation's Voice on Mental Illness, works to provide education, advocacy, and support for all those affected by serious brain disorders, such as schizophrenia, bipolar disorder (manic depression), major depression, obsessive compulsive disorder, or panic disorder;

And whereas, the 1990's, known as the ''Decade of the Brain,'' has shown through advances in scientific research and varied treatment options that mental illnesses are no-fault brain disorders that can be effectively diagnosed and treated;

And whereas, it has been documented that individuals with brain disorders who are in treatment and responsibly managing their illness are no more prone to violence than those in the general population;

And whereas, NAMI, ever working to combat the pervasive stigma surrounding mental illness, finds images in the mass media that negatively influence the public's perception of serious mental illness, such as those portrayed in the 1960 Alfred Hitchcock film ''Psycho'', to be unfounded, hurtful, and demeaning to NAMI's 185,000 members; be it

Resolved, That, although NAMI recognizes Alfred Hitchcock as one of the film industry's most respected, innovative, and influential craftsmen, preeminent for his work in the ''thriller'' genre and for often focusing on the psychological motivations and underpinnings of his characters;

NAMI believes that Alfred Hitchcock's acknowledged classic ''Psycho'' was based on outdated, stigmatizing notions of family culpability and inherent violent tendencies in those with mental illness;

And therefore NAMI registers its strongest objection to a remake of the film ''Psycho'' as planned by Universal Studios wherein individuals with serious mental illnesses are portrayed inaccurately and alluded to disparagingly.

Mr. DOMENICI. About 3 weeks after I sent my letter, on October 29 I received a response, not from Mr. Bronfman, but from one of his lawyers. I ask unanimous consent this letter of October 29, 1998, be printed in the RECORD at this time.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

UNIVERSAL,
Universal City, CA, October 29, 1998.

Hon. PETE DOMENICI,
U.S. Senate, Washington, DC.

DEAR SENATOR DOMENICI: Edgar Bronfman, Jr. forwarded to me your October 5, 1998 letter regarding the film ''Psycho.'' He asked that we carefully consider the issues that you raised.

As you know, ''Psycho'' is a remake of Alfred Hitchcock's 1960 film—a work that is widely regarded as a ''classic.'' the cultural, historic and aesthetic significance of the film was recognized by the Librarian of Congress when he selected it for inclusion in the National Film Registry.

The film that Universal Pictures will be releasing later this year is as true to the original as any ''remake'' in the history of our industry. While it is updated for today's audience in that it is filmed in color and uses modern special effects, it follows the original dialogue and images almost scene-by-scene.

Universal's Motion Picture Group has given the issues that you raised a good deal of thought. We believe it is significant that the film does not trivialize the issues that you raised or in any way ridicule or belittle those who suffer from mental illnesses. Importantly, the marketing campaign for the film tracks the storyline and does not attempt to undermine the important progress that society has made toward better understanding mental illness.

The art of storytelling, by its very nature, can involve subject matter that some may find disturbing or uncomfortable. We believe that preambles such as the one you suggest cannot, as a practical matter, be used to address the concerns that may present themselves to some members of the audience.

My colleagues and I at the studio would be glad to meet with representatives from the mental health community. We believe that such a meeting would help us better understand the issues that you raise and heighten our awareness of the progress that has occurred in the field. Because we might find ourselves working on films that address mental health issues in the future, we would welcome the opportunity to enhance our sensitivity to and understanding of the subject matter. We have found similar meetings with other outside groups to be worthwhile and productive in the past.

Respectfully yours,

KAREN RANDALL,
Senior Vice President & General Counsel.

Mr. DOMENICI. To put it in polite terms, the lawyer suggested that maybe those of us concerned about mental illness could meet with Universal Studio lawyers to talk things through, sort of a therapy session for those too sensitive to the world. But the lawyer was clear, Universal Studios was not going to add any language that the Alliance for the Mentally Ill had asked of them and suggested. After all, the movie is a classic, they said, and critics have said so. In short, the message was, you are being a little sensitive, but do not disturb the creative genius that is at work here.

Then I read in recent weeks more accounts of the distinguished Edgar Bronfman. It seems he was one of the entertainment kings who refused to attend the White House Conference on Teen Violence and the Media. He also refused to participate in hearings into teen violence and marketing of violence to teens that Senator BROWNBACK held on May 4 of this year. But this time the gentleman found time to pontificate about those who tried to show leadership and the relationship between the music and television shows and movies he produces and the violence affecting our teenagers. He said:

> It is unfortunate that the American people get finger pointing and chest pounding from government officials.

And having delivered himself of such nonsense, Mr. Bronfman departed to Florida to dedicate a theme park.

I decided to learn more about him. It turns out he inherited a business from his family—nothing wrong with that. He decided to branch into the media. He now heads Universal Studios, which recently gave us the classic, ''The Mummy.'' He should be proud. It turns out that one of his musicians is Marilyn Manson, winner of the MTV award for the new best artist of the year. Manson is the author of such classics as ''Irresponsible Hate Anthem,'' which contains the line, ''Let's just kill everyone and let your God sort them out.'' And then using the ''f'' word.

This was just one song on the Bronfman-produced album, ''Anti-Christ Superstar.'' I think he should be proud of what he produces.

I say that obviously not meaning it.

Even when thoughtful members of the entertainment industry, like Rob Reiner and Joel Schumacher call for real, honest review of the guts, gore, and godlessness Hollywood turns out, the distinguished Bronfman disagrees. He says that attacking Hollywood for its culture of degradation is opportunism. He seems to have a very similar view to that expressed by another Hollywood executive who said the first amendment ''keeps the Government out of our industry and lets us be what we want.''

This is more than facile cynicism. It is more than merely mercenary spirit. This is the cry of those who have thrown aside all notions of good and evil and who merely want the rest of us to let them be. They want to sell whatever they can to whoever they can entice and want the rest of us to let them

be. After all, who are we? Parents? Grandparents? Public officials? American citizens? Who are we to criticize them?

These people should look at their deeds and be proud—really proud.

Let me conclude by asking simply this question: What in the world would our Founding Fathers make of an interpretation of this great document called the Constitution that claims that the glorification of rape, dismemberment, violent death is unequivocally and absolutely protected by freedom of speech?

The result is we are seeing kids imitating art, taking their guns to school, joining gangs, and committing acts of violence. I suspect the Founding Fathers would simply have said: Is this the pathetic pass you people have come to? Shame on you. And we would not have made them proud.

The PRESIDING OFFICER. Who yields time on the amendment? The Senator from Alabama.

Mr. SESSIONS. Mr. President, on behalf of Senator HATCH and the managers of this bill, I would like to make a few remarks at this time on the time of Senator HATCH.

Senator DOMENICI, I thank you very much for your willingness to become engaged in this issue, to confront some of these problems. I, like you, do not believe the airways and all this country are necessarily free for every use piped into our homes, for our children, when people are not ready to deal with it.

I wonder if you remember the time when the Pope came to Hollywood, 10 or 12 years ago, and met with movie moguls—at least a decade ago I suppose. I have a vivid recollection of members coming out of that meeting. He had all the Hollywood titans and moguls there. He talked to them about the need for them to improve the entertainment they were putting out. He urged them to do better.

The Hollywood titans came out and they were interviewed on the television. They said: He made some very good points. We have to consider that. We have to do better.

I remember Charlton Heston came out at the very end and they said: Mr. Heston, do you think anything is going to change?

He looked right in the camera and said: They wouldn't change if the Lord himself spoke to them. They are after ratings and the almighty dollar.

If we do not have power under the first amendment to constrain some of this, I think it is quite appropriate that they be taken to task and they be urged, in the name of decency and humanity, to clean up their act. If you have to make money, do you have to make it at this low a level?

I wonder if the Senator has a comment on that.

Mr. DOMENICI. I do. I talked to the Senate a little bit lately about character education. I am putting a statement in the record regarding Character Counts, an education program which utilizes six pillars of character. One of them is responsibility and another is trustworthiness. We are all excited about this program and hoping our children will learn responsibility and trustworthiness—meaning don't tell lies, be responsible for the agreements you make, to the covenants you have, to the institutions you support.

Isn't it interesting, everybody says we ought to be promoting this because our children need it. Actually, I do not know how to stop what I have described about Hollywood tonight. I do not know how we can do it in law. But sometime or another, somebody has to be responsible. Somebody has to step up to the bar in the movie industry and say we ought to challenge those who work in the industry, who produce these products that are going out to our children and to our people, and see if we can't turn it in another direction. Do we have to pick the easiest prey, our children, and produce the easiest film that will make money? You know they all make money if you load them with this kind of violence and degradation. Can't the movie industry work on something better? I think that is the challenge.

I do not have an answer, but maybe a group will be formed and among them they will grow up. Maybe some board of directors of some corporation with a mother or a grandmother on the board may for once ask: What are we putting on television? Can we look at the programs that we are spending our corporate dollars on and see?

Wouldn't that be something, if every chief executive, instead of listening only to his advertising man, had a board that wanted to see what they were buying. Not only by way of advertisements, but also programs they bought? That might be a nice idea, if people started doing that, you might hear some mothers and some grandmothers and some parents speaking out.

Mr. SESSIONS. I think the Senator is correct. We do have authority as Senators to speak out.

The President spoke out in a radio address just a few days ago, according to the Washington Post. He broadcast a radio address bluntly challenging the purveyors of violent movies and video games to accept a share of the responsibilities for the tragedies, such as the Columbine High School massacre, based on the evidence that some people become desensitized and are more prone to emulate what they see on the screen.

However, reading this very same article, when he went out, within hours of that radio address, and met personally with the titans of Hollywood, he delivered that message ''with all the force of a down pillow.''

The Washington Times said he assured the filmmakers that they were not bad people, as they showered him with $2 million. He assured them they had no personal responsibility for the Columbine High School massacre in Littleton, CO. Instead of blaming Hollywood for making violent films, he said the real blame lies with theaters and video stores that show them and sell them to minors.

The President told the audience of stars and studio moguls that they should not blame the gun manufacturers either, but he blamed the Republican Members of Congress who will not enact his gun control laws. The President gingerly suggested at the Saturday night fundraiser in Beverly Hills that sustained exposure to ''indiscriminate environments can push children into destructive behavior,'' but he added quickly, the producers, directors, and actors who ponied up $2,500 per couple are not at fault. ''That doesn't make anybody who makes any movie or any video game or television program a bad person or personally responsible with one show with a disastrous outcome. There is no call for finger pointing here.'' He later went on to note we were going to work it out as family.

We need to send a clearer message than that. Perhaps his radio message was a better message. It is unfortunate that when he met with them face to face, he toned it down an awful lot, apparently. I suggest, if the Senator will comment, which one does he think those media moguls are going to believe was his real view, the one he said on the radio or the one he said to them personally?

Mr. DOMENICI. Let me first respond by saying what I forgot to say when the Senator from Alabama first stood up. I should have congratulated him for the excellent job he has done on this bill. He has been on the floor when I have handled lengthy budget bills and a lot of amendments. He was there to encourage me. I think we worked nicely together. He learned some things during the budget resolution.

What a marvelous job the Senator has done under very tough circumstances. I commend him for that.

Frankly, it seems to me we need every bit of leadership we can get to assess this issue and be realistic about it. From the President on down, leaders have to tell the truth. Those people who are involved in the business of producing movies and films which our young people view, which we know are more apt to cause them to use guns, are more apt to cause them to do violent things, they need to acknowledge the truth.

For those in the entertainment industry to say there is no proof that movies cause violence, what kind of proof do you need? There are multiple studies that say there is a relationship.

Does the Senator remember when he was growing up that people would say, ''Well, if you read a good book, it is going to be good for you''? Doesn't it follow that if you read something that is not good, you are apt to learn that also? Whoever defines good or bad, that is up to them. But it is just obvious

that one cannot see all of this violence and not be adversely affected by it.

Just starting with that and saying let's all acknowledge that, what do we do about it? There may be a lot of different things. Certainly I do not have the prescription, and I did not say I did. But I think we ought to begin by saying that we should not get this into the minds and hearts and senses of our young people. We ought to find a way to avoid it. We ought to find a way to give them better things to view, better things to hear.

It seems to me the country would be so relieved if some of those leaders in that industry were to step forth and say: We just formed a group that is going to try to do that. We don't know how successful it will be.

They might be shocked. It might be very successful.

I yield the floor.

Mr. SESSIONS. Mr. President, I will briefly make some comments concerning the Wellstone-Kennedy amendment and share some thoughts on this situation with which we are wrestling.

Right across the street on the marble of the U.S. Supreme Court are the words ''Equal Justice Under Law.'' That is a cornerstone of American thought. It is a cornerstone of our belief of who we are as a people. It is critical that we maintain that in our juvenile and adult court systems, and that in all aspects of our American court system we recognize that people who come before the court must be treated equally, regardless of their station, regardless of their race, regardless of their sex, and regardless of their religion. That is so basic to who we are as a people.

We have not always been perfect in that. In fact, we have made a number of errors over the years. Less than an hour ago, I met in my office with Dr. Glenda Curry, who is the president of Troy State University in Montgomery. She is completing work on the Rosa Parks Museum. Rosa Parks was a victim of an unfair system, and when asked to move to the back of the bus in Montgomery, AL, in the 1950s, she said no. She refused to move, and she challenged an unjust law and was able to overturn that.

To say we have never had problems or we do not have problems in the fairness of law is not accurate. This Nation has made tremendous progress. We are moving well to eliminating those kinds of things. They are just not showing that.

I will tell our concerns which are so troubling. Under the previous legislation, that Senators WELLSTONE and KENNEDY proposed to use again in this bill, the law required, before a State can receive money, they have to submit a plan and their plan shall ''address efforts to reduce''—reduce—''the proportion of juveniles detained or confined in secure detention facilities, secure correctional facilities, jails, and lockups who are members of minority groups if such proportion exceeds the proportion such groups represent in the general population.'' It says the numbers have to be reduced based on race.

We need to strive to make sure that nobody is incarcerated who is not guilty of a crime, but we ought not be passing a law requiring the reduction of the proportion of juveniles confined if it simply does not meet a perfect numerical percentage.

I believe, as a result of my study of the Supreme Court decision in Adarand as well as other cases, that this is unconstitutional, and it is certainly bad policy.

Under the leadership of Senator HATCH, who is a scholar on these issues and who has held hearings on what to do about quotas and affirmative action, the Judiciary Committee developed and passed this legislation with this language, and we changed it slightly. This plan, which the States have to submit to be eligible for funding shall, ''to the extent that segments of the juvenile population are shown to be detained or confined in secure detention facilities, secure correctional facilities, jails and lockups, to a greater extent than the proportion of these groups in the general juvenile population, address prevention efforts designed to reduce such disproportionate confinement, without requiring the release or the failure to detain any such individual.''

In other words, this focuses on the problem more directly. It says that when you have $1 billion of prevention money in this juvenile justice bill, that prevention money needs to be directed to try to prevent crime. But it also suggests that that prevention effort ought to be directed to those kids if they are in a minority population that exceeds the number in the general population in the juvenile court system.

So I think this is a reasonable and constitutional provision. I think it is a right step. I simply and reluctantly must say I have to oppose this amendment. I just do not believe it can be justified under what I understand to be a legitimate constitutional law.

I yield the floor.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. I am prepared to yield back the remainder of our time if the other side is. But let me just put an article in the RECORD. It is by the Center for Equal Opportunity entitled ''Unconstitutionality of 42 U.S.C Sec. 5633(a)(23).'' It is written by Roger Clegg. I think it makes an awful lot of sense. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Center for Equal Opportunity, May 5, 1999]

UNCONSTITUTIONALITY OF 42 U.S.C. SEC. 5633(a)(23)

(Roger Clegg*)

42 U.S.C. sec 5633(a)(23) requires states that wish to participate in the Formula Grants Program of the Juvenile Justice Delinquency and Prevention Act to submit a plan that shall, inter alia, ''address efforts to reduce the proportion of juveniles detained or confined * * * who are members of minority groups if such proportion exceeds the proportion such groups represent in the general population.''

In our view, this provision is not only misguided as a matter of policy but also unconstitutional.

The Supreme Court has made clear that any use of a racial classification by any government is presumed to be unconstitutional. It declared in *Personnel Administrator of Massachusetts v. Fenney*, 442 U.S. 256, 272 (1979): ''A racial classification, regardless of its purported motivation, is presumptively invalid and can be upheld only upon an extraordinary justification.'' More recently, the Court held that the Constitution ''requires strict scrutiny of all race-based action.'' *Adarand Constructors, Inc. v. Pena*, 515 U.S. 200, 222 (1995); see also *City of Richmond v. J.A. Croson Co.*, 488 U.S. 469 (1989).

It cannot be seriously argued that subsection (23) does not use racial classifications and does not encourage funding recipients to do so. Juveniles must be classified according to race in order for subsection (23 to be followed, and different government actions are contemplated depending on those classifications. Further, one set of consequences obtains if minority groups are ''overrpresented'' and another set of consequences if nonminorities are ''overrepresented.''[1]

In determining whether a racial classification exists, it is always useful to put the shoe on the other foot. Suppose a state announced that it would intervene to bring down the number of white people who were detained or confined whenever that number was greater than ten percent of the minority detention and confinement rate. There would be no serious argument that the state was not using a racial classification.

Accordingly, the only remaining legal issue is whether subsection (23)'s racial classification passed ''strict scrutiny.'' This requires that it be justified by a ''compelling'' interest and that it be ''narrowly tailored'' to that interest.

Strick scrutiny cannot be passed. The only compelling interest the Supreme Court has recognized in recent years is the remediation of past discrimination, and it is difficult to conceive of any other compelling interest here.[2] But remedial justification is clearly implausible for subsection (23).

In the first place, the subjects of the racial classification here are juveniles, which

[1] The racial classification would remain, however, even if recipients were required to reduce the ''overrepresentation'' of nonminority groups, too.

[2] The remedial justification is apparently the basis for subsection (23). See U.S. Dep't of Justice Office of Juvenile Justice & Delinquency Prevention, *Juvenile Justice Bulletin* (Sept. 1998), at 1. See also 28 C.F.R. sec. 31.303(j) (1998).

Justice Powell thought that ''diversity'' in higher education presented a compelling interest, but no other justice joined his opinion in *Regents of the University of California v. Bakke*, 438 U.S. 265 (1978), and in any event Justice Powell's explanation of the importance of diversity was peculiar to the university context and has no application to prisons. An argument that, to ensure public confidence in our criminal justice system, the inmate population must ''look like America,'' is similar to the argument that Justice Powell rejected immediately in *Bakke*, 438 U.S. at 307 (subpart IV–A). Furthermore, the inmate population has never reflected society generally insofar as it is younger, more male, and poorer.

While preventing crime may be a compelling interest, preventing crime by members of particular races is not, and so the use of racial classifications serves no compelling anticrime interest—or, alternatively, the use of race is not narrowly tailored to that interest.

means that they were born in 1982 or later. Thus, they were not alive during the days of slavery or Jim Crow, let alone sufferers during them. Moreover, there is no evidence that all prospective funding recipients have a current or even recent history of racial discrimination, and there is no requirement under subsection (23) that only recipients with such a history are required to use racial classifications. The Supreme Court has made clear that a particularized showing of past discrimination in the specific context being remedied is necessary. See *Croson*, 488 U.S. at 498–506 (subpart III–B); see also *Bakke*, 438 U.S. at 307–10 (subpart IV–B) (opinion of Powell, J.). We note that one study of recent data from the Bureau of Justice Statistics found that, for cases filed in state courts in the seventy-five largest counties in May 1992, blacks were actually more likely than whites to be acquitted in jury trials for most felony crimes. Robert Lerner, ''Acquittal Rates by Race for State Felonies,'' in *Race and the Criminal Justice System* (Center for Equal Opportunity 1996).[3]

It is also noteworthy that the federal government is not administering subsection (23) in a way that requires that the racial classification being used be aimed at ending discrimination in the criminal justice system. To the contrary—if the September 1998 *Juvenile Justice Bulletin* (''Disproportionate Minority Confinement: 1997 Update''), published by the U.S. Justice Department's Office of Juvenile Justice and Delinquency Prevention, which administers subsection (23), is any indication—most subsection (23) programs are not aimed at the criminal justice system at all, but are instead aimed at preventing antisocial behavior in juveniles from ever occurring in the first place. See also 28 C.F.R. sec. 31.303(j)(3) (1998) (Justice Department regulations require intervention irrespective of cause of disproportion).

This preemptive approach makes a great deal of sense—and it underscores why the race-based approach of subsection (23) itself does not. The criminal justice system is not to blame for the disproportionate number of offenders from some minority groups, and the problem of juvenile crime is not limited to any one racial or ethnic group, even if some groups may be disproportionately represented among juvenile offenders. Urging that funding recipients view the problem of juvenile crime through a racial lens is exactly the wrong thing to do. Programs for at-risk youth should not be limited to minorities, as if only blacks and Hispanics commit crimes and as if it is not equally tragic when a white youth becomes a criminal.

Indeed, it sets a very dangerous precedent to argue that the government may target racial and ethnic groups for special attention if members of those groups are disproportionately likely to run afoul of the law. Such precedent could be used to justify, for instance, the use of racial profiling by the police. We are, therefore, surprised that the NACCP is urging its members to support subsection (23). See NACCP, *Urgent Action Alert* ''Re: Juvenile Crime Bills'' (Mar. 31, 1999).

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[3] A recipient may also be tempted to avoid subsection (23), or show that it is making progress under it, by treating minority and nonminority offenders differently—either releasing more minority offenders than would normally be the case, or detained and confining more nonminorities. Thus, subsection (23) may actually encourage discrimination in the criminal justice system in situations where it was not occurring.

Mr. HATCH. Mr. President, if the other side is prepared to yield back, I am prepared to yield. If not, we will reserve the remainder of our time.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. There have been statements made on the floor of the Senate on this question that I want everybody in the country to know about. I want to have a chance to address these questions. We certainly will use the rest of our time.

I yield 5 minutes to the Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I thank you and especially thank the Senator from Minnesota for yielding me the time, but especially for his tremendous leadership on this issue, as well as Senator KENNEDY.

This amendment merely preserves the status quo with respect to the disproportionate minority confinement core requirement of the juvenile justice deliquency prevention formula grants.

Disproportionate minority confinement is a serious problem in many of our States, and has been for quite some time. Just as an example, in Pennsylvania, studies in the late 1980s showed that while minorities constituted only 12 percent of the juvenile population, they represented 27 percent of juveniles arrested and 48 percent of juveniles charged in court. In 1995, in Ohio, minorities comprised 14 percent of the state's juvenile population, but 30 percent of those arrested and 43 percent of those placed in secure correctional institutions.

And currently, nationwide, although African Americans constitute only 15 percent of the U.S. population of juveniles, they account for 26 percent of juvenile arrests, 46 percent of juveniles in secure corrections facilities, and 52 percent of juveniles transferred to adult criminal court after judicial hearings.

A study in California showed that minority youths consistently receive more severe sentences than white youths and are more likely than white youths to be committed to State institutions for the same offenses. And here is another disturbing statistic: nationwide, African American males are 30 times—30 times—more likely to be detained in State juvenile facilities for drug offenses than white males. In Baltimore, African American males are roughly 100 times more likely to be arrested for drug offenses than white males.

These statistics are repeated across the country. I sincerely hope that this is a problem that everyone in this body is concerned about. And it is not just unfairness or discrimination in the juvenile system that should concern us. Because juvenile confinement often is the first step toward a lifetime of going through a revolving door between prison and freedom. Confinement has devastating effects on families as well, and provides tragic role models for even younger children.

We ought to be doing what we can to address these disparities. The DMC core requirement is not a panacea, but it has been working well in directing attention and resources at this problem. It does not and I repeat, it does not—require quotas in detention facilities or direct the release of any juvenile from custody. It simply requires States to develop plans to address the problem.

Since 1992, our States have been required to address DMC in their State plans. Some 40 states have completed the assessment phase and are implementing plans to try to address whatever problems they have identified. They are working on creative approaches, programs of education and vocational training, tutoring, dropout prevention, truancy intervention, and other efforts to keep at risk children in school. And States have been developing alternatives to incarceration for nonserious, nonviolent offenses. All of these things, developed at the state and local level, are positive efforts to address a serious social problem. We should be encouraging them, not undermining them by eliminating this core requirement, as the bill would do.

Mr. President, this is well worth the effort on this floor. Again, I strongly commend Senators WELLSTONE and KENNEDY for offering this amendment.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. WELLSTONE. Mr. President, just before we go forward with this time, I understand the Senator from California is going to make a request. For just a moment, before I get started responding, could I ask unanimous consent that this time not be counted against any of ours because there may be an interruption here for another amendment.

Mr. SESSIONS. Object. Reserving the right to object, we have been using time. On what subject?

Mr. WELLSTONE. I say to my colleague, we would not count this time. I am trying to be accommodating to Senators over here who may want to briefly do an amendment, and then let us use our last 10 minutes. I just want to see——

Mrs. BOXER. Go ahead.

Mr. WELLSTONE. OK. I guess that did not work.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, colleagues, 15 percent, ages 10 to 17, of the kids in this country are black; 26 percent of all juvenile arrests are black; 32 percent of delinquency referrals to juvenile court are black; 46 percent of juveniles in public long-term institutions are black; cases judicially waived to

criminal court, for 52 percent they are black.

This is a civil rights issue. I cannot believe what I have heard on the floor of the Senate tonight. We have been told there are more black kids who are incarcerated because they commit more crimes. We have been told that these statistics, whether it be for African American or Latino or Native American or Southeast Asian, they are a reflection of the number of kids who commit the crimes and who get the justice they deserve.

We have already recited study after study after study that shows for the same crime many of these kids get stiffer sentences or many of these kids wind up incarcerated as opposed to other kids. This is all about race. I cannot believe that I have heard on the floor of the Senate an argument that race is not the critical consideration.

When the police are out there in the streets, and we get to which kids are searched on the streets and which kids are not, you don't think that has anything to do with race? When we get to the question of which kids are arrested and which kids are not, you don't think that has anything to do with race today in America?

When we get to the question of the evaluation of youth by probation officers, you don't think that has anything to do with race? When we get to the question of the decision whether to release or detain by a judge, based upon who has the money and who does not have the money to put up a bond, you don't think that has anything to do with race, Senators?

When we get to the question of sentencing, you don't think that has anything to do with race? You are sleepwalking through history. You are sleepwalking through history.

This is all about race. This is a civil rights issue and this is a civil rights vote. Let me just say, when I hear my colleague argue that this amendment is unconstitutional because it makes a racial classification, that claim is outrageous. This amendment does not treat anybody differently on the basis of race, and you know it. It does not treat anybody differently. The Supreme Court cases cited have nothing to do with this question. Adarand was about who gets construction contracts.

You know what this amendment is about? This amendment is about preventing the majority party—I hope not too many in the majority party—from repealing the existing protections that we now have in law that have never been challenged as being unconstitutional that make sure there is some core requirement that calls upon States, to do what? To collect the data and to study the problem, and to try and do something about it.

You are going to vote against this amendment? You go ahead. You go ahead and vote against this amendment, if that is what you want to do.

I think it would be tragic if we didn't have strong support for this amendment. This is all about race. This is a civil rights vote. This is why there is such strong sentiment on behalf of this amendment. This is why every civil rights organization has been involved in this amendment. This is why so many of the children's organizations, like CDF, are involved. We have had the core requirement in our legislation. It has been there since 1992 or 1993. It calls upon States to study the question and to try to do better.

And they are doing better. We are making progress. And now you want to discard this? You want to toss this overboard?

This is all about race. I cannot believe that any Senator in this Chamber believes that these statistics are a reflection of who commits the crimes and who deserves to be incarcerated. My God, I cannot believe it. I cannot believe it.

If you want to turn the clock back on some progress we have made, some racial progress we have made that is so important to kids, so important to communities of color, and so important to the Nation, you will be making a tragic mistake. That is why there were 400 votes for legislation that embodies the very language that we have in our amendment in the House of Representatives.

I hope we have bipartisan support for this amendment tonight. I reserve the remainder of my time, because I want to respond to whatever else might be said on the floor of the Senate on this amendment.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. How much time remains for each side?

The PRESIDING OFFICER. The Senator from Utah has 19 minutes 25 seconds. The Senator from Minnesota has 4 minutes 39 seconds.

Mr. HATCH. Let me say a few words.

I think everybody in this body wants to do whatever they can to end discrimination wherever it is. I haven't heard one shred of information that proves there is discrimination here. When you prove that, I will be right there side by side with you. Nor have I heard much of a reason how you get around the fact that crimes are committed, and it is the type of crime and the quantities of crime and who is doing it that makes a difference in our society and why people are locked up.

I think you have to look at the crime. You can't just get out here and say, well, there is disproportion; therefore, there has to be something wrong. You have to show what is wrong.

Frankly, I do not think the other side has shown what is wrong here.

Mr. DURBIN. Will the Senator yield for a question?

Mr. HATCH. Sure.

Mr. DURBIN. Does the Senator recall when General McCaffrey testified before the Senate Judiciary Committee last year and I asked the general, who was in charge of trying to reduce drug crime in America, if it were true that of those committing drug crimes in America, 13 percent are African American, and of those incarcerated for committing drug crimes in America, 67 percent are African American? He said: Yes, it is true. I don't have an answer.

Now, I say to the chairman of that committee, I don't know if you were there during that questioning, but if you are looking for an indication of why Senator WELLSTONE's amendment is important, that statistic alone should give the Senator from Utah some pause. I hope he will consider that we are not going to release anyone who has been charged with a crime but merely step back and try to make sure the administration of justice is colorblind in this country and that it is fair and try to eradicate the statistic which was quoted and verified by General McCaffrey.

Mr. HATCH. Let me say this again, what are the crimes? What is the extent of the crimes? How serious are they?

The fact that 13 percent of the offenders are African American and 67 percent of those incarcerated are—I don't see any information here saying that higher percentage was unjustifiably put in jail. These percentages don't tell us what the crimes were in the individual cases. If these individuals committed a crime, then they go to jail. Does that mean there are a lot of white people getting off? I don't see any evidence of that, either.

Do you have evidence that minority juveniles are more likely to be detained for the same crime as white juveniles? I don't think you do. For example, is there evidence that African Americans who are charged with possession of crack cocaine are given more severe sentences than whites for crack cocaine? Is there evidence? I don't know of any.

My point is, I don't think my colleagues on the other side are arguing that if people commit heinous crimes and they are convicted and sentenced to jail that they shouldn't be. Now, if there is some evidence that law enforcement is ignoring white people who commit these same heinous crimes, then I am with you. I don't know of any evidence of that.

Statistics are statistics are statistics, but when people go to jail, it is generally because they have committed crimes.

What is your solution? To let them out of jail? Crack cocaine distributors? Is your argument that white crack dealers get away with it because they are smarter or they are protected somehow or other? I don't think you are making that argument. I can't imagine you would make that argument. So I don't know why there is a higher percentage, but I do know that almost without exception—there certainly are some instances where the law is not applied justly, I am aware of that—but almost without exception, people who commit these heinous crimes go to jail for them.

I don't think you are arguing to let them out of jail. But then, again, how can you argue, then, that if they are committing the crimes and are going to jail, that for some reason or other there is some reason why they are going to jail where others aren't? I don't see the argument myself. Plus, you are adding racial classifications, mandated racial classifications in this amendment. To me it is not even a question of constitutionality. There is no question it is unconstitutional.

With that, I reserve the remainder of my time.

Let me retain it for a second and say one other thing. One would think, listening to my friend from Minnesota, that our bill does absolutely nothing to deal with this problem. You hear this very emotional set of arguments as though the Hatch-Biden-Sessions bill does absolutely nothing about these problems. S. 254, in my opinion, has a much better provision to solve these problems than the distinguished Senator from Minnesota.

The bill as written, as before the Senate, requires that prevention resources be directed to ''segments of the juvenile population'' who are disproportionately detained. Now, such ''segments of the population'' could include, for example, certain socioeconomic groups who are more likely to be at risk. S. 254 directs prevention resources to such groups who need those resources the most. So we try to do something about it rather than just cite statistics.

I don't see how you get around the fact that these people are sentenced and sent to jail because they have committed crimes. Just because there are statistics that indicate that more than a proportionate share of the general population is going to jail, I don't know how in the world you get around the fact that these crimes are being committed by individuals—individuals who just happen to be of one race or another. But we do try to address it by directing prevention resources to such groups who need those resources the most. I think that is the way to do it.

I will work with my friends on the other side to see that we do things that make sure those moneys work.

A National Research Council study, published by the National Academy of Sciences no less, found that:

> Few criminologists would argue that the current gap between African American and white levels of imprisonment is mainly due to discrimination of sentencing or in any other decisionmaking process in the criminal justice system.

If the National Academy of Sciences is wrong, show me the evidence. Just because this disparity exists, liberals throw their hands in the air and say there must be something wrong, but they can't prove it, other than to show statistics. I hope they will be with me in saying that people who are justly sentenced for heinous crimes shouldn't be let off just because there is a disproportionate sentencing because more crimes are committed by one group than another. I don't see how anybody can argue with that point. You know, it must be nice to always act like you are caring for the little guy, when, in fact, you are not willing to do what has to be done in order to help resolve these problems.

Now, 55 percent of this bill is for prevention—55 percent of it. I don't remember any crime bill in my time here—there may have been one, but I can't remember it—where we put more money into prevention than law enforcement and accountability. But we have done it here, and one reason is to try to solve these problems. If there is a segment of our population that seems to have certain socioeconomic problems that literally have caused them to be disproportionately convicted—I don't even think the word ''disproportionate'' is right—but more convicted than their racial group's percentage in population group might suggest, we want to spend more money on prevention for those people. And that is what this bill does. It doesn't take a lot of sense to recognize that is a pretty good proposition, and we have it in the bill.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. WELLSTONE. Mr. President, how much time do I have left?

The PRESIDING OFFICER. The Senator has 4 minutes 30 seconds.

Mr. WELLSTONE. Mr. President, in all due respect to my colleague from Utah, I don't think anybody in the civil rights community all across this land will be reassured. I will work with you on the language. With all due respect, some of these arguments about surely you are not for letting blacks out of jail —of course not. The Senator knows what the amendment says. The Senator knows it is not about quotas; it is not about letting anybody out of jail. The Senator knows this is all about calling on States to study the problem. The Senator knows that. We have had this core protection since 1993. Why do you think it is the case? There has been a history for this. It started in 1988. Then we passed this amendment in 1993. It is based upon all kinds of studies, all kinds of work, which has provided the empirical evidence, which should be of no surprise to any Senator here, that we have a problem in our country of disproportionate minority confinement.

We want to try to understand why minority kids who represent about 33 percent of the population represent about 66 percent of the kids who are locked up. We want to come to terms with that. Could it have anything to do with their race, in terms of who gets swept up in the streets? Could it have anything to do with who actually ends up getting a good evaluation or not by a probation officer? Could it have anything to do with who is released or detained by a judge? Could it have anything to do with who is sentenced and for how long a period of time?

My colleague doesn't think race has anything to do with this. If you don't think race has anything to do with this, that we don't have any problem with discrimination in our country, or that States right now are collecting data and trying to come to terms with this problem, which is exactly what our amendment says—continue with this good work—then you should not vote for this amendment. But if you think this is an issue that deals with race in America, that this is a civil rights question, and you think it was a good thing that we had this core protection, this core requirement in our juvenile justice legislation and it would be a tragic mistake for us to take this protection out that just calls for States to study the problem and try to redress the problem, then you should vote for this amendment.

This is the language of the amendment:

> Address juvenile delinquency prevention efforts and system improvement efforts designed to reduce, without establishing or requiring numerical standards or quotas, the disproportionate number of juvenile members of minority groups who come into contact with the juvenile justice system.

Senators, Democrats and Republicans alike, that is what you are voting on. This is a civil rights vote. The more I hear my colleagues speak on the floor of the Senate—I think what has been said is heartfelt, but it is historic. Some Senators don't think there is an issue with discrimination. There are some Senators who don't think there is a problem of disproportional sentencing. There are some Senators who think we should remove this protection. There are some Senators who want to turn the clock back. But I am telling you, this is a central issue for the civil rights community in this country and for child advocacy groups.

I certainly hope we will be able to pass this amendment. If we don't pass this amendment, this juvenile justice legislation will have taken a step backward when it comes to justice. I don't think it will be a piece of legislation that will be worth supporting. I don't think Senators should support legislation that turns the clock back on the progress we have made dealing with racial justice. I don't think Senators should support that, and I think Senators should support this amendment. This is the civil rights question, the civil rights issue, and the civil rights vote on this bill. My good friend from Utah doesn't want to say that. He doesn't want to face up to that reality, but that is what this vote is all about.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HATCH. Mr. President, this is not a civil rights vote. This is a vote that is an emotional vote. That is, they cannot show any reasons why people who commit heinous crimes should not go to jail. They are saying because there is a disproportionate number of African Americans—to select one group because that is the one they are talking about—going to jail for crimes they

were convicted for, that somehow there is something wrong with that. Everybody in America knows that people are sentenced to jail because they have committed crimes. I admit that occasionally there are injustices in our courts, but they are very rare. When they do occur, I will decry them as much as my friend from Minnesota.

This is what you call a bleeding heart amendment. They can't show the facts; they don't have any facts on their side. They are using statistics. They are ignoring the fact that people are convicted of these crimes and need to serve time for them, regardless of skin color; and they are ignoring the fact that we take care of this problem by providing a disproportionate amount of the prevention funds to help segments of the population having difficulties because of socioeconomic difficulties. That is the way to face it and solve the problem. Don't just complain about the problem. What is the solution? Is it that these people should not serve their time? Should they not be convicted when they sell drugs to our kids? Everybody knows that it happens.

It is nice to talk about civil rights. The fact of the matter is that nobody is more concerned about civil rights than I am. If anyone can show me where there is prejudice, if they can show me where these people are not justly convicted, that is another matter. I will be right there marching with them. But they can't and they know it.

Mr. President, I am going to yield 2 minutes to the distinguished Senator from Alabama, and then I will yield back the remainder of our time.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I thank the Senator from Utah for his leadership. He raises a good question about statistics and how they can be misleading. I had, of course, served as attorney general of Alabama, and I have a brief here that was submitted on statistics involving whites and blacks on death row in Alabama. Now, 52 percent of those on death row in Alabama are white; 46 percent are black. But that percentage of the black population is substantially higher on death row than in the State. But the study goes on to show that the percentage of homicides committed in Alabama by blacks was 71 percent; yet, they represented only 46 percent of the people on death row.

So I don't know what any of those numbers mean. I am not sure they are very beneficial to anybody. But if you look at it one way, it looks like it is unfair. If you look at it another way, it looks like it is not unfair. So the Senator is correct that we need to have proof of individual wrongs instead of passing a law that is going to require the reduction of people in prison based on a statistical study.

I yield the floor.

Mr. HATCH. Mr. President, how much time do I have?

The PRESIDING OFFICER. Seven minutes.

Mr. HATCH. How much does the other side have?

The PRESIDING OFFICER. Zero.

Mr. HATCH. I yield back the remainder of my time, and we can yield to the Senator from Kentucky.

The PRESIDING OFFICER. The Senator from Kentucky.

AMENDMENT NO. 365

(Purpose: To discourage the promotion of violence in motion pictures and television productions)

Mr. MCCONNELL. 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 Kentucky (Mr. MCCONNELL) proposes an amendment numbered 365.

Mr. MCCONNELL. 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:

SEC. . PROHIBITION ON PROMOTING VIOLENCE ON FEDERAL PROPERTY.

(a) GENERAL RULE.—A Federal department or agency that—

(1) considers a request from an individual or entity for the use of any property, facility, equipment, or personnel of the department or agency, or for any other cooperation from the department or agency, to film a motion picture or television production for commercial purposes; and

(2) makes a determination as to whether granting a request described in paragraph (1) is consistent with—

(A) United States policy;

(B) the mission or interest of the department or agency; or

(C) the public interest;

shall not grant such a request without considering whether such motion picture or television production glorifies or endorses wanton and gratuitous violence.

(b) EXCEPTION.—Subsection (a) shall not apply to—

(1) any bona fide newsreel or news television production; or

(2) any public service announcement.

Mr. MCCONNELL. Mr. President, my understanding is I have 15 minutes.

The PRESIDING OFFICER. That is correct.

Mr. MCCONNELL. I ask the Chair to notify me when I have 3 minutes left.

Mr. President, the amendment that is now pending would require that when granting permits necessary for filming a movie or a TV show on Federal property, or with Federal equipment, the relevant agency's approval criteria now would include a consideration of whether the film glorifies or endorses wanton and gratuitous violence. The message is simple: The Federal Government will not allow Hollywood to promote excessive and wanton violence in our house.

America's children are exposed to incessant and endless hours of violent movies and television productions each year. Exposure to this violence desensitizes our children to brutality and killing and gives them ''glamorous'' murderous acts to emulate. This exposure is like pouring gasoline on fire.

Yes, the children who commit terrible acts of violence must have a number of deep and troubling problems. However, the glorified wanton violence depicted in movies and on TV is fuel that Hollywood is dousing on those children and their smoldering internal problems. This is not a revelation. Indeed, a 1996 American Medical Association Study concluded that, ''The link between media violence and real life violence has been proven by science time and time again.''

Most people know, intuitively, that there is a strong link between media violence and real life. Why is it that no one in Hollywood seems to care? Are they the only ones who are oblivious to this phenomenon? Why is there no shame about the violent junk they are making and MARKETING to our kids? Why do we hear Hollywood give speech after speech after speech on every fad-driven cause under the sun, and yet rarely ever do we hear them mention reforming themselves and refraining from marketing violence to our children.

Let's take a look at some of the media violence that our children are exposed to.

First, let's go to the movies.

Now, I'm told that Leonardo DiCaprio and Keanu Reeves are two of the biggest teen idols out there today. These photographs are both from recent hit movies—''The Basketball Diaries'' and ''The Matrix''.

Thanks to the occupant of the Chair, Senator BROWNBACK, the Republican Senators had an opportunity to see some of the scenes from ''Basketball Diaries'' recently. That is one of the scenes from it here on my left.

The ''Matrix,'' featuring Keanu Reeves, is here on my right.

You can see from these photographs that Hollywood is taking the biggest teen idols and creating these glamorous, powerful, violent images to send out to our young people. These are role models for children.

As you can see here, in ''Basketball Diaries,'' teen idol DiCaprio is wearing a long, black trenchcoat and packing a shotgun. In this movie, DiCaprio's character has a fantasy of walking into his high school classroom and opening fire on his schoolmates and his teacher.

Thanks to the Senator from Kansas, Mr. BROWNBACK, we had an opportunity to see this scene from that film. I think we would all agree—those of us who saw it—it literally turns your stomach.

These violent images became reality in the community of Paducah, Kentucky, barely 17 months ago. In a Paducah high school, the DiCaprio Dream was played out in real life. I'd like to read for my colleagues an excerpt from a Newsweek article about ''Basketball Diaries'' and the senseless tragedy in Paducah.

''The Basketball Diaries'' may not have been 14-year-old Michael Carneal's favorite

movie. But one scene in particular stayed with the awkward Paducah, Ky., freshman: a young character's narcotic-tinged dream of striding into his school, pulling a shotgun from a black leather coat and opening fire. The real-life scene in the bloodied halls of Heath High School last Monday was a long way from Hollywood. Unlike handsome actor Leonardo DiCaprio's dramatic entrance in 1995's ''Diaries,'' skinny, bespectacled Michael bummed a ride to school that day from his 17-year-old sister, Kelly. Instead of cinematically kicking down a classroom door, Michael quietly followed Kelly into the school through the band room, where he told a curious teacher that the four guns bound together with duct tape and wrapped in an old blanket were ''a poster for my science project.'' Loitering in the hall, Michael waited for a prayer group of 35 students to lift their bowed heads and say ''Amen.'' He then took a fifth gun, a semiautomatic .22, from his backpack and fired off 12 shots, killing three students and wounding five. Before the police arrived, Carneal would tell a teacher, 'it was like I was in a dream.'

Looking back at Paducah, and now Littleton—and looking at these Hollywood images of teen idols—can leave no doubts. Hollywood violence DOES influence our children, in the worst way.

Let me tell you about this other hit movie—''The Matrix.'' The image of this character is strikingly similar to that over here of Mr. DiCaprio. Let me read to you how an article in the Washington Post described watching the Matrix.

The sold-out theatre was filled with younger teens, despite the R rating, and at times I felt as if I were watching a dramatization of the killings that had just occurred in Littleton, Colorado.

In one scene, protagonists played by Keanu Reaves and Carrie-Anne Moss arrive at an office building where their adversaries are holed up. Dressed in black leather coats, the pair sprays the lobby with automatic weapons fire. The scene is a gorgeously choreographed ballet of mass killing, a triumph of Hollywood's ability to represent graphic violence. As bullets riddle a dozen twitching bodies, spent shell casings cascade downward in slow motion. The victims of this orgy of killing are police officers.

I have heard some in Hollywood say that these violent movies are for adults—not for our impressionable children. Those comments simply are not credible. The reality is that Hollywood markets many such movies to teenagers. For proof, one need only to look as far as the hit Teen Movie—''Scream.'' In this movie young, beautiful high school students slay, stab and butcher each other and their teachers for two non-stop hours. ''The movie builds to a finale in which one of the killers announces that he and his accomplice started off by murdering strangers but then realized it was a lot more fun to kill their friends.'' Where is the Shame, Hollywood?

Mr. President, if the sights and sounds of Hollywood were not enough for you, let me take you to the next level: the gutter of the new millennium—violent videogames. This is a dimension where our children are not limited to be mere watchers. Rather, in videogames they are participants—active participants. America's children can descend as low as a twisted, demented videogame will take them.

I think these games have been best-described by Retired Lieutenant Colonel David Grossman, a former professor of psychology at West Point who now teaches a course to green berets on the psychology of killing. He calls them ''Murder Simulators.'' These are the ''games'' our children are playing.

In the videogame ''Postal'' the goal is straightforward: kill as many townfolk as possible without being killed yourself. The maker of this game boasts, ''Chilling realism as victims actually beg for mercy, scream for their lives and bodies pile up on the street.'' That game maker certainly has no shame.

I want to share with you some fascinating excerpts from a recent ''60 Minutes'' episode with Retired Lieutenant Colonel David Grossman, the former West Point professor I mentioned earlier. They discussed the ''skills'' these games are teaching our children.

Colonel GROSSMAN. The same basic mechanisms that we use, step by step, to make killing a conditioned response in our soldiers, are being done in the games that the kids go and play.

Mr. President, let me tell you what Colonel Grossman had to say about Paducah, Kentucky and Michael Carneal.

Colonel GROSSMAN. Michael Carneal, a 14-year-old boy, has never fired a pistol before in his life. His total experience was countless, thousands and thousands of rounds in the video games. When Michael Carneal opened fire; he fired eight shots. . . . [H]e got eight hits on eight different kids. Five of them were head shots. The other three were upper torso. Now, the F.B.I. says in the average engagement, the average officer hits with less than one bullet in five.

Grossman concluded:

GROSSMAN. Here's what's fascinating about this crime. . . . He held that gun and he fired one shot at every target. Now, that is not natural. [A]nybody that's ever been in combat will tell you that the natural thing is to fire at a target until it drops. But the video games train you—if you're very, very, very good, what you'll do is you'll fire one shot—don't even wait for the target to drop—you don't have time—go to the next, and the next. And the video games give bonus effects for head shots.

Mr. President, I understand that the Motion Picture Association has been lobbying heavily against this amendment. I want to make sure everybody understands what this amendment really does. It is quite mild.

The problems evidenced by these video games and movies are complicated and complex. We are not going to solve them overnight. I do believe it is time that Hollywood take more responsibility. We need to send the message to Hollywood: Don't bombard our children with glamorous portrayals of gratuitous and wanton violence.

Under the first amendment, we cannot and we should not seek to deny the right of free speech to anyone. However, as the Senate, we can encourage Hollywood to take responsible steps to protect our children. We can make sure the Federal Government does not co-star with Hollywood in any movies that glorify or endorse wanton and gratuitous violence.

The Federal Government already currently grants permits to Hollywood, allowing them to film on Federal property or allowing them to borrow Federal equipment such as jeeps or weapons to use in these films. Many government agencies and departments currently decide whether or not to cooperate with a film or TV production based on the nature and message of the proposed production.

For example, DOD decides whether to grant Federal filming privileges based on whether a production ''appear[s] to condone or endorse activities . . . [that] are contrary to U.S. Government policy.''

In other words, ''Top Gun'' is OK, but ''GI Jane'' is not. The military rolled out the red carpet for ''Top Gun'' while ''GI Jane'' had the door shut in her face.

When deciding whether to cooperate with a movie, NASA determines whether the ''story is reasonably plausible, does not advocate or glorify unlawful acts, . . . or present as factual history things which did not take place.''

The Coast Guard looks at whether, among other things, the Coast Guard's cooperation ''is in the public interest.'' Let me quote to you from 14 United States Code Section 659, where Congress has mandated in federal statute that the Coast Guard cannot provide facilities or assistance to film producers unless it determines ''that it is appropriate, and that it will not interfere with Coast Guard missions.''

The point is the Federal Government is already engaged in a clearance process when a motion picture seeks to be made on Federal property. We are not adding requirements that are not already there, with one exception. In this amendment where Federal agencies are already engaged in a subjective clearance process, either through statute or through policy, we add to it this standard: Promoting and endorsing or glorifying violence.

Clearly, this is not infringing on the movie industry's first amendment rights. They can simply go out and make their movies somewhere else. What we are saying here, if we are going to use our property, Federal property, and the agency already has a subjective clearance process, gratuitous, wanton and gratuitous violence needs to be added as a factor.

I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. VOINOVICH). Who yields time in opposition?

Mr. LEAHY. Mr. President, I yield myself such time as necessary out of the time we have available.

I listened to my good friend from Kentucky, and he is my good friend. We have been together on more issues than we have been apart.

I note one thing: As I recall, in reading the reviews of the movie ''Matrix''

it was filmed in Australia, so this amendment, I assume, notwithstanding the graphic picture with Keanu Reeves, would not be covered?

Mr. MCCONNELL. I say to my friend from Vermont that particular movie was not made on Federal property. I am sure my friend from Vermont would not be arguing that it ought to have been made on Federal property.

Mr. LEAHY. I am not one who is particularly interested in violent movies. I have been to too many crime scenes, too many murder and shooting scenes in a prior public life to do it.

Mr. President, I yield 5 minutes to the distinguished Senator from California.

Mrs. BOXER. Mr. President, I feel very strongly that this amendment should not pass.

I wanted to add to what Senator LEAHY has said. As far as I know, none of the movies or programs he talks about, and certainly none of the games—because games are made from computers—were ever made on Federal property as far as I could tell. I think that is an important point.

It is interesting that just today, just today, one of the committees here in the Senate voted out some new rules that would govern the filming on Federal property. It was voted out of the committee. I think it is unfortunate we are bringing this up just while we are trying to resolve all of these questions.

I think it is important to read the amendment. I have it in front of me, and it uses words that are very subjective, words like ''wanton violence.'' I looked that up in the dictionary because under this amendment we are giving Federal bureaucrats who are not trained as critics of film or critics of television programming the job of deciding whether there is wanton violence.

One of the meanings of ''wanton'' is excessively luxurious. So, somebody deciding this could decide to go with that definition. Another meaning of ''wanton'' is without adequate motive or provocation. These words carry different meanings for different people. The Senator from Kentucky has his definition of gratuitous violence, of wanton violence. The dictionary has another. Who knows what the bureaucrat at the FAA will decide violence is, when it is up to him to decide whether his property could be used, or a bureaucrat at the Department of the Interior?

I got a call from a Republican friend who said: Senator, I hope you fight this. We couldn't make a western, we couldn't make a war movie. What about a movie that talks about a family in which there are violent relationships and these all get resolved in the movie? Some of the scenes are rough and difficult, but there is a purpose.

I am sure my friend would say that is not gratuitous, but that is his opinion. It might not be the opinion of the bureaucrat sitting in the agency or department that he is now charging with becoming a film critic.

Mr. MCCONNELL. Will the Senator yield?

Mrs. BOXER. I yield on the Senator's time.

Mr. MCCONNELL. I don't have that much time. I ask the Senator if she thinks the standards that currently apply and are used by DOD and mandated by statute for the Coast Guard, which are very subjective, should be repealed?

Mrs. BOXER. I am addressing the Senator's amendment and the Senator's amendment says any department. It uses the words ''wanton, gratuitous.'' I think these words are very, very subjective. It is the reason I didn't vote for Senator HOLLINGS' amendment when he came to the floor—it was the same idea.

My constituents are concerned this amendment would potentially prevent war movies, westerns, or stories about abusive relationships which find peace and harmony in the end from being filmed on Federal property. It gives bureaucrats in many Federal agencies the authority to decide what violence is.

I didn't run here for this job to be an art critic. That is why when we criticize the art world, I think we have to be very careful, because we are not art critics. Most Members are pretty good at what we do, but we are not art critics; neither is a bureaucrat over at Interior or FAA or any of the other departments that will now deal with this.

I say, as a parent and a grandparent, I do not want to give this kind of power, this kind of job to an elected, let alone an unelected, person sitting at some Federal agency. I think it is pretty incredible. I do not know where we go from here, I say to the good Senator.

Why not, if you want to take this to the ultimate extreme, then say private property cannot be used, private property cannot be used for this purpose, and tell the people of America how they should use their private property? Where do you stop? This is a slippery slope.

We all know that every one of us has to look inside ourselves and do something about this problem of violence. Whether you are a parent or a grandparent or a Senator, whether you are in the movie business, in the TV business, whether you are in the video game business, we all have an obligation—or whether you are a firearms manufacturer. The bottom line is we all have to do more.

But to then say that bureaucrats in the Federal Government are going to make these subjective decisions? I want the people at FAA to fly the planes. I want the people at the Department of the Interior to take care of the parks. I want the people at the Department of Transportation to regulate transportation. I do not want to give them this job of deciding for the people of America what the definition of ''wanton'' is; or ''gratuitous,'' for that matter.

The PRESIDING OFFICER. The Senator's 5 minutes has expired.

Mrs. BOXER. I ask for 1 additional minute, and then I will conclude.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. I was involved in this debate once over at the Committee on Commerce. I will never forget this experience, I say to my friend. Word came over from a Congressman—because he wanted the Government to do a rating system, he wanted to give the job to the Government—one Congressman thought ''Schindler's List'' was obscene. Others thought ''Schindler's List'' was one of the best movies ever made and it would be important for our children to learn about the Holocaust.

Why do I say this? Because it shows how subjective it is. I do not want Federal Government employees who are not trained as critics to become movie critics and TV critics.

I thank my colleague for yielding me this additional time. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. LEAHY. Mr. President, how much time does the Senator from Vermont have?

The PRESIDING OFFICER. The Senator has 6 minutes remaining.

Mr. LEAHY. Wait a minute, Mr. President. I yielded the Senator a total of 6 minutes, the Senator from California, out of 15 minutes. How do I have 6 minutes?

The PRESIDING OFFICER. The Senator used 2 minutes before yielding to the distinguished Senator from California.

Mr. LEAHY. I see. Fast clock.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, this amendment prohibits any Federal agency, such as the Marines, Army, Navy, or Air Force, from granting permission to use Federal property or resources or cooperating if the motion picture or TV show to be produced ''glorifies or endorses wanton and gratuitous violence.'' If any portion of the movie uses any Federal property, the entire movie is subject to Federal scrutiny

Federal agencies, other than the military, would be given these new censorship powers, too. The Department of Agriculture could determine if it is on forest lands or rights of way of the Interior Department and otherwise. Could they have kept ''North By Northwest'' with Cary Grant off because the visitors center scene at Mount Rushmore was in it? What about ''Fargo''? What about the Presidio military base in San Francisco that was used as a setting for the Sean Connery movie, ''The Presidio''? This amendment is flawed. What glorifies violence is in the eye of the beholder.

Even movies, like legislation, have last-minute changes. Would you have to have a Department of Agriculture bureaucrat sitting there all the way through? Many scenes in the movie ''Top Gun'' would have had to be carefully monitored during production to

ensure they did not glorify violence. The naval base that was used was Miramar in California.

The fight in ''An Officer and a Gentleman'' also might be considered excessive by some. What about the gratuitous punch by Jimmy Stewart in ''Mr. Smith Goes to Washington''? ''The Treasure of the Sierra Madre,'' uses the vast national forest lands in its filming, even though most of it was filmed in Mexico. Could part of it be knocked out?

There are only exceptions for news and public service announcements, but any movie that is a historical depiction of a war would be subject to agency bureaucrats deciding whether violence was gratuitous or glorifies violence. Sponsors may say: Let them go somewhere else and do their filming, let them go to private property or parklands or military bases. I think that is a shortsighted response. Some may want to use that property to be authentic.

I am concerned how this is going to work. Do we turn over our scripts? If you are a movie producer or maker, do you turn over the script to the Department of Agriculture, Department of the Interior, Department of Defense first and decide whether it is safe? We may not like all that we see from Hollywood. But I have no confidence in the decisions the agency censors make. I am perfectly capable of censoring what I see. I was perfectly capable, when my children were young, to censor what they saw. But I do not want an official, however well intentioned, in the Department of Agriculture or the Department of Defense or the Department of the Interior, to determine what I see.

I retain the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. HATCH. I want to thank the Senator from Kentucky for his amendment. I just want to be clear on one matter, however. It is my understanding that lands under the BLM, Park Service, and Forest Service are in no way covered or affected by the amendment because they do not consider subjective criteria when determining whether to cooperate or grant permits to a film or TV production. Is that correct?

Mr. MCCONNELL. This is correct.

Mr. HATCH. How much time remains on both sides?

The PRESIDING OFFICER. The Senator has 2 minutes 56 seconds in opposition to the amendment and 1 minute 47 seconds on the proponents.

Mr. HATCH. I ask unanimous consent to make that 3 minutes on the side of Senator MCCONNELL and an equivalent amount of extra time on the side of the minority.

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. I didn't hear the request.

Mr. HATCH. I made a unanimous consent request to give Senator MCCONNELL 3 minutes, which would give him another minute and a half, and give you an equal amount of time on your side.

Mr. LEAHY. You are asking for an extra minute and a half——

Mr. HATCH. For Senator MCCONNELL.

Mr. LEAHY. And an extra minute and a half for this side?

Mr. HATCH. For you.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, I would like to respond that the observations made by the other side have nothing to do with the amendment, nothing whatsoever to do with the amendment.

Any movie company is free to go make a movie anywhere it wants to in the country and say anything it wants to and be as depraved as it wants to be without interference from Government. This amendment is only related to the use of Federal property.

In many federal agencies and departments there are subjective standards being used now to approve or deny cooperation with film production companies. The thing the Senator from Vermont and the Senator from California are complaining about is already occurring. The Department of Defense has very subjective standards it applies to movies now. For example, it did not allow ''GI Jane'' to be made on Federal property or with DOD assistance. It did not keep the movie from being made, but the Defense Department did not like it; it had a very subjective standard. They said go make your movie somewhere else. They liked ''Top Gun.'' They allowed it to be made. There is a very subjective standard that applies now.

DOD considers whether a production ''appears to condone or endorse activities that are contrary to U.S. Government policy.'' That is clearly very subjective. Factors in NASA's policy include whether the story is reasonably plausible, does not advocate or glorify unlawful acts or present as factual history things which did not take place—that is fairly subjective.

At the Coast Guard, under statute, the Coast Guard does not provide facilities or assistance to film producers unless the Guard determines it is ''appropriate''—very subjective—and that it will not interfere with Coast Guard missions.

Mr. President, a movie company now does not have the inalienable right or constitutional right to come onto Federal property and do anything it wants to. All we are saying, to Federal agencies that have either a policy or a statute giving them the authority to clear these movies for content—and we've seen that some have them now—that they simply add to the list of subjective evaluations they already make a consideration of wanton and gratuitous violence. Surely our colleagues who have spoken on the other side of this are not arguing we ought to repeal the current standards because they are very subjective. Maybe they do not want any standard at all to apply with respect to the use of Federal property.

With regard to the parks system, they do not currently have subjective criteria and standard, so this would not apply to them. They are clearly outside of this.

This is a very narrowly crafted message to Hollywood not to produce this kind of gratuitous and wanton violence on Federal property with federal cooperation. It certainly does not take away anybody's constitutional right to go out and act in as awful a manner as they want to and put it on film. They just wouldn't be able to do it on Federal property.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, we are well aware of what the military does. The military will permit use—in fact, some suggest even will help underwrite, indirectly, the costs of a film if it makes the military look good.

The military has been known in the past to withdraw support, even classic films, if they suggest the military may have made a mistake anywhere—Vietnam or anywhere else. We have seen that kind of censorship.

I understand they are using military areas. I do not necessarily agree with it. I think they have been very sensitive with that, but then the military is used to censorship. They do it with the news. They did it during the gulf war. They did it during Vietnam. I suspect they are doing it now.

What I am concerned about, though, is when you talk about the vast forest land and somebody one day in the Department of Agriculture, who works on, I don't know, dairy price supports, and the next day is going to be the person to censor what goes in that movie, whether that forest can be the background or, if it is out west where the Department of the Interior controls so much land—I can think of movies, shoot 'em ups, with Ronald Reagan galloping by the sites in areas controlled by the Department of the Interior. It might have been declined because somebody did not like him. Maybe somebody who normally does fishing permits in the Department of the Interior will determine what movies will be made or what they like or do not like.

We open ourselves to a strange area. Those who are opposed to wanton violence should do as I do—don't go to those movies. Nothing votes better than your checkbook. If you do not want your children to go to them, do not let your children go to them. Stop the checkbook. That is the way to do it.

Do not put our Department of Agriculture and Department of the Interior and others into censorship. Do not let them make some of the mistakes the Department of Defense has made in the past in refusing permission for something because they are afraid it will show a general or a colonel or admiral

making a mistake, because we all know they never do. I can see them deciding it might be gratuitous violence to show—oh, I don't know—maybe when their bombs go astray and hit the Chinese Embassy. We know they never make a mistake like that, but they may say this is gratuitous violence, so they are not going to allow any help in making such a movie.

I retain the remainder of my time.

Mr. McCONNELL. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Thirty-four seconds.

Mr. McCONNELL. Mr. President, it is interesting, in Hollywood lobbying efforts, they always scream censorship. This amendment has nothing to do with censorship. It has to do with the use of Federal property and federal assistance, which is a privilege, not a right.

The Federal Government, through various departments and agencies, already has very subjective standards. We are simply adding to those kinds of standards one more factor—wanton and gratuitous violence. No movie company in America has a right to use any and all Federal property and to get federal assistance anyway. We are just adding one more criterion.

This is a very reasonable amendment. I hope it will be approved by my colleagues.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. LEAHY. Mr. President, how much time do I have?

The PRESIDING OFFICER. One minute 17 seconds.

Mr. LEAHY. Mr. President, I can think of some ads I see on local TV at night that are not violent but I find of a personal nature offensive, some of which are filled with backgrounds of Government land. Should we start taking those out?

The fact is, we have a lot of Government sites. Do we stop a movie, for example, that is filmed with somebody driving down Pennsylvania Avenue because the Department of the Interior, the Justice Department, and other Government buildings are seen in the background? Do we make sure there is never any depiction of the Capitol? One of the most violent things was ''Independence Day'' when a model of the Capitol was blown up. There may have been exterior shots actually made of the Capitol prior to that time. Does that go out?

I suggest these because we are getting into a terribly subjective area, and we are asking people who are trained to do very good things for our Government, whether it is fishing permits, lands permits, or agricultural subsidies—they are not trained, nor should they be, in this Nation especially to be censors.

I know the time of the Senator from Kentucky has expired. I yield back all my remaining time.

Mr. McCONNELL. I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Under the previous order, the Senator from California is recognized for 10 minutes.

AMENDMENT NO. 319

(Purpose: To reduce both juvenile crime and the risk that youth will become victims of crime and to improve academic and social outcomes for students by providing productive activities during after school hours)

Mrs. BOXER. Mr. President, I call up amendment No. 319. It is at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from California [Mrs. BOXER] proposes an amendment numbered 319.

Mrs. BOXER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

TITLE . AFTER SCHOOL EDUCATION AND ANTI-CRIME ACT.

SECTION 1. SHORT TITLE.

This Act may be cited as the ''After School Education and Anti-Crime Act of 1999''.

SEC. 2. PURPOSE.

The purpose of this Act is to improve academic and social outcomes for students and reduce both juvenile crime and the risk that youth will become victims of crime by providing productive activities during after school hours.

SEC. 3. FINDINGS.

Congress makes the following findings:

(1) Today's youth face far greater social risks than did their parents and grandparents.

(2) Students spend more of their waking hours alone, without supervision, companionship, or activity, than the students spend in school.

(3) Law enforcement statistics show that youth who are ages 12 through 17 are most at risk of committing violent acts and being victims of violent acts between 3 p.m. and 6 p.m.

(4) The consequences of academic failure are more dire in 1999 than ever before.

(5) After school programs have been shown in many States to help address social problems facing our Nation's youth, such as drugs, alcohol, tobacco, and gang involvement.

(6) Many of our Nation's governors endorse increasing the number of after school programs through a Federal/State partnership.

(7) Over 450 of the Nation's leading police chiefs, sheriffs, and prosecutors, along with presidents of the Fraternal Order of Police and the International Union of Police Associations, which together represent 360,000 police officers, have called upon public officials to provide after school programs that offer recreation, academic support, and community service experience, for school-age children and teens in the United States.

(8) One of the most important investments that we can make in our children is to ensure that they have safe and positive learning environments in the after school hours.

SEC. 4. GOALS.

The goals of this Act are as follows:

(1) To increase the academic success of students.

(2) To promote safe and productive environments for students in the after school hours.

(3) To provide alternatives to drug, alcohol, tobacco, and gang activity.

(4) To reduce juvenile crime and the risk that youth will become victims of crime during after school hours.

SEC. 5. PROGRAM AUTHORIZATION.

Section 10903 of the 21st Century Community Learning Centers Act (20 U.S.C. 8243) is amended—

(1) in subsection (a)—

(A) in the subsection heading, by inserting ''TO LOCAL EDUCATIONAL AGENCIES FOR SCHOOLS'' after ''SECRETARY''; and

(B) by striking ''rural and inner-city public'' and all that follows through ''or to'' and inserting ''local educational agencies for the support of public elementary schools or secondary schools, including middle schools, that serve communities with substantial needs for expanded learning opportunities for children and youth in the communities, to enable the schools to establish or''; and

(C) by striking ''a rural or inner-city community'' and inserting ''the communities'';

(2) in subsection (b)—

(A) by striking ''States, among'' and inserting ''States and among''; and

(B) by striking ''United States,'' and all that follows through ''a State'' and inserting ''United States''; and

(3) in subsection (c), by striking ''3'' and inserting ''5''.

SEC. 6. APPLICATIONS.

Section 10904 of the 21st Century Community Learning Centers Act (20 U.S.C. 8244) is amended—

(1) by redesignating subsection (b) as subsection (c);

(2) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) in the first sentence, by striking ''an elementary or secondary school or consortium'' and inserting ''a local educational agency''; and

(ii) in the second sentence, by striking ''Each such'' and inserting the following:

''(b) CONTENTS.—Each such''; and

(3) in subsection (b) (as so redesignated)—

(A) in paragraph (1), by striking ''or consortium'';

(B) in paragraph (2), by striking ''and'' after the semicolon; and

(C) in paragraph (3)—

(i) in subparagraph (B), by inserting '', including programs under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.)'' after ''maximized'';

(ii) in subparagraph (C), by inserting ''students, parents, teachers, school administrators, local government, including law enforcement organizations such as Police Athletic and Activity Leagues,'' after ''agencies,'';

(iii) in subparagraph (D), by striking ''or consortium''; and

(iv) in subparagraph (E)—

(I) in the matter preceding clause (i), by striking ''or consortium''; and

(II) in clause (ii), by striking the period and inserting a semicolon; and

(E) by adding at the end the following:

''(4) information demonstrating that the local educational agency will—

''(A) provide not less than 35 percent of the annual cost of the activities assisted under the project from sources other than funds provided under this part, which contribution may be provided in cash or in kind, fairly evaluated; and

''(B) provide not more than 25 percent of the annual cost of the activities assisted under the project from funds provided by the Secretary under other Federal programs that permit the use of those other funds for activities assisted under the project; and

''(5) an assurance that the local educational agency, in each year of the project, will maintain the agency's fiscal effort, from non-Federal sources, from the preceding fiscal year for the activities the local educational agency provides with funds provided under this part.''.

SEC. 7. USES OF FUNDS.

Section 10905 of the 21st Century Community Learning Centers Act (20 U.S.C. 8245) is amended—

(1) by striking the matter preceding paragraph (1) and inserting:

''(a) IN GENERAL.—Grants awarded under this part may be used to establish or expand community learning centers. The centers may provide 1 or more of the following activities:'';

(2) in subsection (a)(11) (as redesignated by paragraph (1)), by inserting '', and job skills preparation'' after ''placement''; and

(3) by adding at the end the following:

''(14) After school programs, that—

''(A) shall include at least 2 of the following—

''(i) mentoring programs;

''(ii) academic assistance;

''(iii) recreational activities; or

''(iv) technology training; and

''(B) may include—

''(i) drug, alcohol, and gang prevention activities;

''(ii) health and nutrition counseling; and

''(iii) job skills preparation activities.

''(b) LIMITATION.—Not less than ⅔ of the amount appropriated under section 10907 for each fiscal year shall be used for after school programs, as described in paragraph (14). Such programs may also include activities described in paragraphs (1) through (13) that offer expanded opportunities for children or youth.''.

SEC. 8. ADMINISTRATION.

Section 10905 of the 21st Century Community Learning Centers Act (20 U.S.C. 8245) is amended by adding at the end the following:

''(c) ADMINISTRATION.—In carrying out the activities described in subsection (a), a local educational agency or school shall, to the greatest extent practicable—

''(1) request volunteers from business and academic communities, and law enforcement organizations, such as Police Athletic and Activity Leagues, to serve as mentors or to assist in other ways;

''(2) ensure that youth in the local community participate in designing the after school activities;

''(3) develop creative methods of conducting outreach to youth in the community;

''(4) request donations of computer equipment and other materials and equipment; and

''(5) work with State and local park and recreation agencies so that activities carried out by the agencies prior to the date of enactment of this subsection are not duplicated by activities assisted under this part.

SEC. 9. COMMUNITY LEARNING CENTER DEFINED.

Section 10906 of the 21st Century Community Learning Centers Act (20 U.S.C. 8246) is amended in paragraph (2) by inserting '', including law enforcement organizations such as the Police Athletic and Activity League'' after ''governmental agencies''.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

Section 10907 of the 21st Century Community Learning Centers Act (20 U.S.C. 8247) is amended by striking ''$20,000,000 for fiscal year 1995'' and all that follows and inserting ''$600,000,000 for each of fiscal years 2000 through 2004, to carry out this part.''.

SEC. 11. EFFECTIVE DATE.

This Act, and the amendments made by this Act, take effect on October 1, 1999.

Mrs. BOXER. I thank the Chair.

Mr. President, my amendment calls for an expansion of afterschool programs. The purpose of the juvenile justice bill is to cut down on crime, and the debate has been, how do we do that?

There are many ways of cutting down on juvenile crime. Certainly one is the gun control amendments which we have been debating and which have received a lot of attention. Another is tough enforcement, tougher penalties. We have been doing that. And another is prevention. I believe this bill is short on prevention. There is not anything in this bill that specifically talks about afterschool programs.

I share with my colleagues a chart, which is basically from the FBI, which shows when juvenile crime is committed. One does not need a degree in chart reading to see what is happening. At 3 o'clock the crime rate goes up, and it does not go down until the parents start coming home from work. We know it is very important in that period of time to look at ways to keep our kids out of trouble. One proven way is afterschool programs.

Right now, we do have afterschool programs funded by the Federal Government, but we are falling short. Out of the 2,000 school districts that applied for afterschool Federal assistance, only 287 applications were awarded grants because of the lack of funds.

President Clinton understood this. In his budget, he asked us to authorize $600 million. That is what my amendment does. It authorizes $600 million. It allows us to accommodate 1.1 million children, many of whom are waiting on line to get into afterschool programs. These are mentoring programs, academic assistance, recreational activities, drug-alcohol prevention programs, et cetera.

The American people understand the importance of afterschool programs. I want my colleagues to see this. Senator LAUTENBERG said 89 percent of the people supported closing the gun show loophole. Mr. President, 92 percent of the people favor afterschool programs. We have a chance to do what the American people want us to do.

Law enforcement supports our afterschool program, as do over 450 police chiefs, sheriffs, and prosecutors. It is important to look at this list because they are from all over the country.

Let's see what the Police Activities League says about afterschool programs. In a letter of endorsement, they write:

> Afterschool youth development programs, like those proposed in your amendment, have been shown to cut juvenile crime immediately, sometimes by 40 to 75 percent.

I need to say this again. Law enforcement is telling us that afterschool programs cut violent crime by children down by 40 to 75 percent. Name one other thing we have in this bill that can have such a dramatic impact immediately on our children.

I saw an interesting letter to the editor in today's Los Angeles Times. It is from the Republican mayor of that city, Richard Riordan. He says:

> Studies have shown that LA's best—
>
> Which is their afterschool program—
>
> students enjoy school more, show improvement in their grades and feel safe. The kids do better at school. They do better in all the various schools across this Nation, because they have afterschool.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Forty-four seconds.

Mrs. BOXER. I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time in opposition?

Mr. HATCH. Let me just say a few words.

I must object to the amendment of the Senator from California. I appreciate the necessity of afterschool programs. I am aware that the 21st Century Learning Centers program supports several efforts in my home State of Utah.

The Senator's amendment, however, increases the program's authorization from $20 million annually to $600 million annually. That adds up to $3 billion over 5 years. The entire underlying bill, which we have been working on for 2 years, only authorizes a little over $1 billion in spending a year—our whole bill.

Again, I express my concerns with attempting to solve a problem by simply throwing more money at it. This amendment attempts to throw $3 billion at a problem our underlying bill will solve because it is effectively written and we know what to do with the money. Our underlying bill will solve many of the problems this amendment by the distinguished Senator from California addresses, without spending such an inordinate amount or settled amount on a single program.

Finally, the Labor Committee is undertaking reauthorization of the ESEA this year. Let that committee do its job in a thoughtful and reasonable way. That would be the place for the distinguished Senator to make her case when that comes up, both in the Labor Committee and on the floor.

I yield such time as he may need to the distinguished chairman of the Labor Committee.

Mr. JEFFORDS. Mr. President, I rise in opposition to this amendment. I agree very strongly with Senator BOXER's goal of increasing the availability of positive, engaging activities for school-aged children and youth during the nonschool hours. This is a very important issue that cannot, and should not, be decided within the context of a floor amendment on the juvenile justice legislation.

Even without this year's Elementary and Secondary Education Act reauthorization, I would have reservations about this amendment. But we do have the Elementary and Secondary Education Act reauthorization in progress, and that is the time when this amendment, or something similar to it, ought to be considered.

As the author of the original 21st Century Community Learning Centers Act, I have an enormous interest in any changes to this legislation, much less changes as dramatic as those proposed in this amendment.

When Congressman Steve Gunderson and I drafted the 21st Century Learning Centers legislation, our purpose was to promote the broader use of school facilities, equipment, and resources. Our largest investment in education is for buildings and equipment, and in most communities these resources are closed more than they are open.

By encouraging schools to share their facilities, equipment, and other resources to meet the broader needs of the community, these centers can expand educational and social service opportunities for everyone in the community.

Until 2 years ago, the Clinton administration failed to support the 21st Century Community Learning Centers, even to the point of repeatedly requesting that funds for the program appropriated by Congress be rescinded.

Then, last year, the administration, through the competitive grants process, substantially changed the focus and indeed, the very nature, of the 21st Century Community Learning Centers program. Overnight, this initiative to expand the use of existing facilities became an afterschool program, almost to the exclusion of the multi-purpose community centers which were envisioned when I wrote the legislation.

This dramatic change in direction for the 21st Century Community Learning Centers program raises questions which must be answered before we can consider such a huge expansion of the program. We will be doing that during the reauthorization of the Elementary and Secondary Education Act, which is now being considered in the Committee on Health, Education, Labor and Pensions. We need to address questions such as: Can the legislation still serve the purposes for which it was originally intended, with the current, overwhelming focus on providing afterschool programs? If it is to be an afterschool program, are there changes needed in the legislation to make it more effective?

If this program is to serve primarily as an afterschool program, where do community organizations such as the Boys and Girls Clubs, YMCAs, fit in? Public schools currently provide less than one-third of the afterschool care, with other community groups providing most of the care.

The current grant program clearly demonstrates that schools are, by and large, failing to coordinate their afterschool services with those of other care providers in the community. And the Boxer amendment does nothing but perpetuate that situation. The amendment by Senator BOXER proposes changes that will eviscerate the act.

The PRESIDING OFFICER. The time in opposition to the amendment has expired.

Mr. JEFFORDS. Thank you, I yield the floor.

Mr. KENNEDY. Mr. President, the 1992 Carnegie Corporation report, ''A Matter of Time,'' called for a major national investment in after-school programs for youth. It said, ''Risk can be transformed into opportunity for our youth by turning their non-school hours into the time of their lives.''

But, we have not done enough to give children the kind of opportunities they need after school. Just ask children if this is true.

Amy, age 14, said ''Sometimes there are so many things you can't do. I can't have company or leave the house. If I talk on the phone, I can't let anyone know I'm here alone. But I really think they've figured it out, you know.''

Cindy, age 16, said, ''We need someone to listen to us—really take it in. I don't have anybody to talk to, so when I have a problem inside, I just have to deal with it myself. I wish there would be more adults that ask questions because that shows that they care and want to know more.''

Each day, 5 million children, many as young as 8 or 9 years old, are left home alone after school. Children unsupervised are more likely to be involved in anti-social activities and destructive patterns of behavior.

We also know that juvenile delinquent crime peaks in the hours between 3 p.m. and 8 p.m. A recent study of gang crimes by juvenviles in Orange County, California, shows that 60 percent of all juvenile gang crimes occur on school days and peak immediately after school dismissal.

We need to do all we can to encourage communities to develop activities that will engage children and keep them off the streets, away from drugs, and out of trouble.

Crime survivors, law enforcement representatives, and prosecutors have joined together in calling for a substantial federal investment in after-school activities. Over 450 of the nation's leading police chiefs, sheriffs, prosecutors, and leaders of local fraternal orders of police, which represent over 360,000 police officers, have called upon public officials to provide more after-school programs for school-age children.

Clearly, financial assistance is needed for such activities in states across the country. Too often, parents cannot afford the thousands of dollars a year required to pay for after-school care, if it exists at all. In Massachusetts, 4,000 eligible children are on waiting lists for after-school care, and tens of thousands more have parents who have given up on getting help. Nationwide, half a million eligible children are on waiting lists for federal child care subsidies. The need for increased opportunities is obvious and this amendment helps to meet it.

Senator BOXER's plan will triple the funds for the 21st Century Community Learning Center initative so that more than 1 million children each year will have access to safe and constructive after-school activities. It also strengthens the current program by including mentoring, academic assistance, and anti-drug, anti-alcohol, and anti-gang activities as allowable uses of the funds.

Additional federal support is essential for communities across the country. This year, the initiative was funded at $200 million. Over 2,000 applicants from across the country submitted proposals to the U.S. Department of Education for that assistance—but only 184 new grants could be funded. We must do more to meet the high demand for after-school programs across the country.

Communities are working hard to provide these after-school activities for children—but they can't do it alone. They want Uncle Sam to be a strong partner in the effort.

Boston's 2:00-to-6:00 After-School Initiative was created in 1998 to expand and enhance quality after-school programs across the city. It has already succeeded in increasing the number of school-based after-school programs by nearly 50 percent. A total of 43 programs now serve over 2,000 students. This year, Mayor Menino has pledged to open 20 more school-based programs. Boston and communities like it throughout the country deserve more assistance in meeting these needs.

Federal support under the 21st Century Community Learning Centers program is helping to meet these needs. Last year, Boston received $305,000 to help the Lewis Middle School and the Tobin Community Middle School in Roxbury, and the Martin Luther King Jr. Middle School in Dorchester to create after-school programs for children.

Springfield received $315,000 to expand their ''Time Out for Communities'' initiative that is helping the Springfield Public Schools to provide after-school programs to 15,000 students, in conjunction with the Springfield Libraries and Museums, the YMCA, Springfield College, and other organizations in the community.

Worcester received $3.6 million over 3 years to support ten community centers that will serve 4,000 students and 5,000 community members. The Worcester after-school program, called the ''Community Learning Centers for Worcester's Children of Promise,'' will provide a wide range of services, including academic support to help students meet state academic standards; drug and violence prevention programs; information on family health; day care for school-age children; tutoring and mentoring; access to technology for students and their families; summer activities; and adult education.

But much more needs to be done in Massachusetts and across the country, if we are going to keep children safe and help them succeed in school.

We know that after-school programs work. In Waco, Texas, students participating in the Lighted Schools program

have demonstrated improvement in school attendance and decreases in juvenile delinquent behavior over the course of the school year. Juvenile crimes have dropped citywide by approximately 10 percent since the program began.

The Baltimore City Police Department saw a 44 percent drop in the risk of children becoming victims of crime after opening an after-school program in a high-crime area. A study of the Goodnow Police Athletic League center in Northeast Baltimore found that juvenile arrests dropped by 10 percent, the number of armed robberies dropped from 14 to 7, assaults with handguns were eliminated, and other assaults decreased from 32 to 20 from 1995 to 1998.

In addition to improved youth behavior and safety, quality after-school programs also lead to better academic achievement by students. At the Beech Street School in Manchester, New Hampshire, the after-school program has improved reading and math scores of students. In reading, the percentage of students scoring at or above the basic level increased from 4 percent in 1994 to one-third in 1997. In math, the percentage of students scoring at the basic level increased from 29 percent to 60 percent. In addition, Manchester saved an estimated $73,000 over three years because students participating in the after-school program avoided being retained in grade or being placed in special education.

One student in the Manchester program said, ''I used to hate math. It was stupid. But when we started using geometry and trigonometry to measure the trees and collect our data, I got pretty excited. Now I'm trying harder in school.''

In Georgia, over 70 percent of students, parents, and teachers agreed that children received helpful tutoring through The 3:00 Project, a statewide network of after-school programs. Over 60 percent of students, parents, and teachers agreed that children completed more of their homework and the homework was better prepared because of their participation in the program.

One 7th-grade student from Georgia said, ''I just used to hang out after-school before coming to The 3:00 Project. Now I have something to do and my school work has improved!''

In 1996, over half of the students who attended Chicago's summer program raised their test scores enough to proceed in high school.

As Mayor Daley of Chicago said, ''Instead of locking youth up, we need to unlock their potential. We need to bring them back to their community and provide the guidance and support they need.''

We should do all we can to improve and expand after-school opportunities—the nation's children deserve no less.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I ask unanimous consent that I be given an additional minute to the 44 seconds.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mrs. BOXER. I thank my friends.

Frankly, I am kind of surprised to see my friends on the Republican side disagree so strongly with law enforcement in this country. There is a reason we put this on the juvenile justice bill. It is because we know that kids get into trouble after school. You do not need a degree in criminology, psychology, or any other ''ology'' to understand that is what is happening.

When I held crime meetings, town meetings, all throughout the State of California, the one thing I can tell you the law enforcement people told me—and that is why the National Sheriffs Association supports our amendment—Senator, when we get them, it is too late. When we get them, it is too late. Prevent the crime first.

It goes to the next chart.

Three o'clock, that is when it happens, folks. They get out of school; they have no place to go; they get in trouble. I am stunned to see the Senator from Vermont once again opposing this. This isn't a new program; it is an expansion of the program that was started by President Clinton. And guess what, I say to my friend. They can only fund a minuscule proportion of the applications from the school districts coming from all over the country.

What we would do in this amendment is allow those applications to be funded. This is nothing new. This is nothing extraordinary. It is expanding this program—the same program —to meet the incredible need.

I agree with law enforcement on this one: Keep our kids busy and happy after school. We will see that crime rate go down.

Thank you very much, Mr. President.

The PRESIDING OFFICER. All time has expired on the amendment.

Mr. CHAFEE. Let's vote.

Mr. HATCH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 364

Mr. HATCH. Mr. President, am I correct, the first vote is the Wellstone amendment?

The PRESIDING OFFICER. That is the first amendment that will be voted on.

Mr. HATCH. Mr. President, I move to table the amendment and ask for the yeas and nays, and I request at the same time that the following two votes be 10 minutes each.

The PRESIDING OFFICER. Is there objection to the unanimous consent request?

Mr. WELLSTONE. Can I ask one question: Do we have a minute each, or are we not doing that?

Mr. HATCH. We have been debating all night. We will be glad to have 2 minutes before each amendment.

Mr. WELLSTONE. I just wanted to know. I prefer to have 1 minute to summarize.

Mr. HATCH. Let me defer my motion to table and go for 2 minutes equally divided.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. This amendment simply maintains the current core protections in current law. It requires States to study and assess the problem of disproportionate minority confinement. It does not require quotas. It is not unconstitutional. It does not require States and localities to release those in confinement.

This amendment is about fairness. It is about equal justice under the law. This is a civil rights vote.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. I think we have more than adequately answered the arguments made by the distinguished presenter of this amendment. We yield back the remainder of our time.

Mr. President, I ask unanimous consent that the first vote be 15 minutes and that the succeeding two votes be 10 minutes each.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. HATCH. Mr. President, 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.

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 364. The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 52, nays 48, as follows:

[Rollcall Vote No. 130 Leg.]

YEAS—52

Abraham	Frist	Murkowski
Allard	Gorton	Nickles
Ashcroft	Gramm	Roberts
Bennett	Grams	Roth
Bond	Grassley	Santorum
Brownback	Gregg	Sessions
Bunning	Hagel	Shelby
Burns	Hatch	Smith (NH)
Campbell	Helms	Smith (OR)
Cochran	Hutchinson	Snowe
Collins	Hutchison	Stevens
Coverdell	Inhofe	Thomas
Craig	Kyl	Thompson
Crapo	Lott	Thurmond
DeWine	Lugar	Voinovich
Domenici	Mack	Warner
Enzi	McCain	
Fitzgerald	McConnell	

NAYS—48

Akaka	Cleland	Harkin
Baucus	Conrad	Hollings
Bayh	Daschle	Inouye
Biden	Dodd	Jeffords
Bingaman	Dorgan	Johnson
Boxer	Durbin	Kennedy
Breaux	Edwards	Kerrey
Bryan	Feingold	Kerry
Byrd	Feinstein	Kohl
Chafee	Graham	Landrieu

Lautenberg	Moynihan	Sarbanes
Leahy	Murray	Schumer
Levin	Reed	Specter
Lieberman	Reid	Torricelli
Lincoln	Robb	Wellstone
Mikulski	Rockefeller	Wyden

The motion was agreed to.

Mr. HATCH. 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.

AMENDMENT NO. 365

The PRESIDING OFFICER (Mr. HUTCHINSON). On the McConnell amendment, there is 1 minute on each side.

The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, the amendment we are about to vote on is very narrowly drafted to add one additional factor to those Federal agencies that have subjective standards they apply prior to allowing the shooting of a movie on Federal property.

The subject of the amendment is the making of movies on Federal property and with federal assistance. There are at least three federal entities—the Defense Department, NASA, and the Coast Guard—that currently have quite subjective standards which they apply to the movie industry when asked for permission to make a movie on Federal property or with their cooperation and assistance.

All this amendment does is add one more factor—one, wanton and gratuitous violence—to those standards. Bear in mind this amendment has no first amendment implications at all. Any movie company that wants to make a movie and do anything and say anything and depict anything they want to can continue to do that. They just won't do it on Federal property.

This is a mild amendment that sends a message to Hollywood.

I hope my colleagues will support it.

Mr. LEAHY. Mr. President, the problem with this, of course, is that nobody, when they start out on a movie, knows exactly what form their movie is going to be in in the end. Basically what you are saying is somebody in the Department of Agriculture—for example, if you want to do something on the eastern forest or have eastern forest in the background—some bureaucrat in the Department of Agriculture has to determine, before you even start filming the movie, what the final edited copy of the movie will look like at the end before the decision can be made. That person at the Department of Agriculture might do dairy price supports one day and Block Buster Steven Spielberg movies the next day.

I understand what my friend from Kentucky wants to do. But the best way to censor violence in movies is don't go to violent movies. But don't ask somebody at the Department of the Interior who does fishing permits, for example, to determine whether a national forest can be used as a background somewhere in a movie that has not yet been made.

The PRESIDING OFFICER. The time has expired. The question is on agreeing to the amendment. This will be a 10-minute vote. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 66, nays 44, as follows:

[Rollcall Vote No. 131 Leg.]

YEAS—66

Abraham	Dodd	Kyl
Allard	Domenici	Lieberman
Ashcroft	Dorgan	Lincoln
Bayh	Edwards	Lott
Bennett	Enzi	Lugar
Biden	Fitzgerald	Mack
Bond	Frist	McCain
Breaux	Gorton	McConnell
Brownback	Gramm	Murkowski
Bryan	Grams	Roberts
Bunning	Grassley	Roth
Burns	Gregg	Santorum
Byrd	Harkin	Sessions
Campbell	Hatch	Shelby
Chafee	Helms	Smith (NH)
Cochran	Hutchinson	Smith (OR)
Collins	Hutchison	Snowe
Conrad	Inhofe	Specter
Coverdell	Jeffords	Thomas
Craig	Johnson	Thurmond
Crapo	Kennedy	Warner
DeWine	Kerry	Wyden

NAYS—34

Akaka	Inouye	Reid
Baucus	Kerrey	Robb
Bingaman	Kohl	Rockefeller
Boxer	Landrieu	Sarbanes
Cleland	Lautenberg	Schumer
Daschle	Leahy	Stevens
Durbin	Levin	Thompson
Feingold	Mikulski	Torricelli
Feinstein	Moynihan	Voinovich
Graham	Murray	Wellstone
Hagel	Nickles	
Hollings	Reed	

The amendment (No. 365) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. ROBB. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 319

The PRESIDING OFFICER. The next amendment is the BOXER amendment. There are 2 minutes equally divided.

The Senator from California.

Mrs. BOXER. Mr. President, all we do in this amendment is authorize the amount of money we need to fill the need of all those local school districts which have applied for afterschool programs. We know that at 3 o'clock—this is from the FBI—the crime rate goes up and it does not go down until the parents come home from work. We know that afterschool programs will prevent crime.

We also know the reason all these various law enforcement agencies support this is that this is the way to stop crime from happening in the first place.

Mr. BYRD. Mr. President, may we have order.

The PRESIDING OFFICER. The Senate will be in order.

The Senator from California.

Mrs. BOXER. Mr. President, we hope to cut down juvenile crime. What better way to do it than to listen to law enforcement, including the Police Athletic Leagues and the National Sheriffs Association, and so many police chiefs who tell us: Senators, prevention is the name of the game. Once the kids get into the system, we cannot turn them around.

If we will vote for this, we will authorize the appropriate amount of money the local school districts are telling us meets the needs of 1.2 million children. I hope my colleagues will support this amendment.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. This adds $3 billion to programs we already covered in our prevention programs and does it in a way that has more Federal intrusion.

I move to table the amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 319.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced, yeas 53, nays 47, as follows:

[Rollcall Vote No. 132 Leg.]

YEAS—53

Abraham	Fitzgerald	McCain
Allard	Frist	McConnell
Ashcroft	Gorton	Murkowski
Bennett	Gramm	Nickles
Bond	Grams	Roberts
Brownback	Grassley	Roth
Bunning	Gregg	Santorum
Burns	Hagel	Sessions
Campbell	Hatch	Shelby
Chafee	Helms	Smith (NH)
Cochran	Hutchinson	Smith (OR)
Collins	Hutchison	Stevens
Coverdell	Inhofe	Thomas
Craig	Jeffords	Thompson
Crapo	Kyl	Thurmond
DeWine	Lott	Voinovich
Domenici	Lugar	Warner
Enzi	Mack	

NAYS—47

Akaka	Feingold	Lincoln
Baucus	Feinstein	Mikulski
Bayh	Graham	Moynihan
Biden	Harkin	Murray
Bingaman	Hollings	Reed
Boxer	Inouye	Reid
Breaux	Johnson	Robb
Bryan	Kennedy	Rockefeller
Byrd	Kerrey	Sarbanes
Cleland	Kerry	Schumer
Conrad	Kohl	Snowe
Daschle	Landrieu	Specter
Dodd	Lautenberg	Torricelli
Dorgan	Leahy	Wellstone
Durbin	Levin	Wyden
Edwards	Lieberman	

The motion was agreed to.

Mr. ASHCROFT. 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.

Mr. LOTT. Mr. President, I have a unanimous consent request I would like to propound. First, obviously, we have had the last vote for the night. I thank the managers of the bill for their diligent efforts. I thank Senator REID for his efforts, and Senator ASHCROFT, and Senator FRIST, and Senator HARKIN, and Senator LAUTENBERG, who

have all been willing to at least make concessions so that we can make progress. Senator DASCHLE and I appreciate that. The consent we will ask would provide for two amendments to be brought up in the morning, and it would be the Gordon Smith/Jeffords amendment, followed by the Lautenberg amendment, with a vote on both of those at 10:30. The pending business is still the Harkin amendment, but we would intend at that time to go to the supplemental bill. We are going to try to get a 2-hour time agreement on that. When that is over, we will be back where we stood with the Frist-Ashcroft amendment. That summarizes the agreement.

Mr. President, I ask unanimous consent that with respect to the Gordon Smith/Jeffords amendment there be 60 minutes for debate, equally divided in the usual form on the Gordon Smith amendment and amendment No. 362, the Lautenberg amendment, to run concurrently beginning at 9:30 a.m. Thursday, and all other provisions of the consent agreement of May 14 remain in place and the amendment be laid down tonight prior to the close of Senate business.

I further ask consent that the vote occur on the Gordon Smith-Jeffords amendment just prior to the vote on amendment 362, under the same time restraints and provisions as provided above.

I further ask that the Senate resume amendment No. 355 immediately following the disposition of amendment No. 362.

Mr. LEAHY. Mr. President, reserving the right to object, and I shall not object. That is with the understanding that the Senator from Iowa is represented under the same circumstances as when we broke off, is that correct?

Mr. LOTT. He still would have priority recognition under the agreement and under the procedures anyway, but also under the agreement that was included. Both sides of this issue don't want to lose their positions. But this will allow us to do these two amendments and to do the supplemental, and then that will be the pending issue. We know we have to find a way to get to a conclusion.

I want to emphasize now that we will do the supplemental after those first 2 votes.

Mr. REID. Reserving the right to object. Mr. Leader, would it be possible for the unanimous consent request to be amended to reflect that 15 minutes of the time on the Smith amendment be controlled by Senator SCHUMER, that he take 5 minutes of the 15 minutes, and then the remaining 10 minutes go to Senator LAUTENBERG?

Mr. LOTT. I think I got lost. Is it just a division of how the time would go on your side?

Mr. REID. Yes. One of our Members wanted to control 15 minutes. He is going to use 5 minutes of it and give the rest to Senator LAUTENBERG.

Mr. LOTT. Mr. President, I amend that UC request to that effect, based on the assurance of the intent given by the distinguished Democratic whip. If it turns out that it is somehow or another not fair, we will revisit that tomorrow. I change the UC to include that request.

Mr. ASHCROFT. Reserving the right to object, and I don't intend to object, I want to indicate that this is about the fourth time we have displaced this amendment, which I have been working on in conjunction with Senator FRIST. This amendment has been the pending business since last Friday. This is not a novel amendment.

I just want to indicate that I intend to get a vote on this amendment. Votes have been taken on amendments on both sides. The right way to resolve any dispute on this amendment is to vote on it. I have been ready to vote on this amendment for quite some time. I think everyone on both sides of the aisle knows what the amendment is about.

I would just indicate that when this amendment comes back up I will persist in expecting the same courtesy that this body has accorded all other amendments to be accorded to this amendment, and I will work hard to make sure we have an opportunity to vote on it.

Mr. LOTT. Mr. President, I again express my appreciation to Senator ASHCROFT for his willingness to agree to this unanimous consent tonight. He is right. He, Senator FRIST, and Senator HARKIN have agreed to be put it aside. I think it will be the fourth time we wouldn't have been able to get this agreement without their cooperation. I understand their determination on both sides of the issue. I appreciate the fact they were willing to agree to this.

Did we get an agreement?

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 366

(Purpose: To reverse provisions relating to pawn and other gun transactions)

Mr. LOTT. Mr. President, I send an amendment to the desk on behalf of Senators SMITH of Oregon and JEFFORDS.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi (Mr. LOTT), for Mr. SMITH of Oregon, and Mr. JEFFORDS, proposes an amendment numbered 366.

At the appropriate place, insert the following:

SEC. . PROVISIONS RELATING TO PAWN AND OTHER GUN TRANSACTIONS.

(a) Notwithstanding any other provision of this Act, the repeal of paragraph (1) and amendment of paragraph (2) made by subsection (c) with the heading ''Provision Relating to Pawn and Other Transactions'' of section 4 of the title with the heading ''General Firearms Provisions'' shall be null and void.

(b) COMPLIANCE.—Except as to the State and local planning and zoning requirements for a licensed premises as provided in subparagraph (D), a special licensee shall be subject to all the provisions of this chapter applicable to dealers, including, but not limited to, the performance of an instant background check.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

MORNING BUSINESS

Mr. NICKLES. I ask unanimous consent that the Senate now proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, May 18, 1999, the federal debt stood at $5,593,840,202,404.86 (Five trillion, five hundred ninety-three billion, eight hundred forty million, two hundred two thousand, four hundred four dollars and eighty-six cents).

One year ago, May 18, 1998, the federal debt stood at $5,497,225,000,000 (Five trillion, four hundred ninety-seven billion, two hundred twenty-five million).

Five years ago, May 18, 1994, the federal debt stood at $4,590,202,000,000 (Four trillion, five hundred ninety billion, two hundred two million).

Ten years ago, May 18, 1989, the federal debt stood at $2,780,338,000,000 (Two trillion, seven hundred eighty billion, three hundred thirty-eight million).

Fifteen years ago, May 18, 1984, the federal debt stood at $1,485,574,000,000 (One trillion, four hundred eighty-five billion, five hundred seventy-four million) which reflects a debt increase of more than $4 trillion—$4,108,266,202,404.86 (Four trillion, one hundred eight billion, two hundred sixty-six million, two hundred two thousand, four hundred four dollars and eighty-six cents) during the past 15 years.

CHANGES TO THE BUDGETARY AGGREGATES AND APPROPRIATIONS COMMITTEE ALLOCATION FOR H.R. 1141

Mr. DOMENICI. Mr. President, section 314(b)(1) of the Congressional Budget Act, as amended, requires the Chairman of the Senate Budget Committee to adjust the appropriate budgetary aggregates and the allocation for the Appropriations Committee to reflect an amount provided and designated as an emergency requirement pursuant to 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act.

I hereby submit revisions to the 1999 Senate Appropriations Committee allocations, pursuant to section 302 of the Congressional Budget Act, in the following amounts:

[In millions of dollars]

	Budget authority	Outlays
Current Allocation:		
Defense discretionary	279,891	271,403

[In millions of dollars]

	Budget authority	Outlays
Nondefense discretionary	287,157	273,901
Violent crime reductiuon fund	5,800	4,953
Highways		21,885
Mass transit		4,401
Mandatory	299,159	291,731
Total	872,007	868,274
Adjustments:		
Defense discretionary	+9,249	+2,525
Nondefense discretionary	+3,533	+1,057
Violent crime reductiuon fund		
Highways		
Mass transit		
Mandatory		
Total	+12,782	+3,582
Revised Allocation:		
Defense discretionary	289,140	273,928
Nondefense discretionary	290,690	274,958
Violent crime reductiuon fund	5,800	4,953
Highways		21,885
Mass transit		4,401
Mandatory	299,159	291,731
Total	884,789	871,856

I hereby submit revisions to the 1999 budget aggregates, pursuant to section 311 of the Congressional Budget Act, in the following amounts:

[In millions of dollars]

	Budget authority	Outlays	Deficit
Current Allocation: Budget Resolution	1,452,512	1,411,334	−52,415
Adjustments: H.R. 1141	+12,782	+3,582	−3,582
Revised Allocation: Budget Resolution	1,465,294	1,414,916	−55,997

I hereby submit revisions of the 2000 Senate Appropriations Committee allocations, pursuant to section 302 of the Congressional Budget Act, in the following amounts:

[In millions of dollars]

	Budget authority	Outlays
Current Allocation:		
General purpose discretionary	531,771	536,700
Violent crime reduction fund	4,500	5,554
Highways		24,574
Mass transit		4,117
Mandatory	321,502	304,297
Total	857,773	875,242
Adjustments:		
General purpose discretionary	+1,881	+7,258
Violent crime reduction fund		
Highways		
Mass transit		
Mandatory		
Total	+1,881	+7,258
Revised Allocation:		
General purpose discretionary	533,652	543,958
Violent crime reduction fund	4,500	5,554
Highways		24,574
Mass transit		4,117
Mandatory	321.502	304,297
Total	859,654	882,500

I hereby submit revisions of the 2000 budget aggregates, pursuant to section 311 of the Congressional Budget Act, in the following amounts:

[In millions of dollars]

	Budget authority	Outlays	Deficit
Current Allocation: Budget Resolution	1,426,720	1,408,082	0
Adjustments: H.R. 1141	+1,881	+7,258	−7,258
Revised Allocation: Budget Resolution	1,428,601	1,415,340	−7,258

CONDEMNING RUSSIAN ANTI-SEMITISM

Mr. FITZGERALD. Mr. President, I rise today in support of S. Con. Res. 19, a resolution condemning growing Russian anti-Semitism.

Russian anti-Semitism, is nothing new in the world. Throughout Russian history, Jews have faced attacks in the form of pogroms, forced military duty for terms of up to 25 years, and a general pattern of persecution and discrimination. With the end of the Soviet Union and the rise of democracy in Russia, we thought these kinds of acts were a part of the past. Unfortunately, they are not.

On Saturday, May 1, there were two bomb blasts at two Moscow synagogues, one at Moscow's main Choral Synagogue. There was light damage at both sites, yet the bombings on the Sabbath and on May 1, ''May Day'' was a scary development.

These violent acts, combined with the various statements issued by Communist members of the Russian Duma can only serve to stir up increased violence. This is extremely unfortunate.

There is no place for violence and hatred in our society. We in Congress and the rest of the world must actively condemn this violence and hatred before it gets out of hand, as has been the case all too many times in this century. Thank you Mr. President.

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 Committee on Armed Services.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 12:58 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1141) making emergency supplemental appropriations for the fiscal year ending September 30, 1999, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–3062. A communication from the General Counsel, Department of Defense, transmitting, a draft of proposed legislation relative to various management concerns; to the Committee on Armed Services.

EC–3063. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report entitled ''Economic and Political Transition in Indonesia''; to the Committee on Appropriations.

EC–3064. A communication from the Director, Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Para-Aramid Fibers and Yarns'', received May 12, 1999; to the Committee on Armed Services.

EC–3065. A communication from the Acting Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled ''Revision of Federal Speculative Position Limits and Associated Rules'' (RIN3038–AB32), received May 17, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3066. A communication from the Manager, Federal Crop Insurance Corporation, Risk Management Agency, Farm and Foreign Agricultural Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Common Crop Insurance Regulations; Grape Crop Insurance Provisions; Final Rule'', received May 17, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3067. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Tax Relief for Those Affected by Operation Allied Force'' (Notice 99–30), received May 17, 1999; to the Committee on Finance.

EC–3068. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Equitable Relief from Joint and Several Liability'' (Notice 99–29), received May 10, 1999; to the Committee on Finance.

EC–3069. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Rev. Proc. 99-25'', received May 12, 1999; to the Committee on Finance.

EC–3070. A communication from the Acting Regulations Officer, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled ''Old-Age, Survivors, and Disability Insurance and Supplemental Security Income for the Aged, Blind and Disabled; Substantial Gainful Activity Amounts'' (RIN0960–AE98), received April 20, 1999; to the Committee on Finance.

EC–3071. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the Veterans Subvention Demonstration; to the Committee on Finance.

EC–3072. A communication from the Assistant Secretary for Management and Chief Financial Officer, Department of the Treasury, transmitting, pursuant to law, a report relative to a vacancy in the Department of the Treasury; to the Committee on Finance.

EC–3073. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, a draft of proposed legislation entitled the ''Intercountry Adoption Act''; to the Committee on Foreign Relations.

EC–3074. A communication from the Chairman of the Board, African Development Foundation, transmitting, a draft of a proposed amendment to the International Security and Development Cooperation Act of 1980; to the Committee on Foreign Relations.

EC–3075. A communication from the Assistant Administrator, Bureau for Legislative and Public Affairs, Agency for International Development, transmitting, a draft of a proposed amendment to the Foreign Assistance Act of 1961; to the Committee on Foreign Relations.

EC–3076. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report of the issuance of an export license to Greece; to the Committee on Foreign Relations.

EC–3077. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of the texts and background statements of international agreements, other than treaties; to the Committee on Foreign Relations.

EC–3078. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Gambrell, AK; Docket No. 98–AAL–20/4–20 (4–22)'' (RIN2120–AA66) (1999–0141), received April 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3079. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; San Antonio, TX; Direct Final Rule; Confirmation of Effective Date; Docket No. 99–ASW–54/4–23 (4–26)'' (RIN2120–AA66) (1999–0164), received May 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3080. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Monroe, LA; Direct Final Rule; Confirmation of Effective Date; Docket No. 98–ASW–55/4–23 (4–26)'' (RIN2120–AA66) (1999–0165), received May 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3081. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Cahokia, IL; Docket No. 99–AGL–4/4–26 (4–26)'' (RIN2120–AA66) (1999–0163), received May 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3082. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Fremont, OH; Docket No. 98–AGL–75/4–26 (4–26)'' (RIN2120–AA66) (1999–0161), received May 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3083. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Detroit, MI; Docket No. 99–AGL–8/4–26 (4–26)'' (RIN2120–AA66) (1999–0160), received May 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3084. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Mariette, MI; Docket No. 99–AGL–10/4–26 (4–26)'' (RIN2120–AA66) (1999–0159), received May 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3085. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Hallock, MN; Docket No. 99–AGL–5/4–26 (4–26)'' (RIN2120–AA66) (1999–0154), received May 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3086. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Howell; Docket No. 99–AGL–6/4–26 (4–26)'' (RIN2120–AA66) (1999–0155), received May 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3087. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Flint, MI; Docket No. 99–AGL–7/4–26 (4–26)'' (RIN2120–AA66) (1999–0156), received May 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3088. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Restricted Area R–53513C, Long Shoal Point, NC; Docket No. 98–ASO–13/10–7 (4–22)'' (RIN2120–AA66) (1999–0153), received April 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3089. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Rock Rapids Municipal Airport Class E Airspace Area; Direct Final Rule; Request for Comments; Docket No. 99–ACE–15/4–20 (4–22)'' (RIN2120–AA66) (1999–0145), received April 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3090. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Shenandoah Municipal Airport Class E Airspace Area, IA; Direct Final Rule; Request for Comments; Docket No. 99–ACE–16/4–20 (4–22)'' (RIN2120–AA66) (1999–0144), received April 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3091. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Clarinda, Schenck Field Class E Airspace Area, IA; Direct Final Rule; Request for Comments; Docket No. 99–ACE–17/4–20 (4–22)'' (RIN2120–AA66) (1999–0143), received April 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3092. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Des Moines International Airport Class E Airspace Area, IA; Direct Final Rule; Confirmation of Effective Date and Correction; Docket No. 98–ACE–55/4–20 (4–22)'' (RIN2120–AA66) (1999–0151), received April 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3093. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Springfield-Branson Regional Airport Class E Airspace Area, MO; Confirmation of Effective Date; Docket No. 99–ACE–8/4–20 (4–22)'' (RIN2120–AA66) (1999–0149), received April 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3094. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Newton City-County Municipal Airport Class E Airspace Area, KS; Confirmation of Effective Date; Docket No. 99–ACE–3/4–20 (4–22)'' (RIN2120–AA66) (1999–0150), received April 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3095. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to West Union, George L. Scott Municipal Airport Class E Airspace, IA; Direct Final Rule; Request for Comments; Docket No. 99–ACE–12/4–20 (4–22)'' (RIN2120–AA66) (1999–0147), received April 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3096. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Perryville Municipal Airport Class E Airspace Area, MO; Direct Final Rule; Confirmation of Effective Date; Docket No. 99-ACE-1/3-31 (-1)'' (RIN2120-AA66) (1999-0126), received April 19, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3097. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Cresco, Ellen Church Field Class E Airspace Area, IA; Direct Final Rule; Request for Comments; Docket No. 99-ACE-13/4-20 (4-22)'' (RIN2120-AA66) (1999-0146), received April 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3098. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Grand Island, Central Nebraska Regional Municipal Airport Class E Airspace Area, IA; Direct Final Rule; Confirmation of Effective Date; Docket No. 99-ACE-2/3-31 (4-1)'' (RIN2120-AA66) (1999-0128), received April 19, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3099. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace, Toccoa, GA; Correction; Docket No. 99-ASO-3/5-3 (5-3)'' (RIN2120-AA66) (1999-0169), received May 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3100. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Jesse Viertal Mem Airport Class E Airspace Area, MO; Direct Final Rule, Confirmation of Effective Date; Docket No. 99-ACE-6/4-23 (4-26)'' (RIN2120-AA66) (1999-0166), received May 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3101. A communication from the Program Analyst, Office of the Chief Counsel,

Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace Area; El Dorado, KS; Direct Final Rule, Confirmation of Effective Date and Correction; Docket No. 99-ACE-5/4-23 (4-26)'' (RIN2120-AA66) (1999-0167), received May 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3102. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace and Modification of Class E Airspace; Alpena, MI; Docket No. 99-AGL-11/4-26 (4-26)'' (RIN2120-AA66) (1999-0157), received May 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3103. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Waverly, OH; Docket No. 99-AGL-79/4-26 (4-26)'' (RIN2120-AA66) (1999-0162), received May 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3104. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Temporary Restricted Area, Idaho; Docket No. 99-ANM-22/5-4 (5-3)'' (RIN2120-AA66) (1999-0168), received May 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3105. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of CVG Class B and Revocation of the CVG Class C Airspace Area, KY; Confirmation of Effective Date; Docket No. 93-AWA-5/4-20 (4-22)'' (RIN2120-AA66) (1999-0152), received April 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3106. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (42); Amdt. No. 1927/4-22 (4-26)'' (RIN2120-AA65) (1999-0021), received May 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3107. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (44); Amdt. No. 1926/4-27 (4-29)'' (RIN2120-AA65) (1999-0022), received May 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3108. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revocation and Establishment of Class E Airspace; Sinaw, MI; Docket No. 99-AGL-9/4-26 (4-26)'' (RIN2120-AA66) (1999-0158), received May 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3109. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: British Aerospace Model H.P. 137 Jetstream Mk. 1, Jetstream Series 200, and Jetstream Models 3101 and 3201 Airplanes; Direct Final Rule; Request for Comments; Docket No. 98-CE-70/10-8 (4-22)'' (RIN2120-AA64) (1999-0183), received April 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3110. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 747-100, -200, -300, SP and SR Series Airplanes; Docket No. 97-NM-272/9-30 (4-22)'' (RIN2120-AA64) (1999-0182), received April 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3111. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Raytheon Aircraft Company Beech Models A36, B36TC, 58, 58A, C90A, B200, B300, and 1900D Airplanes; Request for Comments; Docket No. 99-CE-11/4-28 (4-29)'' (RIN2120-AA64) (1999-0198), received May 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3112. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Alexander Schleicher Segelflugzeugbau Model ASK21 Gliders; Direct Final Rule; Request for Comments; Docket No. 98-CE-25/4-26 (4-26)'' (RIN2120-AA64) (1999-0184), received May 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3113. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; McDonnell Douglas Model MD-11 Series Airplanes; Docket No. 99-NM-100-AD; Amendment 39-11154; AD 99-09-51'' (RIN2120-AA64), received May 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3114. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Special Anchorage Areas/Anchorage Grounds Regulations; Atlantic Ocean off Miami and Miami Beach, Florida (CGD07-99-002)'' (RIN2115-AA98) (1999-0001), received April 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3115. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Interagency Career Transition Assistance for Displaced Former Panama Canal Employees'', received May 12, 1999; to the Committee on Governmental Affairs.

EC–3116. A communication from the Director, Office of Personnel Management, transmitting, a draft of proposed legislation entitled ''Federal Employees' Overtime Pay Limitation Amendments Act of 1999''; to the Committee on Governmental Affairs.

EC–3117. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, a report relative to life insurance for Federal employees; to the Committee on Governmental Affairs.

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. TORRICELLI (for himself, Mr. WELLSTONE, and Mr. SARBANES):

S. 1074. A bill to amend the Social Security Act to waive the 24-month waiting period for medicare coverage of individuals with amyotrophic lateral sclerosis (ALS), and to provide medicare coverage of drugs and biologicals used for the treatment of ALS or for the alleviation of symptoms relating to ALS; to the Committee on Finance.

By Mrs. BOXER (for herself, Mrs. HUTCHISON, and Ms. LANDRIEU):

S. 1075. A bill to promote research to identify and evaluate the health effects of silicone breast implants, and to insure that women and their doctors receive accurate information about such implants; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SPECTER:

S. 1076. A bill to amend title 38, United States Code, to provide a cost-of-living adjustment in rates of compensation paid to veterans with service-connected disabilities, to enhance programs providing health care, education, and other benefits for veterans, to authorize major medical facility projects, to reform eligibility for burial in Arlington National Cemetery, and for other purposes; to the Committee on Veterans Affairs.

By Mr. SCHUMER (for himself, Mr. BYRD, Mr. KENNEDY, Mr. INOUYE, Mr. ROTH, Mr. LEAHY, Mr. CHAFEE, Mr. WARNER, Mr. LEVIN, Mr. DODD, Mr. LAUTENBERG, Mr. BINGAMAN, Mr. KERRY, Mr. REID, Mr. BRYAN, Mr. ROBB, Mr. LIEBERMAN, Mrs. BOXER, Mr. WYDEN, Mr. TORRICELLI, and Mr. BAYH:

S. 1077. A bill to dedicate the new Amtrak station in New York, New York, to Senator Daniel Patrick Moynihan; to the Committee on Environment and Public Works.

By Mr. HELMS:

S. 1078. A bill for the relief of Mrs. Elizabeth Eka Bassey and her children, Emmanuel O. Paul Bassey, Jocob Paul Bassey, and Mary Idongesit Paul Bassey; to the Committee on the Judiciary.

By Mr. MACK (for himself, Mr. KOHL, and Mr. GRASSLEY):

S. 1079. A bill to amend the Internal Revenue Code of 1986 to increase the deductibility of business meal expenses for individuals subject to Federal hours of service; to the Committee on Finance.

By Mr. TORRICELLI (for himself, Mr. SCHUMER, and Mr. DURBIN):

S. 1080. A bill to amend title 18, United States Code, to prohibit gunrunning, and provide mandatory minimum penalties for crimes related to gunrunning; to the Committee on the Judiciary.

By Mr. TORRICELLI:

S. 1081. A bill to amend section 842 of title 18, United States Code, relating to explosive materials; to the Committee on the Judiciary.

S. 1082. A bill to amend part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1968 to provide assistance for unincorporated neighborhood watch programs; to the Committee on the Judiciary.

By Mr. TORRICELLI (for himself and Mr. KOHL):

S. 1083. A bill to expedite State review of criminal records of applicants for bail enforcement officer employment, and for other purposes; to the Committee on the Judiciary.

By Mr. MCCAIN (for himself, Mr. BRYAN, and Ms. SNOWE):

S. 1084. A bill to amend the Communications Act of 1934 to protect consumers from the unauthorized switching of their long-distance service; to the Committee on Commerce, Science, and Transportation.

By Mrs. MURRAY:

S. 1085. A bill to amend the Internal Revenue Code of 1986 to modify the treatment of bonds issued to acquire renewable resources on land subject to conservation easement; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. TORRICELLI (for himself and Mr. WELLSTONE):

S. 1074. A bill to amend the Social Security Act to waive the 24-month waiting period for medicare coverage of individuals with amyotrophic lateral sclerosis (ALS), and to provide medicare coverage of drugs and biologicals used for the treatment of ALS or for the alleviation of symptoms relating to ALS; to the Committee on Finance.

AMYOTROPHIC LATERAL SCLEROSIS (ALS) TREATMENT AND ASSISTANCE ACT OF 1999

Mr. TORRICELLI. Mr. President, I rise today to introduce legislation that will improve the lives of 30,000 Americans, 850 of whom live in my State of New Jersey, who are stricken with Amyotrophic Lateral Sclerosis (ALS).

Many of us know Amyotrophic Lateral Sclerosis (ALS) as the disease that struck down the famed Yankees 1st baseman, Lou Gehrig, yet, few of us are aware of the tragic effects ALS has on its victims. Fewer still are aware of the inherent flaws in the Medicare program which further compound the suffering of those with ALS.

Despite the short life expectancy of three to five years, ALS patents must endure a two year waiting period in order to receive Medicare services. Forcing ALS patients to wait until the final months of their illness defies common sense and human decency. In fact, as a result of the Medicare waiting period, approximately 17,000 ALS patients remain ineligible for Medicare services right now, regardless of the severity of their condition.

My bill, the ALS Treatment, and Assistance Act waives the 24-month Medicare waiting period for ALS patients. A similar waiver is granted for victims of end-stage renal disease due to the rapid onset of symptoms. The immediacy of symptoms in ALS patients and extremely short life expectancy illustrate the need to extend the waiver for ALS. In addition, many ALS victims have had productive lives and will have paid into the Social Security system well before the onset of ALS.

The legislation also requires Medicare to provide coverage for all FDA-approved drugs that treat ALS. While Medicare typically does not provide coverage for prescription drug therapies, over the past few years, exceptions have been granted to provide drug coverage to treat osteoporosis and certain types of cancer. Due to the rapid onset of symptoms and the short life expectancy of ALS patients, the need for another exception is clear. In addition, expanding Medicare coverage for ALS therapies will stimulate further research.

ALS is a disease that strikes at every community, with the potential for striking every American. No one is immune, and everyone is vulnerable. I am pleased to be joined by my colleague Senator WELLSTONE in introducing legislation that represents a first real step toward improving the quality of life for people with ALS while bringing us much closer to finding a cause and a cure.

Mr. President, I ask at this time 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. 1074

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

SECTION 1. SHORT TITLE; FINDINGS; PURPOSES.

(a) SHORT TITLE.—This Act may be cited as the ''Amyotrophic Lateral Sclerosis (ALS) Treatment and Assistance Act of 1999''.

(b) FINDINGS.—Congress finds the following:

(1) Amyotrophic Lateral Sclerosis (ALS), commonly known as Lou Gehrig's Disease, is a progressive neuromuscular disease characterized by a degeneration of the nerve cells of the brain and spinal cord leading to the wasting of muscles, paralysis, and eventual death.

(2) Approximately 30,000 individuals in the United States are afflicted with ALS at any time, with approximately 5,000 new cases appearing each year.

(3) ALS usually strikes individuals who are 50 years of age or older.

(4) The life expectancy of an individual with ALS is 3 to 5 years from the time of diagnosis.

(5) There is no known cure or cause for ALS.

(6) Aggressive treatment of the symptoms of ALS can extend the lives of those with the disease. Recent advances in ALS research have produced promising leads, many related to shared disease processes that appear to operate in many neurodegenerative diseases.

(c) PURPOSES.—It is the purposes of this Act—

(1) to assist individuals suffering from ALS by waiving the 24-month waiting period for medicare eligibility on the basis of disability for ALS patients; and

(2) to provide medicare coverage of drugs and biologicals used for the treatment of ALS or for the alleviation of symptoms relating to ALS.

SEC. 2. WAIVER OF 24-MONTH WAITING PERIOD FOR MEDICARE COVERAGE OF INDIVIDUALS DISABLED WITH AMYOTROPHIC LATERAL SCLEROSIS (ALS).

(a) IN GENERAL.—Section 226 of the Social Security Act (42 U.S.C. 426) is amended—

(1) by redesignating subsection (h) as subsection (j) and by moving such subsection to the end of the section; and

(2) by inserting after subsection (g) the following:

''(h) For purposes of applying this section in the case of an individual medically determined to have amyotrophic lateral sclerosis (ALS), the following special rules apply:

''(1) Subsection (b) shall be applied as if there were no requirement for any entitlement to benefits, or status, for a period longer than 1 month.

''(2) The entitlement under such subsection shall begin with the first month (rather than twenty-fifth month) of entitlement or status.

''(3) Subsection (f) shall not be applied.''.

(b) CONFORMING AMENDMENT.—Section 1837 of such Act (42 U.S.C. 1395p) is amended by adding at the end the following:

''(j) In applying this section in the case of an individual who is entitled to benefits under part A pursuant to the operation of section 226(h), the following special rules apply:

''(1) The initial enrollment period under subsection (d) shall begin on the first day of the first month in which the individual satisfies the requirement of section 1836(1).

''(2) In applying subsection (g)(1), the initial enrollment period shall begin on the first day of the first month of entitlement to disability insurance benefits referred to in such subsection.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to benefits for months beginning after the date of the enactment of this Act.

SEC. 3. MEDICARE COVERAGE OF DRUGS TO TREAT AMYOTROPHIC LATERAL SCLEROSIS (ALS).

(a) IN GENERAL.—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:

''(U) any drug (which is approved by the Commissioner of Food and Drugs under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355)) or biological (which is licensed by the Secretary of Health and Human Services under section 351 of the Public Health Service Act (42 U.S.C. 262)) prescribed for use in the treatment of amyotrophic lateral sclerosis (ALS) or the alleviation of symptoms relating to ALS.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to drugs furnished on or after the first day of the first month beginning after the date of enactment of this Act.

By Mr. SPECTER:

S. 1076. A bill to amend title 38, United States Code, to provide a cost-of-living adjustment in rates of compensation paid to veterans with service-connected disabilities, to enhance programs providing health care, education, and other benefits for veterans, to authorize major medical facility projects, to reform eligibility for burial in Arlington National Cemetery, and for other purposes; to the Committee on Veterans' Affairs.

VETERANS BENEFITS ACT OF 1999

Mr. SPECTER. Mr. President, today I have introduced a major piece of veterans legislation, the proposed Veterans Benefits Act of 1999. This bill is a so-called omnibus measure which will serve as the basis, and the platform, for much of the legislative work to be accomplished this year by the Committee on Veterans' Affairs.

In the past, the Committee on Veterans' Affairs has considered bills on a more piecemeal basis than is reflected in the larger bill that I have introduced today.

In times past, the Committee on Veterans' Affairs has come to the Senate floor with numerous, separate bills to address the various matters that the committee typically faces: annual cost-of-living adjustments, reauthorizations of ''sunsetting'' programs and

authorities, medical care reforms, nonmedical benefits programs improvements, and the like. With the bill I have introduced today, I propose that such matters be folded into a single bill. That bill, then, will be the central focus of a major hearing.

At that hearing, the committee will have the opportunity to hear the views of the Secretaries of Veterans Affairs and the Army; other senior VA officials, including the VA Under Secretaries who are responsible for VA's major operating entities; the major veterans service organizations (The American Legion, the VFW, the Disabled American Veterans, the Paralyzed Veterans of America, and AMVETS); unions representing the rank and file of VA employees; and, finally, associations representing VA's professional cadre of physicians, dentists, and nurses.

By bringing all of the major issues to the fore at one time, and by bringing all of the interested parties together into one room at one time, I believe that the committee will be better positioned to advance this year's legislative agenda in an organized and systematic manner. Such an approach will not necessarily ease the work of the committee, or this body. It will, however, facilitate the placing of issues and initiatives into some order of priority.

The need to recognize priorities has characterized the committee's approach to its work this year. During the first half of this year, the committee has devoted its attention almost entirely on the proposed fiscal year 2000 budget. As this body recognized when it ordered an increase in spending caps on veterans account spending in the fiscal year 2000 budget resolution, the Administration's proposal to keep the VA's health care budget flat for the fourth straight year was clearly unacceptable. Congress ordered an increase of approximately 10 percent in that budget—an action that I, and the committee's ranking minority member, Senator JAY ROCKEFELLER, were urging as early as last fall. We now must proceed through the appropriations process—a process that the Veterans' Affairs Committee, and the veterans service organizations, will watch very closely.

Having heretofore focused principally on the budget, the committee will now turn to its authorizing business. The bill I introduced today opens, at title I, with the committee's first priority: the granting of cost-of-living adjustments to the cash benefits paid monthly by VA in the form of compensation to the 2.3 million veterans who have suffered service-connected disabilities, and benefits for 320,000 surviving spouses and children of veterans who have died in military service or due to service-related injuries and illnesses. Those who are disabled due to service rely on these benefits. They surely merit cost-of-living adjustments.

My bill, secondly, proposes to increase by 13.6% the most valuable ''readjustment'' benefit that is enjoyed—and earned—by the Nation's young veterans: their Montgomery GI bill educational assistance benefits. The ''blue ribbon'' Commission on Servicemembers and Veterans Transition Assistance made a number of recommendations on this point. Most notably, it cited the fact that, unlike times past, veterans' educational assistance benefits no longer come close to affording the veteran an opportunity to return to school on a full time basis after service. The Commission has recommended that, for new enlistees, VA pay full tuition benefits and, in addition, pay an allowance for books and fees and, finally, a monthly living stipend. The committee will consider this proposal further. In the meantime, however, it is appropriate for the committee to address what it might do to make higher education and other training opportunities available to persons who are in the service today. My bill would increase their benefits in recognition of the increased costs of education.

In addition, this bill would make needed changes in statutory authorities under which VA health care is provided. At the outset, I note that the single largest unmet medical need faced by the World War II/Korea generation of veterans is quality long-term care. In addition to providing hospital care and, increasingly, outpatient-based clinical care, VA provides some nursing home care and other types of long term care. But VA hardly scratches the surface of demand for such care. The solution, of course, is funding—funding that has been surely deficient.

VA funding problems must be addressed by the Appropriate Committee, a committee on which I am proud to serve. However, the authorizing committee, which I am proud to chair, has its role to play too. The authorizing committee can free VA from unnecessary legal strictures which impede its efficient delivery of care. Many such impediments were eliminated by recent ''eligibility reform'' legislation. Some, however, remain.

For example, VA is now authorized to provide adult day health care services, services which help the veteran—and the taxpayer—by keeping potential patients out of hospitals and nursing homes. It can do so, however, only if the veteran in question was, first, a hospital or nursing home patient. Thus, VA caregivers have an incentive to hospitalize people so that they will be authorized to provide the type of care that will allow the patient to avoid hospitalization. To my way of thinking, this makes no sense.

Similarly, VA is authorized to provide ''respite care,'' that is, short term care which frees the day-to-day care giver, typically an aging spouse, to attend to his or her needs. But VA can do so only within the four walls of a VA medical facility. Often, it is more effieient—and surely it is more convenient from the patient's and spouse's standpoint—for a respite care provider to go to the home of the patient, as opposed to requiring the patient to be brought into the hospital or long term care center. But VA is precluded by statute from providing respite care in the veteran's home, even when it is clearly in VA's and the patient's interests for it to do so. This, too, makes no sense to me. The bill I have introduced today would clear away these two impediments to the efficient delivery of VA care. Further, it would reauthorize current programs which have proved their worth.

In the veterans benefits arena, one sensitive matter is now ripe for action. It is time, I think, for clear standards to be established for eligibility for burial in Arlington National Cemetery. And they should be set by Congress.

Remarkably, standards governing eligibility for burial in Arlington have never been put into place by statute. Rather, they are purely a product of administrative fiat. Indeed, in one of the most highly sensitive areas—the granting of ''waivers'' to allow the burial of distinguished persons who are not otherwise eligible for burial in Arlington—there has never even been a formal rulemaking to guide cemetery officials. Rather, the granting of waivers has evolved on a purely customary, and ad hoc, basis.

Dealing with waiver requests on an ad hoc basis gives rise, at best, to suspicion of improper influence. At worst, if fans fears of outright abuse of power. Now, I will not rehash a recent case where it was alleged—I think inaccurately—that Arlington burial rights were ''sold'' to a political contributor. Suffice it to say, however, that when it comes to the most sacred of grounds, Arlington National Cemetery, there can be no suggestion whatsoever of improper influence. Surely, there are some honors that no amount of money or level of influence can buy. Perpetual rest in Arlington is clearly one of those honors.

Mr. President, I could go on at considerable length, but many provisions of this bill speak for themselves. As I have noted, the Committee on Veterans' Affairs has not yet had hearings on these specific legislative proposals. Accordingly, they are still works in progress. But they are works in progress that I intend to advance sooner rather than later, by this summer at the latest. The Nation's veterans deserve that kind of attention, and they are getting it from the Committee on Veterans' Affairs.

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. 1076

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 ''Veterans Benefits Act of 1999''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. References to title 38, United States Code.

TITLE I—COMPENSATION COST-OF-LIVING ADJUSTMENT

Subtitle A—Compensation Cost-of-Living-Adjustment

Sec. 101. Short title.
Sec. 102. Increase in rates of disability compensation and dependency and indemnity compensation.
Sec. 103. Publication of adjusted rates.

Subtitle B—Compensation Rate Amendments

Sec. 111. Disability compensation.
Sec. 112. Additional compensation for dependents.
Sec. 113. Clothing allowance for certain disabled veterans.
Sec. 114. Dependency and indemnity compensation for surviving spouses.
Sec. 115. Dependency and indemnity compensation for children.
Sec. 116. Effective date.

TITLE II—EDUCATIONAL BENEFITS

Sec. 201. Short title.
Sec. 202. Increase in basic benefit of active duty educational assistance.
Sec. 203. Increase in rates of survivors and dependents educational assistance.
Sec. 204. Eligibility of members of the Armed Forces to withdraw elections not to receive Montgomery GI Bill basic educational assistance.
Sec. 205. Accelerated payments of basic educational assistance.

TITLE III—MEDICAL CARE

Subtitle A—Long-Term Care

Sec. 301. Adult day health care.
Sec. 302. In-home respite care services.

Subtitle B—Management of Medical Facilities and Property

Sec. 311. Disposal of Department of Veterans Affairs real property.
Sec. 312. Extension of enhanced-use lease authority.

Subtitle C—Homeless Veterans

Sec. 321. Extension of program of housing assistance for homeless veterans.
Sec. 322. Homeless veterans comprehensive service programs.
Sec. 323. Authorizations of appropriations for homeless veterans' reintegration projects.
Sec. 324. Report on implementation of General Accounting Office recommendations regarding performance measures.

Subtitle D—Other Health Care Provisions

Sec. 331. Treatment and services for drug or alcohol dependency.
Sec. 332. Allocation to Department of Veterans Affairs health care facilities of amounts in Medical Care Collections Fund.
Sec. 333. Extension of certain Persian Gulf War authorities.
Sec. 334. Report on coordination of procurement of pharmaceuticals and medical supplies by the Department of Veterans Affairs and the Department of Defense.

Subtitle E—Major Medical Facility Projects Construction Authorization

Sec. 341. Authorization of major medical facility projects.

TITLE IV—OTHER BENEFITS MATTERS

Sec. 401. Payment rate of certain burial benefits for certain Filipino veterans.
Sec. 402. Extension of authority to maintain a regional office in the Republic of the Philippines.
Sec. 403. Extension of Advisory Committee on Minority Veterans.
Sec. 404. Repeal of limitation on payments of benefits to incompetent institutionalized veterans.
Sec. 405. Clarification of veterans employment opportunities.

TITLE V—MEMORIAL AFFAIRS

Subtitle A—Arlington National Cemetery

Sec. 501. Short title.
Sec. 502. Persons eligible for burial in Arlington National Cemetery.
Sec. 503. Persons eligible for placement in the columbarium in Arlington National Cemetery.

Subtitle B—World War II Memorial

Sec. 511. Short title.
Sec. 512. Fund raising by American Battle Monuments Commission for World War II memorial.
Sec. 513. General authority of American Battle Monuments Commission to solicit and receive contributions.
Sec. 514. Intellectual property and related items.

TITLE VI—UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

Sec. 601. Staggered retirement of judges.
Sec. 602. Recall of retired judges.

SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

TITLE I—COMPENSATION COST-OF-LIVING ADJUSTMENT

Subtitle A—Compensation Cost-of-Living-Adjustment

SEC. 101. SHORT TITLE.

This subtitle may be cited as the ''Veterans' Compensation Cost-of-Living Adjustment Act of 1999''.

SEC. 102. INCREASE IN RATES OF DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION.

(a) RATE ADJUSTMENT.—The Secretary of Veterans Affairs shall, effective on December 1, 1999, increase the dollar amounts in effect for the payment of disability compensation and dependency and indemnity compensation by the Secretary, as specified in subsection (b).

(b) AMOUNTS TO BE INCREASED.—The dollar amounts to be increased pursuant to subsection (a) are the following:

(1) COMPENSATION.—Each of the dollar amounts in effect under section 1114 of title 38, United States Code.

(2) ADDITIONAL COMPENSATION FOR DEPENDENTS.—Each of the dollar amounts in effect under sections 1115(1) of such title.

(3) CLOTHING ALLOWANCE.—The dollar amount in effect under section 1162 of such title.

(4) NEW DIC RATES.—The dollar amounts in effect under paragraphs (1) and (2) of section 1311(a) of such title.

(5) OLD DIC RATES.—Each of the dollar amounts in effect under section 1311(a)(3) of such title.

(6) ADDITIONAL DIC FOR SURVIVING SPOUSES WITH MINOR CHILDREN.—The dollar amount in effect under section 1311(b) of such title.

(7) ADDITIONAL DIC FOR DISABILITY.—The dollar amounts in effect under sections 1311(c) and 1311(d) of such title.

(8) DIC FOR DEPENDENT CHILDREN.—The dollar amounts in effect under sections 1313(a) and 1314 of such title.

(c) DETERMINATION OF INCREASE.—(1) The increase under subsection (a) shall be made in the dollar amounts specified in subsection (b) as in effect on November 30, 1999.

(2) Except as provided in paragraph (3), each such amount shall be increased by the same percentage as the percentage by which benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective December 1, 1999, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)).

(3) Each dollar amount increased pursuant to paragraph (2) shall, if not a whole dollar amount, be rounded down to the next lower whole dollar amount.

(d) SPECIAL RULE.—The Secretary may adjust administratively, consistent with the increases made under subsection (a), the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85–857 (72 Stat. 1263) who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

SEC. 103. PUBLICATION OF ADJUSTED RATES.

At the same time as the matters specified in section 215(i)(2)(D) of the Social Security Act (42 U.S.C. 415(i)(2)(D)) are required to be published by reason of a determination made under section 215(i) of such Act during fiscal year 2000, the Secretary of Veterans Affairs shall publish in the Federal Register the amounts specified in subsection (b) of section 102, as increased pursuant to that section.

Subtitle B—Compensation Rate Amendments

SEC. 111. DISABILITY COMPENSATION.

(a) INCREASE IN RATES.—Section 1114 is amended—

(1) by striking ''$95'' in subsection (a) and inserting ''$96'';

(2) by striking ''$182'' in subsection (b) and inserting ''$184'';

(3) by striking ''$279'' in subsection (c) and inserting ''$282'';

(4) by striking ''$399'' in subsection (d) and inserting ''$404'';

(5) by striking ''$569'' in subsection (e) and inserting ''$576'';

(6) by striking ''$717'' in subsection (f) and inserting ''$726'';

(7) by striking ''$905'' in subsection (g) and inserting ''$916'';

(8) by striking ''$1,049'' in subsection (h) and inserting ''$1,062'';

(9) by striking ''$1,181'' in subsection (i) and inserting ''$1,196'';

(10) by striking ''$1,964'' in subsection (j) and inserting ''$1,989'';

(11) by striking ''$2,443'' and ''$3,426'' in subsection (k) and inserting ''$2,474'' and ''$3,470'', respectively;

(12) by striking ''$2,443'' in subsection (l) and inserting ''$2,474'';

(13) by striking ''$2,694'' in subsection (m) and inserting ''$2,729'';

(14) by striking ''$3,066'' in subsection (n) and inserting ''$3,105'';

(15) by striking ''$3,426'' each place it appears in subsections (o) and (p) and inserting ''$3,470'';

(16) by striking ''$1,471'' and ''$2,190'' in subsection (r) and inserting ''$1,490'' and ''$2,218'', respectively; and

(17) by striking ''$2,199'' in subsection (s) and inserting ''$2,227''.

(b) SPECIAL RULE.—The Secretary of Veterans Affairs may authorize administratively, consistent with the increases specified in this section, the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85–857 who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

SEC. 112. ADDITIONAL COMPENSATION FOR DEPENDENTS.

Section 1115(1) is amended—

(1) by striking ''$114'' in clause (A) and inserting ''$115'';

(2) by striking ''$195'' in clause (B) and inserting ''$197'';

(3) by striking ''$78'' in clause (C) and inserting ''$79'';

(4) by striking ''$92'' in clause (D) and inserting ''$93'';

(5) by striking ''$215'' in clause (E) and inserting ''$217''; and

(6) by striking ''$180'' in clause (F) and inserting ''$182''.

SEC. 113. CLOTHING ALLOWANCE FOR CERTAIN DISABLED VETERANS.

Section 1162 is amended by striking ''$528'' and inserting ''$534''.

SEC. 114. DEPENDENCY AND INDEMNITY COMPENSATION FOR SURVIVING SPOUSES.

(a) NEW LAW RATES.—Section 1311(a) is amended—

(1) by striking ''$850'' in paragraph (1) and inserting ''$861''; and

(2) by striking ''$185'' in paragraph (2) and inserting ''$187''.

(b) OLD LAW RATES.—The table in subsection (a)(3) is amended to read as follows:

''Pay grade	Monthly rate	Pay grade	Monthly rate
E–1	$861	W–4	$1,030
E–2	861	0–1	909
E–3	861	0–2	940
E–4	861	0–3	1,004
E–5	861	0–4	1,062
E–6	861	0–5	1,170
E–7	890	0–6	1,318
E–8	940	0–7	1,424
E–9	[1]980	0–8	1,561
W–1	909	0–9	1,672
W–2	946	0–10	[2]1,834
W–3	974		

''[1]If the veteran served as sergeant major of the Army, senior enlisted advisor of the Navy, chief master sergeant of the Air Force, sergeant major of the Marine Corps, or master chief petty officer of the Coast Guard, at the applicable time designated by section 402 of this title, the surviving spouse's rate shall be $1,057.

''[2]If the veteran served as Chairman or Vice Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, or Commandant of the Coast Guard, at the applicable time designated by section 402 of this title, the surviving spouse's rate shall be $1,966.''.

(c) ADDITIONAL DIC FOR CHILDREN.—Section 1311(b) is amended by striking ''$215'' and inserting ''$217''.

(d) AID AND ATTENDANCE ALLOWANCE.—Section 1311(c) is amended by striking ''$215'' and inserting ''$217''.

(e) HOUSEBOUND RATE.—Section 1311(d) is amended by striking ''$104'' and inserting ''$105''.

SEC. 115. DEPENDENCY AND INDEMNITY COMPENSATION FOR CHILDREN.

(a) DIC FOR ORPHAN CHILDREN.—Section 1313(a) is amended—

(1) by striking ''$361'' in paragraph (1) and inserting ''$365'';

(2) by striking ''$520'' in paragraph (2) and inserting ''$526'';

(3) by striking ''$675'' in paragraph (3) and inserting ''$683''; and

(4) by striking ''$675'' and ''$132'' in paragraph (4) and inserting ''$683'' and ''$133'', respectively.

(b) SUPPLEMENTAL DIC FOR DISABLED ADULT CHILDREN.—Section 1314 is amended—

(1) by striking ''$215'' in subsection (a) and inserting ''$217'';

(2) by striking ''$361'' in subsection (b) and inserting ''$365''; and

(3) by striking ''$182'' in subsection (c) and inserting ''$184''.

SEC. 116. EFFECTIVE DATE.

The amendments made by this subtitle shall take effect on November 30, 1999.

TITLE II—EDUCATIONAL BENEFITS

SEC. 201. SHORT TITLE.

This title may be cited as the ''All-Volunteer Force Educational Assistance Programs Improvements Act of 1999''.

SEC. 202. INCREASE IN BASIC BENEFIT OF ACTIVE DUTY EDUCATIONAL ASSISTANCE.

(a) INCREASE IN BASIC BENEFIT.—Section 3015 is amended—

(1) in subsection (a)(1), by striking ''$528'' and inserting ''$600''; and

(2) in subsection (b)(1), by striking ''$429'' and inserting ''$488''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 1999, and shall apply with respect to educational assistance allowances paid for months after September 1999. However, no adjustment in rates of educational assistance shall be made under section 3015(g) of title 38, United States Code, for fiscal year 2000.

SEC. 203. INCREASE IN RATES OF SURVIVORS AND DEPENDENTS EDUCATIONAL ASSISTANCE.

(a) SURVIVORS AND DEPENDENTS EDUCATIONAL ASSISTANCE.—Section 3532 is amended—

(1) in subsection (a)(1)—

(A) by striking ''$485'' and inserting ''$550'';

(B) by striking ''$365'' and inserting ''$414''; and

(C) by striking ''$242'' and inserting ''$274'';

(2) in subsection (a)(2), by striking ''$485'' and inserting ''$550'';

(3) in subsection (b), by striking ''$485'' and inserting ''$550''; and

(4) in subsection (c)(2)—

(A) by striking ''$392'' and inserting ''$445'';

(B) by striking ''$294'' and inserting ''$333''; and

(C) by striking ''$196'' and inserting ''$222''.

(b) CORRESPONDENCE COURSE.—Section 3534(b) is amended by striking ''$485'' and inserting ''$550.

(c) SPECIAL RESTORATIVE TRAINING.—Section 3542(a) is amended—

(1) by striking ''$485'' and inserting ''$550'';

(2) by striking ''$152'' each place it appears and inserting ''$172''; and

(3) by striking ''$16.16'' and inserting ''$18.35''.

(d) APPRENTICESHIP TRAINING.—Section 3687(b)(2) is amended—

(1) by striking ''$353'' and inserting ''$401'';

(2) by striking ''$264'' and inserting ''$299'';

(3) by striking ''$175'' and inserting ''$198''; and

(4) by striking ''$88'' and inserting ''$99''.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1999, and shall apply with respect to educational assistance paid for months after September 1999.

SEC. 204. ELIGIBILITY OF MEMBERS OF THE ARMED FORCES TO WITHDRAW ELECTIONS NOT TO RECEIVE MONTGOMERY GI BILL BASIC EDUCATIONAL ASSISTANCE.

(a) MEMBERS ON ACTIVE DUTY.—Section 3011(c) is amended by adding at the end the following:

''(4)(A) An individual who makes an election under paragraph (1) may withdraw the election at any time before the discharge or release of the individual from active duty in the Armed Forces. An individual who withdraws such an election shall be entitled to basic educational assistance under this chapter.

''(B) The withdrawal of an election under this paragraph shall be made in accordance with regulations prescribed by the Secretary of Defense or by the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy.

''(C)(i) In the case of an individual who withdraws an election under this paragraph—

''(I) the basic pay of the individual shall be reduced by $100 for each month after the month in which the election is made until the total amount of such reductions equals $1,500; or

''(II) to the extent that basic pay is not so reduced before the individual's discharge or release from active duty in the Armed Forces, the Secretary shall collect from the individual an amount equal to the difference between $1,500 and the total amount of reductions under subclause (I).

''(ii) An individual described in clause (i) may pay the Secretary at any time an amount equal to the total amount of the reduction in basic pay otherwise required with respect to the individual under that clause minus the total amount of reductions of basic pay of the individual under that clause at the time of the payment under this clause.

''(iii) The second sentence of subsection (b) shall apply to any reductions in basic pay under clause (i)(I).

''(iv) Amounts collected under clause (i)(II) and amounts paid under clause (ii) shall be deposited into the Treasury as miscellaneous receipts.

''(D) The withdrawal of an election under this paragraph is irrevocable.''.

(b) MEMBERS OF SELECTED RESERVE.—Section 3012(d) is amended by adding at the end the following:

''(4)(A) An individual who makes an election under paragraph (1) may withdraw the election at any time before the discharge or release of the individual from the Armed Forces. An individual who withdraws such an election shall be entitled to basic educational assistance under this chapter.

''(B) The withdrawal of an election under this paragraph shall be made in accordance with regulations prescribed by the Secretary of Defense or by the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy.

''(C)(i) In the case of an individual who withdraws an election under this paragraph—

''(I) the basic pay or compensation of the individual shall be reduced by $100 for each month after the month in which the election is made until the total amount of such reductions equals $1,500; or

''(II) to the extent that basic pay or compensation is not so reduced before the individual's discharge or release from the Armed Forces, the Secretary shall collect from the individual an amount equal to the difference between $1,500 and the total amount of reductions under subclause (I).

''(ii) An individual described in clause (i) may pay the Secretary at any time an amount equal to the total amount of the reduction in basic pay or compensation otherwise required with respect to the individual under that clause minus the total amount of reductions of basic pay or compensation of the individual under that clause at the time of the payment under this clause.

''(iii) The second sentence of subsection (c) shall apply to any reductions in basic pay or compensation under clause (i)(I).

''(iv) Amounts collected under clause (i)(II) and amounts paid under clause (ii) shall be deposited into the Treasury as miscellaneous receipts.

''(D) The withdrawal of an election under this paragraph is irrevocable.''.

SEC. 205. ACCELERATED PAYMENTS OF BASIC EDUCATIONAL ASSISTANCE.

Section 3014 is amended—

(1) by inserting ''(a)'' before ''The Secretary''; and

(2) by adding at the end the following new subsection:

''(b)(1) The Secretary may make payments of basic educational assistance under this subchapter on an accelerated basis.

''(2) The Secretary may pay basic educational assistance on an accelerated basis

under this subsection only to an individual entitled to payment of such assistance under this subchapter who has made a request for payment of such assistance on an accelerated basis.

''(3) In the event an adjustment under section 3015(g) of this title in the monthly rate of basic educational assistance will occur during a period for which a payment of such assistance is made on an accelerated basis under this subsection, the Secretary shall pay on an accelerated basis the amount of such assistance otherwise payable under this subchapter for the period without regard to the adjustment under that section.

''(4) The entitlement to basic educational assistance under this subchapter of an individual who is paid such assistance on an accelerated basis under this subsection shall be charged at a rate equal to one month for each month of the period covered by the accelerated payment of such assistance.

''(5) Basic educational assistance shall be paid on an accelerated basis under this subsection as follows:

''(A) In the case of assistance for a course leading to a standard college degree, at the beginning of the quarter, semester, or term of the course in a lump-sum amount equivalent to the aggregate amount of monthly assistance otherwise payable under this subchapter for the quarter, semester, or term, as the case may be, of the course.

''(B) In the case of assistance for a course other than a course referred to in subparagraph (A)—

''(i) at the later of (I) the beginning of the course, or (II) a reasonable time after the request for payment by the individual concerned; and

''(ii) in any amount requested by the individual concerned within the limit, if any, specified in the regulations prescribed by the Secretary under paragraph (6), with such limit not to exceed the aggregate amount of monthly assistance otherwise payable under this subchapter for the period of the course.

''(6) The Secretary shall prescribe regulations for purposes of making payments of basic educational assistance on an accelerated basis under this subsection. Such regulations shall include requirements relating to the request for, making and delivery of, and receipt and use of such payments and may include a limit on the amount payable for a course under paragraph (5)(B)(ii).''.

TITLE III—MEDICAL CARE

Subtitle A—Long-Term Care

SEC. 301. ADULT DAY HEALTH CARE.

Section 1720(f)(1)(A)(i) is amended by striking ''subsections (a) through (d) of this section'' and inserting ''subsections (b) through (d) of this section''.

SEC. 302. IN-HOME RESPITE CARE SERVICES.

Section 1720B(b) is amended—

(1) in the matter preceding paragraph (1), by striking ''or nursing home care'' and inserting '', nursing home care, or home-based care''; and

(2) in paragraph (2), by inserting ''or in the home of a veteran'' after ''in a Department facility''.

Subtitle B—Management of Medical Facilities and Property

SEC. 311. DISPOSAL OF DEPARTMENT OF VETERANS AFFAIRS REAL PROPERTY.

(a) TEMPORARY FLEXIBILITY IN DISPOSAL.—(1) Chapter 81 is amended by inserting after section 8122 the following new section:

''§ 8122A. Disposal of real property: temporary flexibility in disposal

''(a)(1) The Secretary may, in accordance with this section, dispose of property owned by the United States that is administered by the Secretary (including improvements and equipment associated with the property) by transfer, sale, or exchange to a Federal agency, a State or political subdivision thereof, or any public or private entity.

''(2) The Secretary may exercise the authority provided by this section without regard to the following provisions of law:

''(A) Sections 202 and 203 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483, 484).

''(B) Section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411).

''(3) The Secretary may not undertake more than 30 transactions for the disposal of real property under this section.

''(b)(1) The Secretary shall obtain compensation in connection with a disposal of real property under this section, other than by transfer or exchange with another Federal entity, in an amount equal to the fair market value of the property disposed of. Such compensation may include in-kind compensation.

''(2) The Secretary may use amounts of cash compensation received in connection with a disposal of real property under this section to cover costs incurred by the Secretary for administrative expenses associated with the disposal.

''(c)(1) There is in the Treasury a revolving fund to be known as the Department of Veterans Affairs Capital Asset Fund (in this section referred to as the 'Fund').

''(2) The Secretary shall deposit in the Fund the following:

''(A) Any amounts appropriated pursuant to an authorization of appropriations for the Fund.

''(B) Any cash compensation from the disposal of real property under this section, less amounts used to cover administrative expenses associated with such disposal under subsection (b)(2).

''(3)(A) To the extent provided in advance in appropriations Acts and subject to subsection (e)(2), amounts in the Fund at the beginning of a fiscal year shall be available during the fiscal year as follows:

''(i) For costs associated with the disposal of real property under this section, including—

''(I) costs of demolition of facilities and improvements;

''(II) costs of environmental restoration; and

''(III) costs of maintenance and repair of property, facilities, and improvements to facilitate disposal;

''(ii) To the extent not utilized under clause (i) and subject to subparagraph (B)—

''(I) for construction projects and facility leases (other than projects or leases within the scope of section 8104(a) of this title) and nonrecurring maintenance and operation activities (including the procurement and maintenance of equipment);

''(II) for transfer to the Department of Veterans Affairs Medical Care Collections Fund established in section 1729A of this title for use in accordance with that section;

''(III) for activities and grants under programs for providing grants for homeless assistance; and

''(IV) for transfer to the Department of Housing and Urban Development for homeless assistance grants.

''(iii) To the extent not utilized under clauses (i) and (ii), for the establishment and maintenance of the database required under subsection (d).

''(B) Of the amounts available under subparagraph (A)(ii) for a fiscal year—

''(i) an amount equal to 90 percent of such amounts shall be available under subclauses (I), (II) and (III) of that subparagraph; and

''(ii) an amount equal to 10 percent of such amounts shall be available under subclause (IV) of that subparagraph.

''(4) Amounts in the Fund shall be available for the purposes specified in paragraph (3) without fiscal year limitation.

''(d) The Secretary shall, in consultation with the Administrator of General Services, establish and maintain a database of information on the real property of the Department. The database shall provide information that facilitates the management of such real property, including the disposal of real property under this section.

''(e)(1) The authority of the Secretary to dispose of real property under this section shall expire 5 years after the date of the enactment of the Veterans Benefits Act of 1999.

''(2)(A) The Fund shall be available for not more than 2 years after the expiration of the authority under paragraph (1) for authorized uses of the Fund under this section.

''(B) Any unobligated funds in the Fund at the expiration of the availability of the Fund under subparagraph (A) shall be transferred to and merged with amounts in the Construction, Minor Projects Account.

''(f) The Secretary shall include with the materials that accompany the budget of the President for a fiscal year under section 1105 of title 31 a description, for the year preceding the year in which the budget is submitted, of each transaction for the disposal of real property carried out under this section.''.

(2) The table of sections at the beginning of chapter 81 is amended by inserting after the item relating to section 8122 the following new item:

''8122A. Disposal of real property: temporary flexibility in disposal.''.

(b) INITIAL CAPITALIZATION OF FUND.—(1) There is hereby authorized to be appropriated for the Department of Veterans Affairs for fiscal year 2000, $10,000,000 for deposit in the Department of Veterans Affairs Capital Asset Fund established by section 8122A(c) of title 38, United States Code (as added by subsection (a)).

(2) The Secretary may, for purposes of providing additional amounts in the Fund, transfer to the Fund in fiscal year 2000 amounts in the following accounts, in the order specified:

(A) Amounts in the Construction, Major Projects Account.

(B) Amounts in the Construction, Minor Projects Account.

(3) The Secretary shall reimburse an account referred to in paragraph (2) for any amounts transferred from the account to the Fund under that paragraph. Amounts for such reimbursements shall be derived from amounts in the Fund.

(c) MODIFICATIONS OF GENERAL REAL PROPERTY DISPOSAL AUTHORITY.—Paragraph (2) of section 8122(a) is amended to read as follows:

''(2)(A) Except as provided in paragraph (3) of this subsection, the Secretary may not during any fiscal year dispose of any real property that is owned by the United States and administered by the Secretary unless—

''(i) the disposal is described in the budget submitted to Congress pursuant to section 1105 of title 31 for that fiscal year; and

''(ii) the Department receives compensation for the disposal equal to fair market value of the real property.

''(B) The use of amounts received by the Secretary as a result of the disposal of real property under this paragraph shall be governed by the provisions of section 8122A of this title.''.

SEC. 312. EXTENSION OF ENHANCED-USE LEASE AUTHORITY.

Section 8169 is amended by striking ''December 31, 2001'' and inserting ''December 31, 2004''.

Subtitle C—Homeless Veterans

SEC. 321. EXTENSION OF PROGRAM OF HOUSING ASSISTANCE FOR HOMELESS VETERANS.

Section 3735(c) is amended by striking ''December 31, 1999'' and inserting ''December 31, 2001''.

SEC. 322. HOMELESS VETERANS COMPREHENSIVE SERVICE PROGRAMS.

(a) PURPOSES OF GRANTS.—Section 3(a) of the Homeless Veterans Comprehensive Service Programs Act of 1992 (38 U.S.C. 7721 note) is amended by inserting '', and expanding existing programs for furnishing,'' after ''new programs to furnish''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 12 of that Act (38 U.S.C. 7721 note) is amended in the first sentence by inserting ''and $50,000,000 for each of fiscal years 2000 and 2001'' after ''for fiscal years 1993 through 1997''.

SEC. 323. AUTHORIZATIONS OF APPROPRIATIONS FOR HOMELESS VETERANS' REINTEGRATION PROJECTS.

Section 738(e)(1) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11448(e)(1) is amended by adding at the end the following:

''(H) $10,000,000 for fiscal year 2000.

''(I) $10,000,000 for fiscal year 2001.''.

SEC. 324. REPORT ON IMPLEMENTATION OF GENERAL ACCOUNTING OFFICE RECOMMENDATIONS REGARDING PERFORMANCE MEASURES.

(a) REPORT.—Not later than three months after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report containing a detailed plan for the evaluation by the Department of Veterans Affairs of the effectiveness of programs to assist homeless veterans.

(b) OUTCOME MEASURES.—The plan shall include outcome measures which determine whether veterans are housed and employed within six months after housing and employment are secured for veterans under such programs.

Subtitle D—Other Health Care Provisions

SEC. 331. TREATMENT AND SERVICES FOR DRUG OR ALCOHOL DEPENDENCY.

Section 1720A(c) is amended—

(1) in the first sentence of paragraph (1)—

(A) by striking ''may not be transferred'' and inserting ''may be transferred''; and

(B) by striking ''unless such transfer is during the last thirty days of such member's enlistment or tour of duty''; and

(2) in the first sentence of paragraph (2), by striking ''during the last thirty days of such person's enlistment period or tour of duty''.

SEC. 332. ALLOCATION TO DEPARTMENT OF VETERANS AFFAIRS HEALTH CARE FACILITIES OF AMOUNTS IN MEDICAL CARE COLLECTIONS FUND.

Section 1729A(d) is amended—

(1) by striking ''(1)'';

(2) by striking ''each designated health care region'' and inserting ''each Department health care facility'';

(3) by striking ''each region'' and inserting ''each facility'';

(4) by striking ''such region'' both places it appears and inserting ''such facility''; and

(5) by striking paragraph (2).

SEC. 333. EXTENSION OF CERTAIN PERSIAN GULF WAR AUTHORITIES.

(a) THREE-YEAR EXTENSION OF NEWSLETTER ON MEDICAL CARE.—Section 105(b)(2) of the Persian Gulf War Veterans' Benefits Act (title I of Public Law 103–446; 108 Stat. 4659; 38 U.S.C. 1117 note) is amended by striking ''December 31, 1999'' and inserting ''December 31, 2002''.

(b) THREE-YEAR EXTENSION OF PROGRAM FOR EVALUATION OF HEALTH OF SPOUSES AND CHILDREN.—Section 107(b) of Persian Gulf War Veterans' Benefits Act (title I of Public Law 103–446; 38 U.S.C. 1117 note) is amended by striking ''December 31, 1999'' and inserting ''December 31, 2002''.

SEC. 334. REPORT ON COORDINATION OF PROCUREMENT OF PHARMACEUTICALS AND MEDICAL SUPPLIES BY THE DEPARTMENT OF VETERANS AFFAIRS AND THE DEPARTMENT OF DEFENSE.

(a) REQUIREMENT.—Not later than March 31, 2000, the Secretary of Veterans Affairs and the Secretary of Defense shall jointly submit to the Committees on Veterans' Affairs and Armed Services of the Senate and the Committees on Veterans' Affairs and Armed Services of the House of Representatives a report on the cooperation between the Department of Veterans Affairs and the Department of Defense in the procurement of pharmaceuticals and medical supplies.

(b) REPORT ELEMENTS.—The report under subsection (a) shall include the following:

(1) A description of the current cooperation between the Department of Veterans Affairs and the Department of Defense in the procurement of pharmaceuticals and medical supplies.

(2) An assessment of the means by which cooperation between the departments in such procurement could be enhanced or improved.

(3) A description of any existing memoranda of agreement between the Department of Veterans Affairs and the Department of Defense that provide for the cooperation referred to in subsection (a).

(4) A description of the effects, if any, such agreements will have on current staffing levels at the Defense Supply Center Philadelphia, Pennsylvania, and the Department of Veterans Affairs National Acquisition Center in Hines, Illinois.

(5) A description of the effects, if any, of such cooperation on military readiness.

(6) A comprehensive assessment of cost savings realized and projected over the five fiscal year period beginning in fiscal year 1999 for the Department of Veterans Affairs and the Department of Defense as a result of such cooperation, and the overall savings to the Treasury of the United States as a result of such cooperation.

(7) A list of the types of medical supplies and pharmaceuticals for which cooperative agreements would not be appropriate and the reason or reasons therefor.

(8) An assessment of the extent to which cooperative agreements could be expanded to include medical equipment, major systems, and durable goods used in the delivery of health care by the Department of Veterans Affairs and the Department of Defense.

(9) A description of the effects such agreements might have on distribution of items purchased cooperatively by the Department of Veterans Affairs and the Department of Defense, particularly outside the continental United States.

(10) An assessment of the potential to establish common pharmaceutical formularies between the Department of Veterans Affairs and the Department of Defense.

(11) An explanation of the current Uniform Product Number (UPN) requirements of each Department and of any planned standardization of such requirements between the Departments for medical equipment and durable goods manufacturers.

Subtitle E—Major Medical Facility Projects Construction Authorization

SEC. 341. AUTHORIZATION OF MAJOR MEDICAL FACILITY PROJECTS.

(a) IN GENERAL.—The Secretary of Veterans Affairs may carry out the following major medical facility projects, with reach project to be carried out in the amount specified for that project:

(1) Construction of a long term care facility at the Department of Veterans Affairs Medical Center, Lebanon, Pennsylvania, in an amount not to exceed $14,500,000.

(2) Renovations and environmental improvements at the Department of Veterans Affairs Medical Center, Fargo, North Dakota, in an amount not to exceed $12,000,000.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to the Secretary of Veterans Affairs for fiscal year 2000 for the Construction, Major Projects, Account $200,100,000 for the projects authorized in subsection (a) and for the continuation of projects authorized in section 701(a) of the Veterans Programs Enhancement Act of 1998 (Public Law 105–368; 112 Stat. 3348).

(2) LIMITATION ON FISCAL YEAR 2000 PROJECTS.—The projects authorized in subsection (a) may only be carried out using—

(A) funds appropriated for fiscal year 2000 pursuant to the authorizations of appropriations in subsection (a);

(B) funds appropriated for Construction, Major Projects, for a fiscal year before fiscal year 2000 that remain available for obligation; and

(C) funds appropriated for Construction, Major Projects, for fiscal year 2000 for a category of activity not specific to a project.

(c) AVAILABILITY OF FUNDS FOR FISCAL YEAR 1999 PROJECTS.—Section 703(b)(1) of the Veterans Programs Enhancement Act of 1998 (112 Stat. 3349) is amended—

(1) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively; and

(2) by inserting after subparagraph (A) the following new subparagraph (B):

''(B) funds appropriated for fiscal year 2000 pursuant to the authorization of appropriations in section 341(b)(1) of the Veterans Benefits Act of 1999;''.

TITLE IV—OTHER BENEFITS MATTERS

SEC. 401. PAYMENT RATE OF CERTAIN BURIAL BENEFITS FOR CERTAIN FILIPINO VETERANS.

(a) PAYMENT RATE.—Section 107 is amended—

(1) in subsection (a), by striking ''Payments'' and inserting ''Subject to subsection (c), payments''; and

(2) by adding at the end the following:

''(c)(1) In the case of an individual described in paragraph (2), payments under section 2302 or 2303 of this title by reason of subsection (a)(3) shall be made at the rate of $1 for each dollar authorized.

''(2) Paragraph (1) applies to any individual whose service is described in subsection (a) if the individual, on the individual's date of death—

''(A) is a citizen of the United States;

''(B) is residing in the United States; and

''(C) either—

''(i) is receiving compensation under chapter 11 of this title; or

''(ii) if such service had been deemed to be active military, naval, or air service, would have been paid pension under section 1521 of this title without denial or discontinuance by reason of section 1522 of this title.''.

(b) APPLICABILITY.—No benefits shall accrue to any person for any period before the effective date of this Act by reason of the amendments made by subsection (a).

SEC. 402. EXTENSION OF AUTHORITY TO MAINTAIN A REGIONAL OFFICE IN THE REPUBLIC OF THE PHILIPPINES.

Section 315(b) is amended by striking ''December 31, 1999'' and inserting ''December 31, 2004''.

SEC. 403. EXTENSION OF ADVISORY COMMITTEE ON MINORITY VETERANS.

Section 544(e) is amended by striking ''December 31, 1999'' and inserting ''December 31, 2004''.

SEC. 404. REPEAL OF LIMITATION ON PAYMENTS OF BENEFITS TO INCOMPETENT INSTITUTIONALIZED VETERANS.

Section 5503 is amended—

(1) by striking subsections (b) and (c); and

(2) by redesignating subsections (d), (e), and (f) as subsections (b), (c), and (d), respectively.

SEC. 405. CLARIFICATION OF VETERANS EMPLOYMENT OPPORTUNITIES.

(a) CLARIFICATION.—Section 3304(f) of title 5, United States Code, is amended—

(1) by striking paragraph (4);

(2) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(3) by inserting after paragraph (1) the following new paragraph (2):

''(2) If selected, a preference eligible or veteran described in paragraph (1) shall acquire competitive status and shall receive a career or career-conditional appointment, as appropriate.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the amendment made to section 3304 of title 5, United States Code, by section 2 of the Veterans Employment Opportunities Act of 1998 (Public Law 105–339; 112 Stat. 3182), to which such amendments relate.

TITLE V—MEMORIAL AFFAIRS

Subtitle A—Arlington National Cemetery

SEC. 501. SHORT TITLE.

This subtitle may be cited as the ''Arlington National Cemetery Burial and Inurnment Eligibility Act of 1999''.

SEC. 502. PERSONS ELIGIBLE FOR BURIAL IN ARLINGTON NATIONAL CEMETERY.

(a) IN GENERAL.—(1) Chapter 24 is amended by adding at the end the following new section:

''§ 2412. Arlington National Cemetery: persons eligible for burial

''(a) PRIMARY ELIGIBILITY.—The remains of the following individuals may be buried in Arlington National Cemetery:

''(1) Any member of the Armed Forces who dies while on active duty.

''(2) Any retired member of the Armed Forces and any person who served on active duty and at the time of death was entitled (or but for age would have been entitled) to retired pay under chapter 1223 of title 10.

''(3) Any former member of the Armed Forces separated for physical disability before October 1, 1949, who—

''(A) served on active duty; and

''(B) would have been eligible for retirement under the provisions of section 1201 of title 10 (relating to retirement for disability) had that section been in effect on the date of separation of the member.

''(4) Any former member of the Armed Forces whose last active duty military service terminated honorably and who has been awarded one of the following decorations:

''(A) Medal of Honor.

''(B) Distinguished Service Cross, Air Force Cross, or Navy Cross.

''(C) Distinguished Service Medal.

''(D) Silver Star.

''(E) Purple Heart.

''(5) Any former prisoner of war who dies on or after November 30, 1993.

''(6) The President or any former President.

''(7) Any former member of the Armed Forces whose last discharge or separation from active duty was under honorable conditions and who is or was one of the following:

''(A) Vice President.

''(B) Member of Congress.

''(C) Chief Justice or Associate Justice of the Supreme Court.

''(D) The head of an Executive department (as such departments are listed in section 101 of title 5).

''(E) An individual who served in the foreign or national security services, if such individual died as a result of a hostile action outside the United States in the course of such service.

''(8) Any individual whose eligibility is authorized in accordance with subsection (b).

''(b) ADDITIONAL AUTHORIZATIONS OF BURIAL.—(1) Subject to paragraph (4), in the case of a former member of the Armed Forces not otherwise covered by subsection (a) whose last discharge or separation from active duty was under honorable conditions, if the Secretary of Defense makes a determination referred to in paragraph (3) with respect to such member, the Secretary of Defense may authorize the burial of the remains of such former member in Arlington National Cemetery under subsection (a)(8).

''(2) Subject to paragraph (4), in the case of any individual not otherwise covered by subsection (a) or paragraph (1), if the President makes a determination referred to in paragraph (3) with respect to such individual, the President may authorize the burial of the remains of such individual in Arlington National Cemetery under subsection (a)(8).

''(3) A determination referred to in paragraph (1) or (2) is a determination that the acts, service, or other contributions to the Nation of the former member or individual concerned are of equal or similar merit to the acts, service, or other contributions to the Nation of any of the persons listed in subsection (a).

''(4) A burial may be authorized under paragraph (1) or (2) only after consultation with respect to the burial by the Secretary of Defense with the Chairmen and Ranking Members of the Committees on Veterans' Affairs of the Senate and the House of Representatives.

''(5)(A) In the case of an authorization for burial under this subsection, the President or the Secretary of Defense, as the case may be, shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report on the authorization not later than 72 hours after the authorization.

''(B) Each report under subparagraph (A) shall—

''(i) identify the individual authorized for burial; and

''(ii) provide a justification for the authorization for burial.

''(c) ELIGIBILITY OF FAMILY MEMBERS.—The remains of the following individuals may be buried in Arlington National Cemetery:

''(1) The spouse, surviving spouse, minor child, and, at the discretion of the Superintendent, unmarried adult child of a person listed in subsection (a), but only if buried in the same gravesite as that person.

''(2)(A) The spouse, minor child, and, at the discretion of the Superintendent, unmarried adult child of a member of the Armed Forces on active duty if such spouse, minor child, or unmarried adult child dies while such member is on active duty.

''(B) The individual whose spouse, minor child, and unmarried adult child is eligible under subparagraph (A), but only if buried in the same gravesite as the spouse, minor child, or unmarried adult child.

''(3) The parents of a minor child or unmarried adult child whose remains, based on the eligibility of a parent, are already buried in Arlington National Cemetery, but only if buried in the same gravesite as that minor child or unmarried adult child.

''(4)(A) Subject to subparagraph (B), the surviving spouse, minor child, and, at the discretion of the Superintendent, unmarried adult child of a member of the Armed Forces who was lost, buried at sea, or officially determined to be permanently absent in a status of missing or missing in action.

''(B) A person is not eligible under subparagraph (A) if a memorial to honor the memory of the member is placed in a cemetery in the national cemetery system, unless the memorial is removed. A memorial removed under this subparagraph may be placed, at the discretion of the Superintendent, in Arlington National Cemetery.

''(5) The surviving spouse, minor child, and, at the discretion of the Superintendent, unmarried adult child of a member of the Armed Forces buried in a cemetery under the jurisdiction of the American Battle Monuments Commission.

''(d) SPOUSES.—For purposes of subsection (c)(1), a surviving spouse of a person whose remains are buried in Arlington National Cemetery by reason of eligibility under subsection (a) who has remarried is eligible for burial in the same gravesite of that person. The spouse of the surviving spouse is not eligible for burial in such gravesite.

''(e) DISABLED ADULT UNMARRIED CHILDREN.—In the case of an unmarried adult child who is incapable of self-support up to the time of death because of a physical or mental condition, the child may be buried under subsection (c) without requirement for approval by the Superintendent under that subsection if the burial is in the same gravesite as the gravesite in which the parent, who is eligible for burial under subsection (a), has been or will be buried.

''(f) FAMILY MEMBERS OF PERSONS BURIED IN A GROUP GRAVESITE.—In the case of a person eligible for burial under subsection (a) who is buried in Arlington National Cemetery as part of a group burial, the surviving spouse, minor child, or unmarried adult child of the member may not be buried in the group gravesite.

''(g) EXCLUSIVE AUTHORITY FOR BURIAL IN ARLINGTON NATIONAL CEMETERY.—Eligibility for burial of remains in Arlington National Cemetery prescribed under this section is the exclusive eligibility for such burial.

''(h) APPLICATION FOR BURIAL.—A request for burial of remains of an individual in Arlington National Cemetery made before the death of the individual may not be considered by the Secretary of the Army, the Secretary of Defense, or any other responsible official.

''(i) REGISTER OF BURIED INDIVIDUALS.—(1) The Secretary of the Army shall maintain a register of each individual buried in Arlington National Cemetery and shall make such register available to the public.

''(2) With respect to each such individual buried on or after January 1, 1998, the register shall include a brief description of the basis of eligibility of the individual for burial in Arlington National Cemetery.

''(j) DEFINITIONS.—For purposes of this section:

''(1) The term 'retired member of the Armed Forces' means—

''(A) any member of the Armed Forces on a retired list who served on active duty and who is entitled to retired pay;

''(B) any member of the Fleet Reserve or Fleet Marine Corps Reserve who served on active duty and who is entitled to retainer pay; and

''(C) any member of a reserve component of the Armed Forces who has served on active duty and who has received notice from the Secretary concerned under section 12731(d) of title 10 of eligibility for retired pay under chapter 1223 of title 10.

''(2) The term 'former member of the Armed Forces' includes a person whose service is considered active duty service pursuant to a determination of the Secretary of

Defense under section 401 of Public Law 95–202 (38 U.S.C. 106 note).

''(3) The term 'Superintendent' means the Superintendent of Arlington National Cemetery.''.

(2) The table of sections at the beginning of chapter 24 is amended by adding at the end the following new item:

''2412. Arlington National Cemetery: persons eligible for burial.''.

(b) PUBLICATION OF UPDATED PAMPHLET.—Not later than 180 days after the date of enactment of this Act, the Secretary of the Army shall publish an updated pamphlet describing eligibility for burial in Arlington National Cemetery. The pamphlet shall reflect the provisions of section 2412 of title 38, United States Code, as added by subsection (a).

(c) TECHNICAL AMENDMENTS.—Section 2402(7) is amended—

(1) by inserting ''(or but for age would have been entitled)'' after ''was entitled'';

(2) by striking ''chapter 67'' and inserting ''chapter 1223''; and

(3) by striking ''or would have been entitled to'' and all that follows and inserting a period.

(d) EFFECTIVE DATE.—Section 2412 of title 38, United States Code, as added by subsection (a), shall apply with respect to individuals dying on or after the date of enactment of this Act.

SEC. 503. PERSONS ELIGIBLE FOR PLACEMENT IN THE COLUMBARIUM IN ARLINGTON NATIONAL CEMETERY.

(a) IN GENERAL.—(1) Chapter 24 is amended by adding after section 2412, as added by section 501(a)(1) of this Act, the following new section:

''§ 2413. Arlington National Cemetery: persons eligible for placement in columbarium

''(a) ELIGIBILITY.—The cremated remains of the following individuals may be placed in the columbarium in Arlington National Cemetery:

''(1) A person eligible for burial in Arlington National Cemetery under section 2412 of this title.

''(2)(A) A veteran whose last period of active duty service (other than active duty for training) ended honorably.

''(B) The spouse, surviving spouse, minor child, and, at the discretion of the Superintendent of Arlington National Cemetery, unmarried adult child of such a veteran.

''(b) SPOUSE.—Section 2412(d) of this title shall apply to a spouse under this section in the same manner as it applies to a spouse under section 2412 of this title.''.

(2) The table of sections at the beginning of chapter 24 is amended by adding after section 2412, as added by section 501(a)(2) of this Act, the following new item:

''2413. Arlington National Cemetery: persons eligible for placement in columbarium.''.

(b) EFFECTIVE DATE.—Section 2413 of title 38, United States Code, as added by subsection (a), shall apply with respect to individuals dying on or after the date of enactment of this Act.

Subtitle B—World War II Memorial

SEC. 511. SHORT TITLE.

This subtitle may be cited as the ''World War II Memorial Completion Act''.

SEC. 512. FUND RAISING BY AMERICAN BATTLE MONUMENTS COMMISSION FOR WORLD WAR II MEMORIAL.

(a) CODIFICATION OF EXISTING AUTHORITY; EXPANSION OF AUTHORITY.—(1) Chapter 21 of title 36, United States Code, is amended by adding at the end the following new section:

''§ 2113. World War II memorial in the District of Columbia

''(a) DEFINITIONS.—In this section:

''(1) The term 'World War II memorial' means the memorial authorized by Public Law 103–32 (107 Stat. 90) to be established by the American Battle Monuments Commission on Federal land in the District of Columbia or its environs to honor members of the Armed Forces who served in World War II and to commemorate the participation of the United States in that war.

''(2) The term 'Commission' means the American Battle Monuments Commission.

''(3) The term 'memorial fund' means the fund created by subsection (c).

''(b) SOLICITATION AND ACCEPTANCE OF CONTRIBUTIONS.—Consistent with the authority of the Commission under section 2103(e) of this title, the Commission shall solicit and accept contributions for the World War II memorial.

''(c) CREATION OF MEMORIAL FUND.—(1) There is hereby created in the Treasury a fund for the World War II memorial, which shall consist of the following:

''(A) Amounts deposited, and interest and proceeds credited, under paragraph (2).

''(B) Obligations obtained under paragraph (3).

''(C) The amount of surcharges paid to the Commission for the World War II memorial under the World War II 50th Anniversary Commemorative Coins Act.

''(D) Amounts borrowed using the authority provided under subsection (e).

''(E) Any funds received by the Commission under section 2103(l) of this title in exchange for use of, or the right to use, any mark, copyright or patent.

''(2) The Chairman of the Commission shall deposit in the memorial fund the amounts accepted as contributions under subsection (b). The Secretary of the Treasury shall credit to the memorial fund the interest on, and the proceeds from sale or redemption of, obligations held in the memorial fund.

''(3) The Secretary of the Treasury shall invest any portion of the memorial fund that, as determined by the Chairman of the Commission, is not required to meet current expenses. Each investment shall be made in an interest bearing obligation of the United States or an obligation guaranteed as to principal and interest by the United States that, as determined by the Chairman of the Commission, has a maturity suitable for the memorial fund.

''(d) USE OF MEMORIAL FUND.—The memorial fund shall be available to the Commission for—

''(1) the expenses of establishing the World War II memorial, including the maintenance and preservation amount provided for in section 8(b) of the Commemorative Works Act (40 U.S.C. 1008(b));

''(2) such other expenses, other than routine maintenance, with respect to the World War II memorial as the Commission considers warranted; and

''(3) to secure, obtain, register, enforce, protect, and license any mark, copyright or patent that is owned by, assigned to, or licensed to the Commission under section 2103(l) of this title to aid or facilitate the construction of the World War II memorial.

''(e) SPECIAL BORROWING AUTHORITY.—(1) To assure that groundbreaking, construction, and dedication of the World War II memorial are completed on a timely basis, the Commission may borrow money from the Treasury of the United States in such amounts as the Commission considers necessary, but not to exceed a total of $65,000,000. Borrowed amounts shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the month in which the obligations of the Commission are issued. The interest payments on such obligations may be deferred with the approval of the Secretary of the Treasury, but any interest payment so deferred shall also bear interest.

''(2) The borrowing of money by the Commission under paragraph (1) shall be subject to such maturities, terms, and conditions as may be agreed upon by the Commission and the Secretary of the Treasury, except that the maturities may not exceed 20 years and such borrowings may be redeemable at the option of the Commission before maturity.

''(3) The obligations of the Commission shall be issued in amounts and at prices approved by the Secretary of the Treasury. The authority of the Commission to issue obligations under this subsection shall remain available without fiscal year limitation. The Secretary of the Treasury shall purchase any obligations of the Commission to be issued under this subsection, and for such purpose the Secretary of the Treasury may use as a public debt transaction of the United States the proceeds from the sale of any securities issued under chapter 31 of title 31. The purposes for which securities may be issued under such chapter are extended to include any purchase of the Commission's obligations under this subsection.

''(4) Repayment of the interest and principal on any funds borrowed by the Commission under paragraph (1) shall be made from amounts in the memorial fund. The Commission may not use for such purpose any funds appropriated for any other activities of the Commission.

''(f) TREATMENT OF BORROWING AUTHORITY.—In determining whether the Commission has sufficient funds to complete construction of the World War II memorial, as required by section 8 of the Commemorative Works Act (40 U.S.C. 1008), the Secretary of the Interior shall consider the funds that the Commission may borrow from the Treasury under subsection (e) as funds available to complete construction of the memorial, whether or not the Commission has actually exercised the authority to borrow such funds.

''(g) VOLUNTARY SERVICES.—(1) Notwithstanding section 1342 of title 31, the Commission may accept from any person voluntary services to be provided in furtherance of the fund-raising activities of the Commission relating to the World War II memorial.

''(2) A person providing voluntary services under this subsection shall be considered to be a Federal employee for purposes of chapter 81 of title 5, relating to compensation for work-related injuries, and chapter 171 of title 28, relating to tort claims. A volunteer who is not otherwise employed by the Federal Government shall not be considered to be a Federal employee for any other purpose by reason of the provision of such voluntary service, except that any volunteers given responsibility for the handling of funds or the carrying out of a Federal function are subject to the conflict of interest laws contained in chapter 11 of title 18, and the administrative standards of conduct contained in part 2635 of title 5, Code of Federal Regulations.

''(3) The Commission may provide for reimbursement of incidental expenses which are incurred by a person providing voluntary services under this subsection. The Commission shall determine which expenses are eligible for reimbursement under this paragraph.

''(4) Nothing in this subsection shall be construed to require Federal employees to work without compensation or to allow the use of volunteer services to displace or replace Federal employees.

''(h) TREATMENT OF CERTAIN CONTRACTS.—A contract entered into by the Commission for the design or construction of the World

War II memorial is not funding agreement as that term is defined in section 201 of title 35.

''(i) EXTENSION OF AUTHORITY TO ESTABLISH MEMORIAL.—Notwithstanding section 10 of the Commemorative Works Act (40 U.S.C. 1010), the legislative authorization for the construction of the World War II memorial contained in Public Law 103–32 (107 Stat. 90) shall not expire until December 31, 2005.''.

(2) The table of sections at the beginning of chapter 21 of title 36, United States Code, is amended by adding at the end the following new item:

''2113. World War II memorial in the District of Columbia.''.

(b) CONFORMING AMENDMENTS.—Public Law 103–32 (107 Stat. 90) is amended by striking sections 3, 4, and 5.

(c) EFFECT OF REPEAL OF CURRENT MEMORIAL FUND.—Upon the date of the enactment of this Act, the Secretary of the Treasury shall transfer amounts in the fund created by section 4(a) of Public Law 103–32 (107 Stat. 91) to the fund created by section 2113 of title 36, United States Code, as added by subsection (a).

SEC. 513. GENERAL AUTHORITY OF AMERICAN BATTLE MONUMENTS COMMISSION TO SOLICIT AND RECEIVE CONTRIBUTIONS.

Subsection (e) of section 2103 of title 36, United States Code, is amended to read as follows:

''(e) SOLICITATION AND RECEIPT OF CONTRIBUTIONS.—(1) The Commission may solicit and receive funds and in-kind donations and gifts from any State, municipal, or private source to carry out the purposes of this chapter. The Commission shall deposit such funds in a separate account in the Treasury. Funds from this account shall be disbursed upon vouchers approved by the Chairman of the Commission as well as by a Federal official authorized to sign payment vouchers.

''(2) The Commission shall establish written guidelines setting forth the criteria to be used in determining whether the acceptance of funds and in-kind donations and gifts under paragraph (1) would—

''(A) reflect unfavorably on the ability of the Commission, or any employee of the Commission, to carry out the responsibilities or official duties of the Commission in a fair and objective manner; or

''(B) compromise the integrity or the appearance of the integrity of the programs of the Commission or any official involved in those programs.''.

SEC. 514. INTELLECTUAL PROPERTY AND RELATED ITEMS.

Section 2103 of title 36, United States Code, is amended by adding at the end the following new subsection:

''(1) INTELLECTUAL PROPERTY AND RELATED ITEMS.—(1) The Commission may—

''(A) adopt, use, register, and license trademarks, service marks, and other marks;

''(B) obtain, use, register, and license the use of copyrights consistent with section 105 of title 17;

''(C) obtain, use, and license patents; and

''(D) accept gifts of marks, copyrights, patents and licenses for use by the Commission.

''(2) The Commission may grant exclusive and nonexclusive licenses in connection with any mark, copyright, patent, or license for the use of such mark, copyright or patent, except to extent the grant of such license by the Commission would be contrary to any contract or license by which the use of such mark, copyright or patent was obtained.

''(3) The Commission may enforce any mark, copyright, or patent by an action in the district courts under any law providing for the protection of such marks, copyrights, or patents.

''(4) The Attorney General shall furnish the Commission with such legal representation as the Commission may require under paragraph (3). The Secretary of Defense shall provide representation for the Commission in administrative proceedings before the Patent and Trademark Office and Copyright Office.

''(5) Section 203 of title 17 shall not apply to any copyright transferred in any manner to the Commission.''.

TITLE VI—UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

SEC. 601. STAGGERED RETIREMENT OF JUDGES.

(a) STAGGERED ELIGIBILITY FOR EARLY RETIREMENT.—Notwithstanding section 7296 of title 38, United States Code, judges of the United States Court of Appeals for Veterans Claims described in subsection (b) shall be eligible to retire from the Court without regard to the actual date of expiration of their terms as judges of the Court, as follows:

(1) One individual in 2001.

(2) Two individuals in each of 2002 and 2003.

(b) COVERED JUDGES.—A judge of the United States Court of Appeals for Veterans Claims is eligible to retire under this section if at the time of retirement the judge—

(1) is an associate judge of the Court who has at least 10 years of service on the Court creditable under section 7296 of title 38, United States Code;

(2) has made an election to receive retired pay under section 7296 of such title;

(3) has at least 20 years of service allowable under section 7297(*l*) of such title;

(4) is at least fifty-five years of age;

(5) has years of age, years of service creditable under section 7296 of such title, and years of service allowable under section 7297(*l*) of such title not creditable under section 7296 of such title that total at least 80; and

(6) either—

(A) is the most senior associate judge of the Court to submit notice of an election to retire under subsection (c) in 2001; or

(B) is one of the two most senior associate judges of the Court to submit notice of an election to retire under that subsection in 2002 or 2003, as applicable.

(c) ELECTION OF INTENT TO RETIRE.—(1) A judge seeking to retire under this section shall submit to the President and the chief judge of the United States Court of Appeals for Veterans Claims written notice of an election to so retire not later than April 1 of the year in which the judge seeks to so retire.

(2) A notice of election to retire under this subsection for a judge shall specify the retirement date of the judge. That date shall meet the requirements for a retirement date set forth in subsection (d)(1).

(3) An election to retire under this section, if accepted by the President, is irrevocable.

(d) RETIREMENT.—(1) A judge whose election to retire under this section is accepted shall retire in the year in which notice of the judge's election to retire is submitted under subsection (c)(1). The retirement date shall be not later than 90 days after the date of the submittal of the election to retire under that subsection.

(2)(A) Notwithstanding any other provision of law and except as provided in subparagraph (B), a judge retiring under this section shall be deemed to have retired under section 7296(b)(1) of title 38, United States Code.

(B) The rate of retired pay for a judge retiring under this section shall, as of the date of such judge's retirement, be equal to the rate of retired pay otherwise applicable to the judge under section 7296(c)(1) of such title as of such date multiplied by the fraction in which—

(i) the numerator is the sum of the number of the judge's years of service as a judge of the United States Court of Appeals for Veterans Claims creditable under section 7296 of such title and the age of such judge; and

(ii) the denominator is 80.

(e) DUTY OF ACTUARY.—Section 7298(e)(2) is amended—

(1) by redesignating subparagraph (C) as subparagraph (D); and

(2) by insert after subparagraph (B) the following new subparagraph (C):

''(C) For purposes of subparagraph (B) of this paragraph, the term 'present value' includes a value determined by an actuary with respect to a payment that may be made under subsection (b) from the retirement fund within the contemplation of law.''.

SEC. 602. RECALL OF RETIRED JUDGES.

(a) IN GENERAL.—Subchapter I of chapter 72 is amended by inserting after section 7254 the following new section:

''§ 7254a. Recall of retired judges

''(a) The chief judge of the United States Court of Appeals for Veterans Claims may recall to the Court any individual described in subsection (b) if—

''(1) a vacancy exists in a position of associate judge of the Court; or

''(2) the chief judge determines that the recall is necessary to meet the anticipated case work of the Court.

''(b) An individual eligible for recall to the Court under this section is any individual who—

''(1) has retired as a judge of the Court under the provisions of section 7296 of this title or the provisions of chapter 83 or 84 of title 5, as applicable; and

''(2) has submitted to the chief judge of the Court a notice of election to be so recalled.

''(c)(1) Upon determining to recall an individual to the Court under this section, the chief judge shall certify in writing to the President that—

''(A) the individual to be recalled is needed to perform substantial service for the Court; and

''(B) such service is required for a specified period of time.

''(2) The chief judge shall provide a copy of any certification submitted to the President under paragraph (1) to the Committees on Veterans' Affairs of the Senate and House of Representatives.

''(3)(A) An individual may be recalled to the Court under this section only with the written consent of the individual.

''(B) The individual shall be recalled only for the period of time specified in the certification with respect to the individual under paragraph (1).

''(d) An individual recalled to the Court under this section may exercise all of the powers and duties of office of a judge of the Court in active service on the Court.

''(e)(1) An individual recalled to the Court under this section shall, during the period for which the individual serves in recall status under this section, be paid pay at a rate equivalent to the rate of pay in effect under section 7253(e)(2) of this title for a judge serving on the Court minus the amount of retired pay paid to the individual under section 7296 of this title or of an annuity under the provisions of chapter 83 or 84 of title 5, as applicable.

''(2) Amounts paid an individual under this subsection shall not be treated as compensation for employment with the United States for purposes of section 7296(e) of this title or any provision of title 5 relating to the receipt or forfeiture of retired pay or retirement annuities by a person accepting compensation for employment with the United States.

''(f)(1) Except as provided in subsection (e), an individual recalled to the Court under this section who retired under the applicable provisions of title 5 shall be considered to be

a reemployed annuitant under chapter 83 or 84 of title 5, as applicable.

''(2) Nothing in this section shall affect the right of an individual who retired under the provisions of chapter 83 or 84 of title 5 to serve otherwise as a reemployed annuitant in accordance with the provisions of title 5.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 72 is amended by inserting after the item relating to section 7254 the following new item:

''7254a. Recall of retired judges.''.

By Mr. SCHUMER (for himself, Mr. LEAHY, Mr. BYRD, Mr. REID, Mr. BAYH, Mr. INOUYE, Mr. LAUTENBERG, and Mr. LIEBERMAN):

S. 1077. A bill to dedicate the new Amtrak station in New York, New York, to Senator DANIEL PATRICK MOYNIHAN; to the Committee on Environment and Public Works.

DANIEL PATRICK MOYNIHAN STATION

Mr. SCHUMER. Mr. President, I rise today to introduce a bill to name the new train station at the James A. Farley Post Office Building, which sits across the street from Pennsylvania Station in Manhattan, after my esteemed colleague and tireless champion of this project, Senator DANIEL PATRICK MOYNIHAN.

It is an especially fitting tribute to offer this bill today as President Bill Clinton, Governor George Pataki, Mayor Rudolph Giuliani, Transportation Secretary Rodney Slater, Postmaster General William Henderson and Senator MOYNIHAN all gathered this morning at the Farley Building to officially unveil the magnificent new station plan, designed by the celebrated architect David Childs of Skidmore, Owings & Merrill. I am deeply sorry that I could not attend that event, which I understand was a success in every way, but other matters called me here to the floor.

First, let me praise the vision and determination of my dear friend, the senior Senator from New York. In 1963, long before he was a Senator and, in fact, when I was 12 years old PAT MOYNIHAN was one of a group of prescient New Yorkers who protested the tragic razing of our City's spectacular Pennsylvania Station—a glorious public building designed by the nation's premier architectural firm of the time, McKim, Mead & White.

It was PAT MOYNIHAN who recognized years ago that across the street from what is now a sad basement terminal that functions—barely—as New York City's train station, sits the James A. Farley Post Office Building, built by the same architects in much the same grand design as the old Penn Station. PAT MOYNIHAN recognized that since the very same railroad tracks that run under the current Penn Station also run beneath the Farley Building, we could use the Farley Building to once again create a train station worthy of our great city. He then tirelessly did the impossible—persuaded New York City, New York State, the U.S. Postal Service, the U.S. Department of Transportation, Amtrak, Congressional Appropriators, and the President himself, to commit to making this project succeed. No mean feat, I assure you. In a day, particularly in our city, when grand public works often get bugged down in fighting and court suits, it is a tribute to Senator MOYNIHAN that not only did he have the vision to see the station, but he also had the muscle and legislative skill to see it through.

This past Sunday, Herbert Muschamp, the noted New York Times architecture critic praised Childs' design, which brilliantly fuses the classical elements of the Farley Building with a dramatic, light-filled concourse and a spectacular new ticketing area. Muschamp adds: ''In an era better known for the decrepitude of its infrastructure than for inspiring new visions of the city's future, the plan comes as proof that New York can still undertake major public works. This is the most important transportation project undertaken in New York City in several generations.'' We have PAT MOYNIHAN to thank.

That Senator MOYNIHAN would be responsible for the success of this project is no surprise. His passion for and dedication to public architecture is well known and dates back to his days as a young aide to President Kennedy, who, right before his death, tasked MOYNIHAN with restoring Pennsylvania Avenue here in Washington.

MOYNIHAN succeeded brilliantly in his task, with the final piece of Pennsylvania Avenue—the Ronald Reagan Building and International Trade Center—unveiled one year ago and instantly hailed as one of the best new buildings to grace the Capital. MOYNIHAN has another renowned Federal building to his credit—the Thurgood Marshall Judiciary Building, which provides such a beautiful companion to Union Station and the Old Post Office.

In New York City, MOYNIHAN has been an equally tireless architectural champion, responsible for the restoration of the spectacular Beaux-Arts Custom House at Bowling Green and for the construction of a grand new Federal Courthouse at Foley Square. MOYNIHAN is beloved in Buffalo for reawakening that city's appreciation for its architectural heritage, which includes Frank Lloyd Wright houses and the Prudential Building, one of the best-known early American skyscrapers by the architect Louis Sullivan—a building which MOYNIHAN helped restore and then chose as his Buffalo office. When he first came to Buffalo he told me that nowhere else in America had the three greatest American architects of the 20th century, Frank Lloyd Wright, Henry Richardson and Louis Sullivan, had buildings standing near one another.

He has also spurred a popular movement in Buffalo to build a new signature Peace Bridge.

So my colleagues, it is altogether fitting and appropriate that this new Penn Station be named in honor of our distinguished senior Senator from New York, someone who is my friend and who I wish was staying in the Senate for a longer period of time—someone I will dearly miss. It is an honor to stand here and offer this tribute to such an uncommon man, because Senator MOYNIHAN himself is indeed a national treasure.

Truly, the epitaph given to Sir Christopher Wren, designer of St. Paul's Cathedral in London, is fitting for Senator MOYNIHAN. If my colleagues will pardon my pronunciation, for my Latin isn't that good: ''Si Monumentum Requiris Circumspice,'' ''If you would see the man's monument, look around.

I join my fellow New Yorkers in anxiously awaiting the day when we arrive at the glorious DANIEL PATRICK MOYNIHAN Station.

Mr. President, I ask unanimous consent 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. 1077

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

SECTION 1. DESIGNATION OF DANIEL PATRICK MOYNIHAN STATION.

The Amtrak station to be constructed in the James A. Farley Post Office Building in New York, New York, shall be known and designated as the ''Daniel Patrick Moynihan Station''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Amtrak station referred to in section 1 shall be deemed to be a reference to the ''Daniel Patrick Moynihan Station''.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I compliment the distinguished Senator from New York. I did not hear a word I disagreed with. I only wish to hear it amplified throughout the Nation.

I ask unanimous consent I be listed as a cosponsor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, would the Senator yield briefly that I might compliment him?

Mr. SCHUMER. I am delighted to yield to my distinguished senior colleague from West Virginia.

Mr. BYRD. Would he mind if I asked to be a cosponsor of this resolution?

Mr. SCHUMER. I will be honored and delighted, as I know Senator MOYNIHAN will be.

Mr. BYRD. Because Senator MOYNIHAN is truly a man of eloquence and wit and vision and grace. We are going to miss him. He has been a powerful influence in this Senate. He has served in the executive branch, served with brilliance and with honor. And, like Christopher Wren—''if you would see his monument, look about you''—Senator MOYNIHAN leaves many monuments. Perhaps the greatest monument of all is that mark he has left upon the hearts of his colleagues who will miss

him and his powerful influence, his wisdom, his vision, when he has left this Senate.

I congratulate the Senator on offering this resolution. I will be very grateful if he will allow me to be a cosponsor. It is one of the least things I can do to honor my colleague, one whom I love, one whom I revere, one whom I respect, and one who has shown himself to be a leader in this Senate.

I thank the Senator.

Mr. SCHUMER. I thank the Senator from West Virginia.

Mr. LAUTENBERG. Mr. President, may I be recognized to join in this tribute?

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I want to say to our fairly new colleague from New York that he could not have picked an issue upon which he could get more solid agreement. One does not have to be a Democrat or an easterner or have any special connection to respect and to so greatly appreciate the contributions made by Senator DANIEL PATRICK MOYNIHAN.

He had this capacity—I know, since we served together on the Environment Committee—not unlike, in many ways, the senior Senator from West Virginia, and that was to bring their respective knowledge to a discussion or debate or to a hearing, that—I speak for myself—would make me sit up and take notice. I felt transported from this white-haired, wizened old face to a college student again and remembered how much I enjoyed some of the classes I attended where we had a professor, an instructor who conveyed the message in an interesting form, not just the statistics or the parameters of the particular discussion.

So it is with PAT MOYNIHAN. Any of us who have spent any time with PAT have always been amazed at the abundance of knowledge he has, whether we were talking about the New York State canal system or whether we were talking about the highway system or the developments in the Indian Ocean or you name the subject. No matter how impromptu or how unexpected the discussion, PAT MOYNIHAN always has the capacity to discuss the subject intelligently and deeply.

Any tribute that we give to this man is not fair compensation for that which he has given this country and has given this body. His abundance of gifts to us are so profound that many years from now they will still be talking about those of greatness who graced this Chamber and PAT MOYNIHAN will be one of those without a doubt.

I am pleased to call him my friend. I hope since we live in such close proximity, our representation of New York and New Jersey, that there will be tributes and testimonies to his contribution. He is a self-effacing fellow. He does not like to hear a bunch of compliments, but we are not going to let him get away with that now.

I commend my colleague, the junior Senator from New York, for his wisdom and his thought in bringing this to us.

By Mr. MACK (for himself, Mr. KOHL, and Mr. GRASSLEY):

S. 1079. A bill to amend the Internal Revenue Code of 1986 to increase the deductibility of business meal expenses for individuals subject to Federal hours of service; to the Committee on Finance.

TAX LEGISLATION

Mr. MACK. Mr. President, two years ago in the Taxpayer Relief Act of 1997, we included a provision to correct an unfair and unsound tax policy of the Clinton Administration concerning business meal deductions. The 1993 Clinton tax increases included a reduction in the percentage of business meal expenses that could be deducted, from 80 percent down to 50 percent. The Administration marketed this as an attack on the ''three martini lunch,'' but the tax increase was in fact a big blow to the wallets and pocketbooks of working class Americans whose jobs require them to be stranded far from home.

Workers who are covered by federal ''hours of service'' regulations—long-haul truckers, airline flight attendants and pilots, long distance bus drivers, some merchant mariners and railroad workers—have no choice but to eat their meals on the road. Their meal expenses are a necessary and unavoidable part of their jobs. The Clinton Administration's business meal tax increase hit these occupations hard. For the average trucker, making between $32,000 and $36,000 annually, this tax increase might be greater than $1,000 per year. This is a lot of money to these hard-working taxpayers.

Congress addressed this inequity in 1997, passing a provision that would gradually raise the meal deduction percentage back to 80 percent for these workers. But a slow, gradual fix is not good enough. Today, Senator KOHL, Senator GRASSLEY, and I are introducing a bill that would immediately restore the 80 percent deduction for truckers, flight crews, and other workers limited by the federal ''hours of service'' regulations.

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. 1079

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

SECTION 1. INCREASED DEDUCTIBILITY OF BUSINESS MEAL EXPENSES FOR INDIVIDUALS SUBJECT TO FEDERAL LIMITATIONS ON HOURS OF SERVICE.

(a) IN GENERAL.—Paragraph (3) of section 274(n) of the Internal Revenue Code of 1986 (relating to only 50 percent of meal and entertainment expenses allowed as deduction) is amended to read as follows:

''(3) SPECIAL RULE FOR INDIVIDUALS SUBJECT TO FEDERAL HOURS OF SERVICE.—In the case of any expenses for food or beverages consumed while away from home (within the meaning of section 162(a)(2)) by an individual during, or incident to, the period of duty subject to the hours of service limitations of the Department of Transportation, paragraph (1) shall be applied by substituting '80 percent' for '50 percent'.''

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1999.

By Mr. TORRICELLI (for himself, Mr. SCHUMER, and Mr. DURBIN):

S. 1080. A bill to amend title 18, United States Code, to prohibit gunrunning and provide mandatory minimum penalties for crimes related to gunrunning; to the Committee on the Judiciary.

GUN KINGPIN PENALTY ACT

Mr. TORRICELLI. Mr. President, I rise today, along with my colleagues from New York and Illinois, Senator SCHUMER and Senator DURBIN, to introduce the Gun Kingpin Penalty Act of 1999. In introducing this bill, we hope that our colleagues will soon join us in sending a clear and strong signal to gunrunners—your actions will no longer be tolerated.

Mr. President, recent numbers gathered by the Bureau of Alcohol, Tobacco and Firearms clearly demonstrate what many of us already knew all too well—several of our nation's highways have become pipelines for merchants of death who deal in illegal firearms.

My own State of New Jersey is proud to have some of the toughest gun control laws in the nation. But for far too long, the courageous efforts of New Jersey citizens in enacting these tough laws have been weakened by out of state gunrunners who treat our State like their own personal retail outlet.

We learned from the ATF data that in 1996, New Jersey exported fewer guns used in crimes, per capita, than any other state—less than one gun per 100,000 residents, or 75 total guns. Meanwhile, an incredible number of guns used to commit crimes in New Jersey last year came from out of state—944 guns were imported and used to commit crimes compared to only 75 exported—a net import of 869 illegal guns used to commit crimes against the people of New Jersey.

This represents a one way street—guns come from states with lax gun laws straight to states (like New Jersey) with strong laws. It is clear that New Jersey's strong gun control laws offer criminals little choice but to import their guns from states with weak laws. We must act on a federal level to send a clear message that this cannot continue and will not be tolerated.

The Gun Kingpin Penalty Act would create a new federal gunrunning offense for any person who, within a twelve-month period, transports more than 5 guns to another state with the intent of transferring all of the weapons to another person. The Act would establish mandatory minimum penalties for gunrunning as follows:

A mandatory 3 year minimum sentence for a first offense involving 5–50 guns; a mandatory 5 year minimum sentence for second offense involving 5–50 guns; and a mandatory 15 year minimum sentence for any offense involving more than 50 guns.

Additionally, the bill contains two ''blood on the hands'' provisions, which will significantly increase penalties for a gunrunner who transfers a gun subsequently used to seriously injure or kill another person. A mandatory 10 year minimum sentence is required if one of the smuggled guns is used within 3 years to kill or seriously injure another person. And a mandatory 25 year minimum sentence must be imposed if one of the smuggled guns is used within 3 years to kill or seriously injure another person and more than 50 guns were smuggled.

Finally, our bill adds numerous gunrunning crimes as RICO predicates, and authorizes 200 additional Treasury personnel to enforce the Act—Congress must provide law enforcement with the resources to enforce the laws we pass.

The fight against gun violence is a long-term, many-staged process. We succeeded in enacting the Brady bill and the ban on devastating assault weapons. And these laws have been effective: more than a quarter of a million prohibited individuals have already been denied a handgun due to Brady background check—70% of these people were either felons or domestic violence offenders. Traces of assault weapons have plummeted since the ban, and prices have gone up.

We can never rest though when it comes to gun violence. This problem will not just go away, and we cannot stand by and watch as innocent men, women and children die at the hands of criminals armed with these guns. I urge my colleagues to support this bill, and I ask unanimous censent that the full text of the legislation be printed in the RECORD.

There being no objection, the legislation was ordered to be printed in the RECORD, as follows:

S. 1080

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 ''Gun Kingpin Penalty Act''.

SEC. 2. GUN KINGPIN PENALTIES.

(a) PROHIBITION AGAINST GUNRUNNING.—Section 922 of title 18, United States Code, is amended by inserting after subsection (y) the following:

''(z) It shall be unlawful for a person not licensed under section 923 to ship or transport, or conspire to ship or transport, 5 or more firearms from a State into another State during any period of 12 consecutive months, with the intent to transfer all of such firearms to another person who is not so licensed.''.

(b) MANDATORY MINIMUM PENALTIES FOR CRIMES RELATED TO GUNRUNNING.—Section 924 of title 18, United States Code, is amended by adding at the end the following:

''(p)(1)(A)(i) Whoever violates section 922(z) shall, except as otherwise provided in this subsection, be imprisoned not less than 3 years, and may be fined under this title.

''(ii) In the case of a person's second or subsequent violation described in clause (i), the term of imprisonment shall be not less than 5 years.

''(B) If a firearm which is shipped or transported in violation of section 922(z) is used subsequently by the person to whom shipped or transported, or by any person within 3 years after the shipment or transportation, in an offense in which a person is killed or suffers serious bodily injury, the term of imprisonment for the violation shall be not less than 10 years.

''(C) If more than 50 firearms are the subject of a violation of section 922(z), the term of imprisonment for the violation shall be not less than 15 years.

''(D) If more than 50 firearms are the subject of a violation of section 922(z) and 1 of the firearms is used subsequently by the person to whom shipped or transported, or by any person within 3 years after the shipment or transportation, in an offense in which a person is killed or suffers serious bodily injury, the term of imprisonment for the violation shall be not less than 25 years.

''(2) Notwithstanding any other provision of law, the court shall not impose a probationary sentence or suspend the sentence of a person convicted of a violation of this subsection, nor shall any term of imprisonment imposed on a person under this subsection run concurrently with any other term of imprisonment imposed on the person by a court of the United States.''.

(c) CRIMES RELATED TO GUNRUNNING MADE PREDICATE OFFENSES UNDER RICO.—Section 1961(1)(B) of title 18, United States Code, is amended by inserting ''section 922(a)(1)(A) (relating to unlicensed importation, manufacture, or dealing in firearms), section 922(a)(3) (relating to interstate transportation or receipt of firearm), section 922(a)(5) (relating to transfer of firearm to person from another State), or section 922(a)(6) (relating to false statements made in acquisition of firearm or ammunition from licensee), section 922(d) (relating to disposition of firearm or ammunition to a prohibited person), section 922(g) (relating to receipt of firearm or ammunition by a prohibited person), section 922(h) (relating to possession of firearm or ammunition on behalf of a prohibited person), section 922(i) (relating to transportation of stolen firearm or ammunition), section 922(j) (relating to receipt of stolen firearm or ammunition), section 922(k) (relating to transportation or receipt of firearm with altered serial number), section 922(z) (relating to gunrunning), section 924(b) (relating to shipment or receipt of firearm for use in a crime),'' before ''section 1028''.

(d) ENFORCEMENT.—The Secretary of the Treasury may hire and employ 200 personnel, in addition to any personnel hired and employed by the Department of the Treasury under other law, to enforce the amendments made by this section, notwithstanding any limitations imposed by or under the Federal Workforce Restructuring Act.

By Mr. TORRICELLI:

S. 1081. A bill to amend section 842 of title 18, United States Code, relating to explosive materials, to the Committee on the Judiciary.

EXPLOSIVES PROTECTION ACT OF 1999

Mr. TORRICELLI. Mr. President, on the morning of April 19, 1995, in one horrible moment, an explosion devastated the Alfred P. Murrah Federal Building in Oklahoma City, Oklahoma, and took the lives of 168 Americans.

Every year, thousands of people are killed or maimed because of the use or misuse of illegal explosive devices, and millions of dollars in property is lost. Between 1991 and 1995, there were more than 14,000 actual and attempted criminal bombings. 326 people were killed and another 2,970 injured in these incidents and more than $6 million in property damage resulted.

In recent years, the criminal use of explosives has moved in a new direction, as is evidenced by the bombings of the World Trade Center in New York and the Oklahoma City bombing. These two incidents took the lives of many innocent men, women, and children, left others permanently scarred, and caused great suffering for the families of the victims—as well as all of America. These crimes were intended to tear the very fabric of our society; instead, their tragic consequences served to strengthen our resolve to stand firm against the insanity of terrorism and the criminal use of explosives.

In the wake of the Oklahoma City bombing, I was stunned—as were many—to learn how few restrictions on the use and sale of explosives really exist. I soon after introduced this legislation, the ''Explosives Protection Act'' to take a first step towards protecting the American people from those who would use explosives to do them harm. I am introducing it again today in the hope that this bill will, in some small way, prevent future bombings—whether by terrorists of symbolic targets, malcontents of random ones, or even spouses involved in marital disputes.

While we have increasingly restricted the number of people who can obtain and use a firearm, we have been lax in extending these prohibitions to explosives. For instance, while we prohibit illegal aliens from obtaining a gun, we allow them to obtain explosives without restriction. And someone who has been dishonorably discharged from the armed forces can no longer buy a gun, but can purchase a truckload full of explosives. The same is true for people who have renounced U.S. citizenship, people who have acted in such a way as to have restraining orders issued against them, and those with domestic violence convictions.

Each of these categories of persons are prohibited from obtaining firearms, but face no such prohibition on obtaining explosive material. Many of these differences in the law are simply oversights—Congress has often acted to limit the use and sale of firearms, and has neglected to bring explosives law into line. And in so doing, we have made it all too easy for many of the most dangerous or least accountable members of society to obtain materials which can result in an equal or even greater loss of life.

Congress has already made the determination that certain members of society should not have access to firearms, and the same logic clearly applies to dangerous and destructive explosive materials. It is time to bring explosives laws into line with gun laws. My bill would simply expand the list of people prohibited from purchasing explosives so that it mirrors the list of people already prohibited from purchasing firearms.

This is a simple bill meant only to correct longstanding gaps and loopholes in current law. I hope we can quickly move to get this passed and protect Americans from future acts of explosive destruction. I ask unanimous consent that the full text of the legislation be printed in the RECORD.

There being no objection, the legislation was ordered to be printed in the RECORD, as follows:

S. 1081

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 ''Explosives Protection Act of 1999''.

SEC. 2. PROHIBITIONS RELATING TO EXPLOSIVE MATERIALS.

(a) PROHIBITION OF SALE, DELIVERY, OR TRANSFER OF EXPLOSIVE MATERIALS TO CERTAIN INDIVIDUALS.—Section 842 of title 18, United States Code, is amended by striking subsection (d) and inserting the following:

''(d) PROHIBITION OF SALE, DELIVERY, OR TRANSFER OF EXPLOSIVE MATERIALS TO CERTAIN INDIVIDUALS.—It shall be unlawful for any licensee to knowingly sell, deliver, or transfer any explosive materials to any individual who—

''(1) is less than 21 years of age;

''(2) is under indictment for, or has been convicted in any court of, a crime punishable by imprisonment for a term exceeding 1 year;

''(3) is a fugitive from justice;

''(4) is an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));

''(5) has been adjudicated as a mental defective or has been committed to any mental institution;

''(6) being an alien—

''(A) is illegally or unlawfully in the United States; or

''(B) except as provided in section 845(d), has been admitted to the United States under a nonimmigrant visa (as that term is defined in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26));

''(7) has been discharged from the Armed Forces under dishonorable conditions;

''(8) having been a citizen of the United States, has renounced his citizenship;

''(9) is subject to a court order that restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child, except that this paragraph shall only apply to a court order that—

''(A) was issued after a hearing of which such person received actual notice, and at which such person had the opportunity to participate; and

''(B)(i) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; and

''(ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or

''(10) has been convicted in any court of a misdemeanor crime of domestic violence.''.

(b) PROHIBITION ON SHIPPING, TRANSPORTING, POSSESSION, OR RECEIPT OF EXPLOSIVES BY CERTAIN INDIVIDUALS.—Section 842 of title 18, United States Code, is amended by striking subsection (i) and inserting the following:

''(i) PROHIBITION ON SHIPPING, TRANSPORTING, POSSESSION, OR RECEIPT OF EXPLOSIVES BY CERTAIN INDIVIDUALS.—It shall be unlawful for any person to ship or transport in interstate or foreign commerce, or possess, in or affecting commerce, any explosive, or to receive any explosive that has been shipped or transported in interstate or foreign commerce, if that person—

''(1) is less than 21 years of age;

''(2) has been convicted in any court, of a crime punishable by imprisonment for a term exceeding 1 year;

''(3) is a fugitive from justice;

''(4) is an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));

''(5) has been adjudicated as a mental defective or who has been committed to a mental institution;

''(6) being an alien—

''(A) is illegally or unlawfully in the United States; or

''(B) except as provided in section 845(d), has been admitted to the United States under a nonimmigrant visa (as that term is defined in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26));

''(7) has been discharged from the Armed Forces under dishonorable conditions;

''(8) having been a citizen of the United States, has renounced his citizenship; or

''(9) is subject to a court order that—

''(A) was issued after a hearing of which such person received actual notice, and at which such person had an opportunity to participate;

''(B) restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and

''(C)(i) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; and

''(ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or

''(10) has been convicted in any court of a misdemeanor crime of domestic violence.''.

(c) EXCEPTIONS AND WAIVER FOR CERTAIN INDIVIDUALS.—Section 845 of title 18, United States Code, is amended by adding at the end the following:

''(d) EXCEPTIONS AND WAIVER FOR CERTAIN INDIVIDUALS.—

''(1) DEFINITIONS.—In this subsection—

''(A) the term 'alien' has the same meaning as in section 101(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(3)); and

''(B) the term 'nonimmigrant visa' has the same meaning as in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26)).

''(2) EXCEPTIONS.—Subsections (d)(5)(B) and (i)(5)(B) of section 842 do not apply to any alien who has been lawfully admitted to the United States pursuant to a nonimmigrant visa, if that alien is—

''(A) admitted to the United States for lawful hunting or sporting purposes;

''(B) a foreign military personnel on official assignment to the United States;

''(C) an official of a foreign government or a distinguished foreign visitor who has been so designated by the Department of State; or

''(D) a foreign law enforcement officer of a friendly foreign government entering the United States on official law enforcement business.

''(3) WAIVER.—

''(A) IN GENERAL.—Any individual who has been admitted to the United States under a nonimmigrant visa and who is not described in paragraph (2), may receive a waiver from the applicability of subsection (d)(5)(B) or (i)(5)(B) of section 842, if—

''(i) the individual submits to the Attorney General a petition that meets the requirements of subparagraph (B); and

''(ii) the Attorney General approves the petition.

''(B) PETITIONS.—Each petition under subparagraph (A)(i) shall—

''(i) demonstrate that the petitioner has resided in the United States for a continuous period of not less than 180 days before the date on which the petition is submitted under this paragraph; and

''(ii) include a written statement from the embassy or consulate of the petitioner, authorizing the petitioner to engage in any activity prohibited under subsection (d) or (i) of section 842, as applicable, and certifying that the petitioner would not otherwise be prohibited from engaging in that activity under subsection (d) or (i) of section 842, as applicable.''.

By Mr. TORRICELLI:

S. 1082. A bill to amend part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1968 to provide assistance for unincorporated neighborhood watch programs; to the Committee on the Judiciary.

NEIGHBORHOOD WATCH PARTNERSHIP ACT OF 1999

Mr. TORRICELLI. Mr. President, today I rise today to introduce the ''Neighborhood Watch Partnership Act of 1999.'' This bill will broaden the eligibility of groups that may apply for essential funding for neighborhood watch activities.

Communities across the country are finding sensible ways to solve local problems. Through partnerships with local police, neighborhood watch groups are having a decisive impact on crime. There are almost 20,000 such groups creating innovative programs that promote community involvement in crime prevention techniques. They empower community members and organize them against rape, burglary, and all forms of fear on the street. They forge bonds between law enforcement and the communities they serve.

Unfortunately, many communities find it difficult to afford the often expensive equipment such as cellphones and CBs needed to start a neighborhood watch organization. While the COPS program within the Department of Justice provides funding for some neighborhood watch groups, an organization must incorporate to benefit from the current program. A mere 2000 of the nearly 20,000 groups incorporate, however, meaning that the vast majority of watch groups cannot apply for funding assistance. This makes very little sense.

The time has come to make a clear commitment to these groups. That is why I am introducing a bill to extend COPS funding to unincorporated neighborhood watch organizations. The bill would provide grants of up to $1,950 to these groups. Under current law, either the local police chief or sheriff must

approve grant requests by unincorporated watch groups. We would impose the same requirement on unincorporated groups, thus providing accountability for the disbursement of funds.

Mr. President, neighborhood watch organizations provide an invaluable service. By extending the partnership between community policing and watch group organizations, we will boldly encourage small and large communities to preserve and create crime prevention tools. We should act now. I ask unanimous consent 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. 1082

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

SECTION 1. ASSISTANCE FOR UNINCORPORATED NEIGHBORHOOD WATCH PROGRAMS.

(a) SHORT TITLE.—This Act maybe cited as the ''Neighborhood Watch Partnership Act of 1999''.

(b) IN GENERAL.—Section 1701(d) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(d)) is amended—

(1) in paragraph (10), by striking ''and'' at the end;

(2) in paragraph (11), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(12) provide assistance to unincorporated neighborhood watch organizations approved by the appropriate local police or sheriff's department, in an amount equal to not more than $1950 per organization, for the purchase of citizen band radios, street signs, magnetic signs, flashlights, and other equipment relating to neighborhood watch patrols.''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a)(11) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(11)) is amended—

(1) in subparagraph (A), by striking clause (vi) and inserting the following:

''(vi) $282,625,000 for fiscal year 2000.''; and

(2) in subparagraph (B) by inserting after ''(B)'' the following: ''Of amounts made available to carry out part Q in each fiscal year $14,625,000 shall be used to carry out section 1701(d)(12).''.

By Mr. TORRICELLI (for himself and Mr. KOHL):

S. 1083. A bill to expedite State review of criminal records of applicants for bail enforcement officer employment, and for other purposes; to the Committee on the Judiciary.

BOUNTY HUNTER ACCOUNTABILITY AND QUALITY ASSISTANCE ACT OF 1999

Mr. TORRICELLI. Mr. President, I rise today to introduce the ''Bounty Hunter Accountability and Quality Assurance Act of 1999.'' This bill will begin the process of reforming the revered but antiquated system of bail enforcement in this country.

Throughout our nation's proud history, bounty hunters have proved a valuable addition to our law enforcement and recovery efforts. About 40 percent of all criminal defendants are released on bail each year, and in 1996 alone more than 33,000 skipped town. Police departments, no matter how efficient or determined, cannot be expected to deal with so many bail jumpers in addition to their other duties. Thus, while public law enforcement officers recover only about 10 percent of defendants who skip town, bounty hunters catch an incredible 88 percent of bail jumpers.

Because of the special, contractual nature of the relationship between bail bondsmen and those who use them to get out of jail, bounty hunters have traditionally enjoyed special rights—a nineteenth century Supreme Court case affirmed that while bounty hunters may exercise many of the powers granted to police, they are not subject to many of the constitutional checks we place on those law enforcement officials. As a result, bounty hunters need not worry about Miranda rights, extradition proceedings, or search warrants.

The ability to more efficiently track and recover criminal defendants serves a valuable purpose in our society. But the lack of constitutional checks on bounty hunters also opens the system up to the risk of abuse. Each of us has read or heard about cases in which legitimate bounty hunters or those simply posing as recovery agents have wrongfully entered a dwelling or captured the wrong person.

In one recent Arizona case, several men claiming to be bounty hunters broke into a house, terrorized a family and ended up killing a young couple who tried to defend against the attack. It now appears that these men were simply ''posing'' as bounty hunters, but there are other reported incidents in which ''legitimate'' bounty hunters have broken down the wrong door, kidnaped the wrong person, or physically abused the targets of their searches. And there is little recourse for the innocent victims of wrongful acts.

This legislaiton would begin the process of making bounty hunters more accountable to the public they serve, and would help to restore confidence in the bail enforcement system. The bill would not unduly impose the will of the federal government on states, which have traditionally regulated bounty hunters.

The ''Bounty Hunter Accountability and Quality Assurance Act'' directs the Attorney General of the United States to establish model guidelines for states to follow when creating their own bail enforcement regulations. In the course of her work, the Attorney General will be specifcially directed to look into three areas identified by the bill—whether bounty hunters should be required to ''knock and announce'' before entering a dwelling, whether they should be required to carry liability insurance (most already do), and whether convicted felons should be allowed to obtain employment as bounty hunters.

Mr. President, it is time to start the process of making rouge bounty hunters more accountable, while at the same time restoring America's confidence in the long tradition of bail enforcement that dates from the earliest days of this nation. I urge my colleagues to join me in taking this first step toward this process.

I ask unanimous consent that the full text of this bill be printed in the RECORD.

S. 1083

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 ''Bounty Hunter Accountability and Quality Assistance Act of 1999''.

SEC. 2. FINDINGS.

Congress finds that—

(1) bail enforcement officers, also known as bounty hunters or recovery agents, provide law enforcement officers with valuable assistance in recovering fugitives from justice;

(2) regardless of the differences in their duties, skills, and responsibilities, the public has had difficulty in discerning the difference between law enforcement officers and bail enforcement officers;

(3) the American public demands the employment of qualified, well-trained bail enforcement officers as an adjunct, but not a replacement for, law enforcement officers; and

(4) in the course of their duties, bail enforcement officers often move in and affect interstate commerce.

SEC. 3. DEFINITIONS.

In this Act—

(1) the term ''bail enforcement employer'' means any person that—

(A) employs 1 or more bail enforcement officers; or

(B) provides, as an independent contractor, for consideration, the services of 1 or more bail enforcement officers (which may include the services of that person);

(2) the term ''bail enforcement officer''—

(A) means any person employed to obtain the recovery of any fugitive from justice who has been released on bail; and

(B) does not include any—

(i) law enforcement officer;

(ii) attorney, accountant, or other professional licensed under applicable State law;

(iii) employee whose duties are primarily internal audit or credit functions; or

(iv) member of the Armed Forces on active duty; and

(3) the term ''law enforcement officer'' means a public servant authorized under applicable State law to conduct or engage in the prevention, investigation, prosecution, or adjudication of criminal offenses, including any public servant engaged in corrections, parole, or probation functions.

SEC. 4. BACKGROUND CHECKS.

(a) IN GENERAL.—

(1) SUBMISSION.—An association of bail enforcement employers, which shall be designated for the purposes of this section by the Attorney General, may submit to the Attorney General fingerprints or other methods of positive identification approved by the Attorney General, on behalf of any applicant for a State license or certificate of registration as a bail enforcement officer or a bail enforcement employer.

(2) EXCHANGE.—In response to a submission under paragraph (1), the Attorney General may, to the extent provided by State law conforming to the requirements of the second paragraph under the heading ''Federal Bureau of Investigation'' and the subheading ''Salaries and Expenses'' in title II of Public Law 92–544 (86 Stat. 1115), exchange, for licensing and employment purposes, identification and criminal history records with

the State governmental agencies to which the applicant has applied.

(b) REGULATIONS.—The Attorney General may promulgate such regulations as may be necessary to carry out this section, including measures relating to the security, confidentiality, accuracy, use, and dissemination of information submitted or exchanged under subsection (a) and to audits and recordkeeping requirements relating to that information.

(c) REPORT.—Not later than 2 years after the date of enactment of this Act, the Attorney General shall submit to the Committees on the Judiciary of the Senate and the House of Representatives a report on the number of submissions made by the association of bail enforcement employers under subsection (a)(1), and the disposition of each application to which those submissions related.

(d) STATE PARTICIPATION.—It is the sense of Congress that each State should participate, to the maximum extent practicable, in any exchange with the Attorney General under subsection (a)(2).

SEC. 5. MODEL GUIDELINES.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Attorney General shall publish in the Federal Register model guidelines for the State control and regulation of persons employed or applying for employment as bail enforcement officers.

(b) RECOMMENDATIONS.—The guidelines published under subsection (a) shall include recommendations of the Attorney General regarding whether a person seeking employment as a bail enforcement officer should be—

(1) allowed to obtain such employment if that person has been convicted of a felony offense under Federal law, or of any offense under State law that would be a felony if charged under Federal law;

(2) required to obtain adequate liability insurance for actions taken in the course of performing duties pursuant to employment as a bail enforcement officer; or

(3) prohibited, if acting in the capacity of that person as a bail enforcement officer, from entering any private dwelling, unless that person first knocks on the front door and announces the presence of 1 or more bail enforcement officers.

(c) BYRNE GRANT PREFERENCE FOR CERTAIN STATES.—

(1) IN GENERAL.—Section 505 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3755) is amended by adding at the end the following:

''(e) PREFERENCE FOR CERTAIN STATES.—Notwithstanding any other provision of this part, in making grants to States under this subpart, the Director shall give priority to States that have adopted the model guidelines published under section 5(a) of the Bounty Hunter Accountability and Quality Assistance Act of 1999.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect 2 years after the date of enactment of this Act.

SEC. 6. JOINT AND SEVERAL LIABILITY FOR ACTIVITIES OF BAIL ENFORCEMENT OFFICERS.

Notwithstanding any other provision of law, a bail enforcement officer, whether acting as an independent contractor or as an employee of a bail enforcement employer on a bail bond, shall be considered to be the agent of that bail enforcement employer for the purposes of that liability.

By Mr. MCCAIN (for himself, Mr. BRYAN, and Ms. SNOWE):

S. 1084. A bill to amend the Communications Act of 1934 to protect consumers from the unauthorized switching of their long-distance service; to the Committee on Commerce, Science, and Transportation.

TELECOMMUNICATIONS COMPETITION AND CONSUMER PROTECTION ACT OF 1999

Mr. MCCAIN. Mr. President, I rise today to introduce legislation, cosponsored by Senators Bryan and Snowe, designed to stop the widespread anticonsumer telemarketing abuse known as ''slamming.'' Since virtually every consumer has either been ''slammed'' or knows someone who has, it's probably unnecessary to add that ''slamming'' is the practice whereby a consumer's chosen long-distance telephone company is changed without the consumer's knowledge or consent. Given the pervasiveness of this unscrupulous practice, it comes as no surprise that slamming has been the number one consumer complaint for the last several years.

This marks the third time I have introduced antislamming legislation. Last year a similar antislamming bill failed to become law when the legislative clock ran out before the House of Representatives acted, despite the fact that the bill incorporated a number of provisions that the House had insisted upon, and which the Senate believed weren't tough enough on slammers.

The reason I return today with a slamming bill is that, in the absence of legislation, the Federal Communications Commission adopted a set of antislamming rules that a reviewing court has now stayed. As a result, consumers are once again without the immediate prospect of any effective antislamming laws. This legislation is intended to provide some.

But there is also another reason for reintroducing antislamming legislation. The main reason the court stayed the FCC's antislamming rules is that the long-distance companies—the very companies who are responsible for slamming in the first place—asked the court to do so because of an alternative antislamming scheme these companies dreamed up and now want the FCC to implement. Pursuant to the long-distance companies' plan, the long-distance companies—they're the slammers, remember—would hire a supposedly independent ''third-party administrator'' who would handle enforcement of the antislamming rules instead of the FCC. Given the fact that virtually everyone other than the long-distance companies, including state enforcement authorities, are foursquare against this proposal, the long-distance companies' court strategy ups the ante on the FCC to cave in and adopt this obviously self-serving plan.

Not since the fox volunteered to watch the henhouse have we seen such a demonstration of solicitude for the well-being of the vulnerable.

There are many instances in which industry comes up with creative ways for government to deal with industry problems. This isn't one of them.

Let's call it what it is. This scheme is the latest manifestation of an ongoing effort by the long-distance companies to avoid having to face up to real penalties if they can't make their telemarketers stop slamming people. Their rhetoric deplores slamming, but their machinations before Congress and the FCC show otherwise. And if the FCC—the supposedly pro-consumer FCC—were to even flirt with the notion of embracing the long-distance industry's scheme, it would show, when push comes to shove, whose interests would really matter to this agency.

In a published court opinion, Judge Lawrence Silberman of the D.C. Court of Appeals referred to something else the FCC once did as being ''not just stupid—criminally stupid.'' Mr. President, it would be either criminal stupidity, or duplicity of the highest order, for the FCC to ignore the views of everyone except the big long-distance companies and adopt their blatantly anticonsumer plan.

As I said when I introduced the similar legislation last October, this bill isn't perfect—it contains provisions generated by the House of Representatives, that I consider much too slammer-friendly. But it's still a lot better than the industry-promoted alternative. And so I offer to better protect consumers and to send the FCC the message that it's their duty to do the same.

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. 1084

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 ''Telecommunications Competition and Consumer Protection Act of 1999''.

TITLE I—SLAMMING

SEC. 101. IMPROVED PROTECTION FOR CONSUMERS.

(a) CONSUMER PROTECTION PRACTICES.—Section 258 of the Communications Act of 1934 (47 U.S.C. 258) is amended to read as follows:

''SEC. 258. ILLEGAL CHANGES IN SUBSCRIBER SELECTIONS OF CARRIERS.

''(a) ALTERNATIVE MODES OF REGULATION.—

''(1) INDUSTRY/COMMISSION CODE.—Within 180 days after the date of enactment of the Telecommunications Competition and Consumer Protection Act of 1999, the Commission, after consulting with the Federal Trade Commission and representatives of telecommunications carriers providing telephone toll service and telephone exchange service, State commissions, and consumers, and considering any proposals developed by such representatives, shall prescribe, after notice and public comment and in accordance with subsection (b), a Code of Subscriber Protection Practices (hereinafter in this section referred as the 'Code') governing changes in a subscriber's selection of a provider of telephone exchange service or telephone toll service.

''(2) OBLIGATION TO COMPLY.—No telecommunications carrier (including a reseller of telecommunications services) shall submit or execute a change in a subscriber's selection of a provider of telephone exchange

service or telephone toll service except in accordance with—

''(A) the Code, if such carrier elects to comply with the Code in accordance with subsection (b)(2); or

''(B) the requirements of subsection (c), if—

''(i) the carrier does not elect to comply with the Code under subsection (b)(2); or

''(ii) such election is revoked or withdrawn.

''(b) MINIMUM PROVISIONS OF THE CODE.—

''(1) SUBSCRIBER PROTECTION PRACTICES.—The Code required by subsection (a)(1) shall include guidelines addressing the following:

''(A) IN GENERAL.—A telecommunications carrier (including a reseller of telecommunications services) electing to comply with the Code shall submit a change in a subscriber's selection of a provider of telephone exchange service or telephone toll service only in accordance with the provisions of the Code.

''(B) NEGATIVE OPTION.—A telecommunications carrier shall not use negative option marketing.

''(C) VERIFICATION.—A submitting carrier shall verify the subscriber's selection of the carrier in accordance with procedures specified in the Code. The executing carrier may rely on the submitting carrier's verification in executing the change or may, at its discretion, confirm the verification of a change in the subscriber's selection with the customer.

''(D) UNFAIR AND DECEPTIVE ACTS AND PRACTICES.—No telecommunications carrier, nor any person acting on behalf of any such carrier, shall engage in any unfair or deceptive acts or practices in connection with the solicitation of a change in a subscriber's selection of a telecommunications carrier.

''(E) NOTIFICATION AND RIGHTS.—A telecommunications carrier shall provide timely and accurate notification to the subscriber in accordance with procedures specified in the Code.

''(F) SLAMMING LIABILITY AND REMEDIES.—

''(i) REQUIRED REIMBURSEMENT AND CREDIT.—A telecommunications carrier that has improperly changed the subscriber's selection of a telecommunications carrier without authorization, shall at a minimum—

''(I) reimburse the subscriber for the fees associated with switching the subscriber back to their original carrier; and

''(II) provide a credit for any telecommunications charges incurred by the subscriber during the period, not to exceed 30 days, while that subscriber was improperly presubscribed.

''(ii) PROCEDURES.—The Code shall prescribe procedures by which—

''(I) a subscriber may make an allegation of a violation under clause (i);

''(II) the telecommunications carrier may rebut such allegation;

''(III) the subscriber may, without undue delay, burden, or expense, challenge the rebuttal; and

''(IV) resolve any administrative review of such an allegation within 75 days after receipt of an appeal.

''(G) RECORDKEEPING.—A telecommunications carrier shall make and maintain a record of the verification process and shall provide a copy to the subscriber immediately upon request.

''(H) QUALITY CONTROL.—A telecommunications carrier shall institute a quality control program to prevent inadvertent changes in a subscriber's selection of a carrier.

''(I) INDEPENDENT AUDITS.—A telecommunications carrier shall provide the Commission with an independent audit regarding its compliance with the Code at intervals prescribed by the Code. The Commission may require a telecommunications carrier to provide an independent audit on a more frequent basis if there is evidence that such telecommunications carrier is violating the Code.

''(2) ELECTION BY CARRIERS.—Each telecommunications carrier electing to comply with the Code shall file with the Commission within 20 days after the adoption of the Code, or within 20 days after commencing operations as a telecommunications carrier, a statement electing the Code to govern such carrier's submission or execution of a change in a customer's selection of a provider of telephone exchange service or telephone toll service. Such election by a carrier may not be revoked or withdrawn unless the Commission finds that there is good cause therefor, including a determination that the carrier has failed to adhere in good faith to the applicable provisions of the Code, and that the revocation or withdrawal is in the public interest. Any telecommunications carrier that fails to elect to comply with the Code shall be deemed to have elected to be governed by the subsection (c) and the Commission's regulations thereunder.

''(3) PENALTIES AVAILABLE.—Nothing in this subsection or in any regulations thereunder shall be construed as limiting the application of section 503 to violations of the Code.

''(c) REGULATIONS OF CARRIERS NOT ELECTING TO COMPLY WITH CODE.—

''(1) IN GENERAL.—A telecommunications carrier (including a reseller of telecommunications services) that has not elected to comply with the Code under subsection (b), or as to which the election has been withdrawn or revoked, shall not submit or execute a change in a subscriber's selection of a provider of telephone exchange service or telephone toll service except in accordance with this subsection and such verification procedures as the Commission shall prescribe.

''(2) VERIFICATION.—

''(A) IN GENERAL.—In order to verify a subscriber's selection of a telephone exchange service or telephone toll service provider under this subsection, the telecommunications carrier submitting the change to an executing carrier shall, at a minimum, require the subscriber—

''(i) to affirm that the subscriber is authorized to select the provider of that service for the telephone number in question;

''(ii) to acknowledge the type of service to be changed as a result of the selection;

''(iii) to affirm the subscriber's intent to select the provider as the provider of that service;

''(iv) to acknowledge that the selection of the provider will result in a change in providers of that service; and

''(v) to provide such other information as the Commission considers appropriate for the protection of the subscriber.

''(B) ADDITIONAL REQUIREMENTS.—The procedures prescribed by the Commission to verify a subscriber's selection of a provider shall—

''(i) preclude the use of negative option marketing;

''(ii) provide for a complete copy of verification of a change in telephone exchange service or telephone toll service provider in oral, written, or electronic form;

''(iii) require the retention of such verification in such manner and form and for such time as the Commission considers appropriate;

''(iv) mandate that verification occur in the same language as that in which the change was solicited; and

''(v) provide for verification to be made available to a subscriber on request.

''(C) NOTICE TO SUBSCRIBER.—Whenever a telecommunication carrier submits a change in a subscriber's selection of a provider of telephone exchange service or telephone toll service, such telecommunications carrier shall clearly notify the subscriber in writing, not more than 15 days after the change is submitted to the executing carrier—

''(i) of the subscriber's new carrier; and

''(ii) that the subscriber may request information regarding the date on which the change was agreed to and the name of the individual who authorized the change.

''(3) LIABILITY FOR VIOLATIONS.—

''(A) NOTIFICATION OF CHANGE.—The first bill issued after the effective date of a change in a subscriber's provider of telephone exchange service or telephone toll service by the executing carrier for such change shall—

''(i) prominently disclose the change in provider and the effective date of such change;

''(ii) contain the name and toll-free number of any telecommunications carrier for such new service; and

''(iii) direct the subscriber to contact the executing carrier if the subscriber believes that such change was not authorized and that the change was made in violation of this subsection, and contain the toll-free number by which to make such contact.

''(B) AUTOMATIC SWITCH-BACK OF SERVICE AND CREDIT TO CONSUMER OF CHARGES.—

''(i) OBLIGATIONS OF EXECUTING CARRIER.—If a subscriber of telephone exchange service or telephone toll service makes an allegation, orally or in writing, to the executing carrier that a violation of this subsection has occurred with respect to such subscriber—

''(I) the executing carrier shall, without charge to the subscriber, execute an immediate change in the provider of the telephone service that is the subject of the allegation to restore the previous provider of such service for the subscriber, as reflected in the records of the executing carrier;

''(II) the executing carrier shall provide an immediate credit to the subscriber's account for any charges for executing the original change of service provider;

''(III) if the executing carrier conducts billing for the carrier that is the subject of the allegation, the executing carrier shall provide an immediate credit to the subscriber's account for such service, in an amount equal to any charges for the telephone service that is the subject of the allegation incurred during the period—

''(aa) beginning upon the date of the change of service that is the subject of the allegation; and

''(bb) ending on the earlier of the date that the subscriber is restored to the previous provider, or 30 days after the date the bill described in subparagraph (A) is issued; and

''(IV) the executing carrier shall recover the costs of executing the change in provider to restore the previous provider, and any credits provided under subclauses (II) and (III), by recourse to the provider that is the subject of the allegation.

''(ii) OBLIGATIONS OF CARRIERS NOT BILLING THROUGH EXECUTING CARRIERS.—If a subscriber of telephone exchange service or telephone toll service transmits, orally or in writing, to any carrier that does not use an executing carrier to conduct billing an allegation that a violation of this subsection has occurred with respect to such subscriber, the carrier shall provide an immediate credit to the subscriber's account for such service, and the subscriber shall, except as provided in subparagraph (C)(iii), be discharged from liability, for an amount equal to any charges for the telephone service that is the subject of the allegation incurred during the period—

''(I) beginning upon the date of the change of service that is the subject of the allegation; and

''(II) ending on the earlier of the date that the subscriber is restored to the previous provider, or 30 days after the date the bill described in subparagraph (A) is issued.

''(iii) TIME LIMITATION.—This subparagraph shall apply only to allegations made by subscribers before the expiration of the 1-year period that begins on the issuance of the bill described in subparagraph (A).

''(C) PROCEDURE FOR CARRIER REMEDY.—

''(i) IN GENERAL.—The Commission shall, by rule, establish a procedure for rendering determinations with respect to violations of this subsection. Such procedure shall permit such determinations to be made upon the filing of (I) a complaint by a telecommunications carrier that was providing telephone exchange service or telephone toll service to a subscriber before the occurrence of an alleged violation, and seeking damages under clause (ii), or (II) a complaint by a telecommunications carrier that was providing services after the alleged violation, and seeking a reinstatement of charges under clause (iii). Either such complaint shall be filed not later than 6 months after the date on which any subscriber whose allegation is included in the complaint submitted an allegation of the violation to the executing carrier under subparagraph (B)(i). Either such complaint may seek determinations under this paragraph with respect to multiple alleged violations in accordance with such procedures as the Commission shall establish in the rules prescribed under this subparagraph.

''(ii) DETERMINATION OF VIOLATION AND REMEDIES.—In a proceeding under this subparagraph, if the Commission determines that a violation of this subsection has occurred, other than an inadvertent or unintentional violation, the Commission shall award damages—

''(I) to the telecommunications carrier filing the complaint, in an amount equal to the sum of (aa) the gross amount of charges that the carrier would have received from the subscriber during the violation, and (bb) $500 per violation; and

''(II) to the subscriber that was subjected to the violation, in the amount of $500.

''(iii) DETERMINATION OF NO VIOLATION.—If the Commission determines that a violation of this subsection has not occurred, the Commission shall order that any credit provided to the subscriber under subparagraph (B)(ii) be reversed, or that the carrier may resubmit a bill for the amount of the credit to the subscriber notwithstanding any discharge under subparagraph (B)(ii).

''(iv) SPEEDY RESOLUTION OF COMPLAINTS.—The procedure established under this subparagraph shall provide for a determination of each complaint filed under the procedure not later than 6 months after filing.

''(D) MAINTENANCE OF INFORMATION.—

''(i) IN GENERAL.—The Commission shall, by rule, require each executing carrier to maintain information regarding each alleged violation of this subsection of which the carrier has been notified.

''(ii) CONTENTS.—The information required to be maintained pursuant to this paragraph shall include, for each alleged violation of this subsection, the effective date of the change of service involved in the alleged violation, the name of the provider of the service to which the change was made, the name, address, and telephone number of the subscriber who was subject to the alleged violation, and the amount of any credit provided under subparagraph (B)(ii).

''(iii) FORM.—The Commission shall prescribe one or more computer data formats for the maintenance of information under this paragraph, which shall be designed to facilitate submission and compilation pursuant to this subparagraph.

''(iv) MONTHLY REPORTS.—Each executing carrier shall, on not less than a monthly basis, submit the information maintained pursuant to this subparagraph to the Commission.

''(v) ACCESS TO INFORMATION.—The Commission shall make the information submitted pursuant to clause (iv) available upon request to any telecommunications carrier. Any telecommunications carrier obtaining access to such information shall use such information exclusively for the purposes of investigating, filing, or resolving complaints under this section.

''(4) CIVIL PENALTIES.—Unless the Commission determines that there are mitigating circumstances, violation of this subsection is punishable by a forfeiture penalty under section 503 of not less than $40,000 for the first offense, and not less than $150,000 for each subsequent offense.

''(5) RECOVERY OF FORFEITURES.—The Commission may take such action as may be necessary—

''(A) to collect any forfeitures it imposes under this subsection; and

''(B) on behalf of any subscriber, to collect any damages awarded the subscriber under this subsection.

''(d) APPLICATION TO WIRELESS.—This section does not apply to a provider of commercial mobile service.

''(e) COMMISSION REQUIREMENTS.—

''(1) SEMIANNUAL REPORTS.—Every 6 months, the Commission shall compile and publish a report ranking telecommunications carriers by the percentage of verified complaints, excluding those generated by the carrier's unaffiliated resellers, compared to the number of the carrier's changes in a subscriber's selection of a provider of telephone exchange service and telephone toll service.

''(2) INVESTIGATION.—If a telecommunications carrier is listed among the 5 worst performers based upon the percentage of verified complaints, excluding those generated by the carrier's unaffiliated resellers, compared to its number of carrier selection changes in the semiannual reports 3 times in succession, the Commission shall investigate the carrier's practices regarding subscribers' selections of providers of telephone exchange service and telephone toll service. If the Commission finds that the carrier is misrepresenting adherence to the Code or is willfully and repeatedly changing subscribers' selections of providers, the Commission shall find such carrier to be in violation of this section and shall impose a civil penalty on the carrier under section 503 of up to $1,000,000.

''(3) CODE REVIEW.—Every 2 years, the Commission shall review the Code to ensure its requirements adequately protect subscribers from improper changes in a subscriber's selection of a provider of telephone exchange service and telephone toll service.

''(f) ACTIONS BY STATES.—

''(1) IN GENERAL.—Whenever an attorney general of any State has reason to believe that the interests of the residents of that State have been or are being threatened or adversely affected because any person has violated the Code or subsection (c), or any rule or regulation prescribed by the Commission under subsection (c), the State may bring a civil action on behalf of its residents in an appropriate district court of the United States to enjoin such violation, to enforce compliance with such Code, subsection, rule, or regulation, to obtain damages on behalf of their residents, or to obtain such further and other relief as the court may deem appropriate.

''(2) NOTICE.—The State shall serve prior written notice of any civil action under paragraph (1) upon the Commission and provide the Commission with a copy of its complaint, except that if it is not feasible for the State to provide such prior notice, the State shall serve such notice immediately upon instituting such action. Upon receiving a notice respecting a civil action, the Commission shall have the right (A) to intervene in such action, (B) upon so intervening, to be heard on all matters arising therein, and (C) to file petitions for appeal.

''(3) VENUE.—Any civil action brought under this section in a district court of the United States may be brought in the district wherein the defendant is found or is an inhabitant or transacts business or wherein the violation occurred or is occurring, and process in such cases may be served in any district in which the defendant is an inhabitant or wherever the defendant may be found.

''(4) INVESTIGATORY POWERS.—For purposes of bringing any civil action under paragraph (1), nothing in this Act shall prevent the attorney general from exercising the powers conferred on the attorney general by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence.

''(5) EFFECT ON STATE COURT PROCEEDINGS.—Nothing contained in this subsection shall prohibit an authorized State official from proceeding in State court on the basis of an alleged violation of any general civil or criminal statute of such State.

''(6) LIMITATION.—Whenever the Commission has instituted a civil action for violation of this section or any rule or regulation thereunder, no State may, during the pendency of such action instituted by the Commission, institute a civil action against any defendant named in the Commission's complaint for violation of any rule as alleged in the Commission's complaint.

''(7) ACTIONS BY OTHER STATE OFFICIALS.—In addition to actions brought by an attorney general of a State under paragraph (1), such an action may be brought by officers of such State who are authorized by the State to bring actions in such State for protection of consumers.

''(g) STATE LAW NOT PREEMPTED.—

''(1) IN GENERAL.—Nothing in this section or in the regulations prescribed under this section shall preempt any State law that imposes more restrictive requirements, regulations (including an option protecting a subscriber's choice of a provider of telephone exchange service or telephone toll service from being switched without the subscriber's express consent), damages, costs, or penalties on changes in a subscriber's service or selection of a provider of telephone exchange service or telephone toll services than are imposed under this section.

''(2) PRESERVATION OF COMMISSION AUTHORITY WITH RESPECT TO UNFAIR MARKETING OF SUBSCRIBER SELECTION FREEZES.—Notwithstanding paragraph (1), the Commission shall prescribe rules to prevent the marketing or provision in an unfair or deceptive manner of an option protecting a subscriber's choice of a provider of telephone exchange service or telephone toll service from being switched without the subscriber's express consent.

''(h) RULES OF CONSTRUCTION.—

''(1) CHANGE INCLUDES INITIAL SELECTION.—For purposes of this section, the initiation of telephone toll service to a subscriber by a telecommunications carrier shall be treated as a change in selection of a provider of telephone toll service.

''(2) ACTION BY UNAFFILIATED RESELLER NOT IMPUTED TO CARRIER.—No telecommunications carrier may be found in violation of this section solely on the basis of a violation of this section by an unaffiliated reseller of that carrier's services or facilities.

''(i) DEFINITIONS.—For purposes of this section:

''(1) SUBSCRIBER.—The term 'subscriber' means the person named on the billing statement or account, or any other person authorized to make changes in the providers of telephone exchange service or telephone toll service.

''(2) EXECUTING CARRIER.—The term 'executing carrier' means, with respect to any change in the provider of local exchange service or telephone toll service, the local exchange carrier that executed such change.

''(3) ATTORNEY GENERAL.—The term 'attorney general' means the chief legal officer of a State.''.

(b) NTIA STUDY OF THIRD-PARTY ADMINISTRATION.—Within 180 days of enactment of this Act, the National Telecommunications and Information Administration shall report to the Committee on Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the feasibility and desirability of establishing a neutral third-party administration system to prevent illegal changes in telephone subscriber carrier selections. The study shall include—

(1) an analysis of the cost of establishing a single national or several independent databases or clearinghouses to verify and submit changes in carrier selections;

(2) the additional cost to carriers, per change in carrier selection, to fund the ongoing operation of any or all such independent databases or clearinghouses; and

(3) the advantages and disadvantages of utilizing independent databases or clearinghouses for verifying and submitting carrier selection changes.

By Mrs. MURRAY:

S. 1085. A bill to amend the Internal Revenue Code of 1986 to modify the treatment of bonds issued to acquire renewable resources on land subject to conservation easement; to the Committee on Finance.

THE COMMUNITY FORESTRY AND AGRICULTURE CONSERVATION ACT

Mrs. MURRAY. Mr. President, I am pleased to rise today to introduce the ''Community Forestry and Agriculture Conservation Act of 1999.''

Mr. President, all across America we are losing hundreds of thousands of acres of productive forest and agricultural land to urban uses. And with the loss of these lands, we also lose some of our ability to protect watersheds, fish and wildlife, and the rural character and economies of many communities.

Local governments and non-profit organizations, including growing numbers of land trusts, are responding to these issues, and to citizen demand that private land provide more public benefit. They have made significant progress by purchasing land outright or protecting it through conservation easements.

Unfortunately, communities and non-profits simply do not have the resources to meet public demand for open space protection. And the most traditional means of protection—outright purchase of land or conservation easements—are inadequate to protect larger tracts of forest and agricultural land.

Mr. President, the bill I am introducing today would give communities a flexible and dynamic tool to protect forest and agricultural land. In fact, some communities, including at least one in the State of Washington, are already mobilizing to take advantage of the legislation I am introducing today.

The concept behind this bill is straightforward.

Under my bill, a group of community members and leaders who are interested in protecting a tract of forest or farm land would work with one or more landowners to reach a voluntary sale agreement at fair market value.

The community group would then form a non-profit 501(c)(3) corporation with a diverse board of directors. The board of directors could include landowners, conservationists, financial and business leaders, forestry and agricultural professionals, and others interested in managing the land.

The non-profit corporation would develop an agreement on what land would be acquired and at what price.

In addition, the corporation would develop a binding management plan. The management plan would provide for continued harvest of trees and crops, but in a manner that exceeds federal and state conservation standards.

A local government would then issue tax exempt revenue bonds on behalf of the non-profit corporation to fund the acquisition of the land. The bonds would be held and serviced by the non-profit with revenue raised by the continued harvest of trees or crops in accordance with the management plan. The non-profit corporation would also hold the title to the land.

In forming the non-profit corporation, community leaders would be required to meet strict standards before bonds were issued. These standards will ensure that public benefits are achieved and abuse is prevented.

First, the non-profit corporation must draft a land management plan that exceeds state and federal law.

Second, the corporation must enter the land into a permanent conservation easement.

Third, the corporation must secure the commitment of a third party 501(c)3 organization or governmental entity to hold the conservation easement. It must also provide the third party with the financial resources needed to monitor compliance with the easement.

Last, the corporation must establish a diverse board of directors. No more than 20 percent of the board members can represent a for-profit entity that does business with the non-profit.

Mr. President, let me explain why my bill is necessary to make this new approach possible. Current law allows for the issuance of tax-exempt debt on behalf of non-profit corporations, such as hospitals and higher education facilities that require large amounts of capital. This bill ensures forest and agricultural based non-profits can enjoy the same benefits.

Once the interested parties complete the management plan, issue the bonds, acquire the land and place it in trust, landowners, local governments, the environment, and the public all benefit.

Mr. President, foresters and agricultural producers are often land-rich and cash-poor. My bill would allow landowners to capitalize some or all of their assets. It would also allow landowners to continue harvesting timber from the land but at a lower harvest level. While the non-profit could manage harvest activities on the land, it is more likely it will contract out for these services. This will allow the original landowner or other interested natural resource businesses to manage and receive economic benefits from the land. In addition, this tool will allow the landowner to escape the management problems that arise when urban growth begins to encroach on forestry or agricultural operations.

Local governments benefit by continuing to receive tax dollars that result from economic activities on the land.

And the land receives better stewardship because broad-based conservation efforts can be undertaken at a lower cost than under more traditional land acquisition methods. Through these conservation easements, non-profits will have the financial flexibility to apply lighter resource management practices on the land.

This is an important point. The lower cost of capital and non-profit land management would allow communities to increase conservation benefits. I know many landowners and companies would prefer to increase conservation practices. However, they also have to meet the demands of the bottom-line and stockholders. By reducing these financial pressures, we can provide a higher level of resource protection on these lands.

And the higher levels of resource protection can respond to the greatest environmental needs in that region. For example, in my home state of Washington, the non-profit corporation could increase buffer areas along streams to protect salmon runs and engage in habitat restoration. These steps would help my state respond to salmon listings under the Endangered Species Act.

Finally, the American people benefit the most. They will have more environmental protection and recreational opportunities without sacrificing an important part of their community's economic and tax base. This tool will also allow communities to promote local ownership of their land and to better control their destiny.

Mr. President, in the last three years, Congress and the Clinton Administration have been discussing more and more the issues of ''sprawl'' and ''livability.'' We are finally starting to see at the national level a recognition that the federal government's actions play an important role in how communities grow. These are not new ideas—they have been discussed at the local and state levels for decades. I am

pleased to see Congress and the Administration joining this discussion.

We have heard and seen many good ideas and proposals for improving the quality of life in our communities, from greater open space protection to improved transportation infrastructure. I support many of these efforts.

However, my bill addresses one aspect of this discussion that is not drawing as much attention in the press. And that is the destruction of farm and forest economies in many regions that are rapidly urbanizing. In the Puget Sound region, growth has choked the economic viability of forest and agricultural operations in many areas. Concerned citizens and governments are forced to try to save forest and farm land on a smaller, more piecemeal basis. As successful and rewarding as many of these efforts have been, we need to give communities the option to save larger tracts of land that cannot be acquired outright. By doing so, we can maintain viable farm and forest operations near growing urban areas, and help strengthen the connection between rural producers and urban consumers.

Today, Representatives DUNN and TANNER are introducing this legislation in the House. I am pleased to join their effort on this important issue by sponsoring companion legislation.

In closing, I want to emphasize that this is an approach that every Senator can support. It is bipartisan. It is voluntary. It maintains private land ownership and embraces private landowners. It limits government involvement but establishes proper enforcement to prevent abuse. It protects the environment. It provides local control.

Mr. President, I urge my colleagues to join me to pass the Community Forestry and Agriculture Conservation Act. 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. 1085

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 ''Community Forestry and Agriculture Conservation Act of 1999''.

SEC. 2. TREATMENT OF BONDS ISSUED TO ACQUIRE RENEWABLE RESOURCES ON LAND SUBJECT TO CONSERVATION EASEMENT.

(a) IN GENERAL.—Section 145 of the Internal Revenue Code of 1986 (defining qualified 501(c)(3) bond) is amended by redesignating subsection (e) as subsection (f) and by inserting after subsection (d) the following new subsection:

''(e) BONDS ISSUED TO ACQUIRE RENEWABLE RESOURCES ON LAND SUBJECT TO CONSERVATION EASEMENT.—

''(1) IN GENERAL.—If—

''(A) the proceeds of any bond are used to acquire land (or a long-term lease thereof) together with any renewable resource associated with the land (including standing timber, agricultural crops, or water rights) from an unaffiliated person,

''(B) the land is subject to a conservation restriction—

''(i) which is granted in perpetuity to an unaffiliated person that is—

''(I) a 501(c)(3) organization, or

''(II) a Federal, State, or local government conservation organization,

''(ii) which meets the requirements of clauses (ii) and (iii)(II) of section 170(h)(4)(A),

''(iii) which exceeds the requirements of relevant environmental and land use statutes and regulations, and

''(iv) which obligates the owner of the land to pay the costs incurred by the holder of the conservation restriction in monitoring compliance with such restriction,

''(C) a management plan which meets the requirements of the statutes and regulations referred to in subparagraph (B)(iii) is developed for the conservation of the renewable resources, and

''(D) such bond would be a qualified 501(c)(3) bond (after the application of paragraph (2)) but for the failure to use revenues derived by the 501(c)(3) organization from the sale, lease, or other use of such resource as otherwise required by this part,

such bond shall not fail to be a qualified 501(c)(3) bond by reason of the failure to so use such revenues if the revenues which are not used as otherwise required by this part are used in a manner consistent with the stated charitable purposes of the 501(c)(3) organization.

''(2) TREATMENT OF TIMBER, ETC.—

''(A) IN GENERAL.—For purposes of subsection (a), the cost of any renewable resource acquired with proceeds of any bond described in paragraph (1) shall be treated as a cost of acquiring the land associated with the renewable resource and such land shall not be treated as used for a private business use because of the sale or leasing of the renewable resource to, or other use of the renewable resource by, an unaffiliated person to the extent that such sale, leasing, or other use does not constitute an unrelated trade or business, determined by applying section 513(a).

''(B) APPLICATION OF BOND MATURITY LIMITATION.—For purposes of section 147(b), the cost of any land or renewable resource acquired with proceeds of any bond described in paragraph (1) shall have an economic life commensurate with the economic and ecological feasibility of the financing of such land or renewable resource.

''(C) UNAFFILIATED PERSON.—For purposes of this subsection, the term 'unaffiliated person' means any person who controls not more than 20 percent of the governing body of another person.''

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to obligations issued after the date of the enactment of this Act.

ADDITIONAL COSPONSORS

S. 26

At the request of Mr. FEINGOLD, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 26, a bill entitled the ''Bipartisan Campaign Reform Act of 1999''.

S. 135

At the request of Mr. DURBIN, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 135, a bill to amend the Internal Revenue Code of 1986 to increase the deduction for the health insurance costs of self-employed individuals, and for other purposes.

S. 247

At the request of Mr. JOHNSON, his name was added as a cosponsor of S. 247, a bill to amend title 17, United States Code, to reform the copyright law with respect to satellite retransmissions of broadcast signals, and for other purposes.

S. 285

At the request of Mr. MCCAIN, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 285, a bill to amend title II of the Social Security Act to restore the link between the maximum amount of earnings by blind individuals permitted without demonstrating ability to engage in substantial gainful activity and the exempt amount permitted in determining excess earnings under the earnings test.

S. 296

At the request of Mr. FRIST, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 296, a bill to provide for continuation of the Federal research investment in a fiscally sustainable way, and for other purposes.

S. 309

At the request of Mr. MCCAIN, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 309, a bill to amend the Internal Revenue Code of 1986 to provide that a member of the uniformed services shall be treated as using a principal residence while away from home on qualified official extended duty in determining the exclusion of gain from the sale of such residence.

S. 344

At the request of Mr. BOND, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 344, a biil to amend the Internal Revenue Code of 1986 to provide a safe harbor for determining that certain individuals are not employees.

S. 345

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 345, a bill to amend the Animal Welfare Act to remove the limitation that permits interstate movement of live birds, for the purpose of fighting, to States in which animal fighting is lawful.

S. 348

At the request of Ms. SNOWE, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 348, a bill to authorize and facilitate a program to enhance training, research and development, energy conservation and efficiency, and consumer education in the oilheat industry for the benefit of oilheat consumers and the public, and for other purposes.

S. 409

At the request of Mr. JOHNSON, his name was added as a cosponsor of S. 409, a bill to authorize qualified organizations to provide technical assistance and capacity building services to microenterprise development organizations and programs and to disadvantaged entrepreneurs using funds from the Community Development Financial Institutions Fund, and for other purposes.

S. 459

At the request of Mr. BREAUX, the name of the Senator from Pennsylvania (Mr. SANTORUM) 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.

S. 512

At the request of Mr. GORTON, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of S. 512, a bill to amend the Public Health Service Act to provide for the expansion, intensification, and coordination of the activities of the Department of Health and Human Services with respect to research on autism.

S. 541

At the request of Ms. COLLINS, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 541, a bill to amend title XVIII of the Social Security Act to make certain changes related to payments for graduate medical education under the medicare program.

S. 573

At the request of Mr. LEAHY, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 573, a bill to provide individuals with access to health information of which they are a subject, ensure personal privacy with respect to health-care-related information, impose criminal and civil penalties for unauthorized use of protected health information, to provide for the strong enforcement of these rights, and to protect States' rights.

S. 580

At the request of Mr. FRIST, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 580, a bill to amend title IX of the Public Health Service Act to revise and extend the Agency for Healthcare Policy and Research.

S. 620

At the request of Mr. SARBANES, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 620, a bill to grant a Federal charter to Korean War Veterans Association, Incorporated, and for other purposes.

S. 625

At the request of Mr. GRASSLEY, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 625, a bill to amend title 11, United States Code, and for other purposes.

S. 636

At the request of Mr. REED, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 636, a bill to amend title XXVII of the Public Health Service Act and part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 to establish standards for the health quality improvement of children in managed care plans and other health plans.

S. 706

At the request of Ms. SNOWE, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 706, a bill to create a National Museum of Women's History Advisory Committee.

S. 751

At the request of Mr. LEAHY, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 751, a bill to combat nursing home fraud and abuse, increase protections for victims of telemarketing fraud, enhance safeguards for pension plans and health care benefit programs, and enhance penalties for crimes against seniors, and for other purposes.

S. 818

At the request of Mr. DEWINE, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 818, a bill to require the Secretary of Health and Human Services to conduct a study of the mortality and adverse outcome rates of medicare patients related to the provision of anesthesia services.

S. 820

At the request of Mr. CHAFEE, the name of the Senator from Kentucky (Mr. MCCONNELL) was added as a cosponsor of S. 820, a bill to amend the Internal Revenue Code of 1986 to repeal the 4.3-cent motor fuel excise taxes on railroads and inland waterway transportation which remain in the general fund of the Treasury.

S. 841

At the request of Mr. KENNEDY, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 841, a bill to amend title XVIII of the Social Security Act to provide for coverage of outpatient prescription drugs under the medicare program.

S. 890

At the request of Mr. WELLSTONE, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 890, a bill to facilitate the naturalization of aliens who served with special guerrilla units or irregular forces in Laos.

S. 902

At the request of Mr. TORRICELLI, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 902, a bill to amend title XIX of the Social Security Act to permit States the option to provide medicaid coverage for low-income individuals infected with HIV.

S. 918

At the request of Mr. KERRY, the names of the Senator from Ohio (Mr. DEWINE), the Senator from West Virginia (Mr. ROCKEFELLER), and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 918, a bill to authorize the Small Business Administration to provide financial and business development assistance to military reservists' small business, and for other purposes.

At the request of Mr. KERRY, the name of the Senator from Oregon (Mr. WYDEN) was withdrawn as a cosponsor of S. 918, supra.

S. 1007

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 1007, a bill to assist in the conservation of great apes by supporting and providing financial resources for the conservation programs of countries within the range of great apes and projects of persons with demonstrated expertise in the conservation of great apes.

S. 1067

At the request of Mr. ROCKEFELLER, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 1067, a bill to promote the adoption of children with special needs.

S. 1070

At the request of Mr. BOND, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 1070, a bill to require the Secretary of Labor to wait for completion of a National Academy of Sciences study before promulgating a standard, regulation or guideline on ergonomics.

AMENDMENT NO. 355

At the request of Mr. FRIST, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of Amendment No. 355 proposed to S. 254, a bill to reduce violent juvenile crime, promote accountability by rehabilitation of juvenile criminals, punish and deter violent gang crime, and for other purposes.

AMENDMENT NO. 358

At the request of Mr. WELLSTONE, the names of the Senator from Maryland (Ms. MIKULSKI) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of Amendment No. 358 proposed to S. 254, a bill to reduce violent juvenile crime, promote accountability by rehabilitation of juvenile criminals, punish and deter violent gang crime, and for other purposes.

At the request of Ms. LANDRIEU, her name was added as a cosponsor of amendment No. 358 proposed to S. 254, supra.

AMENDMENT NO. 361

At the request of Mr. ROBB, his name was added as a cosponsor of amendment No. 361 proposed to S. 254, a bill to reduce violent juvenile crime, promote accountability by rehabilitation of juvenile criminals, punish and deter violent gang crime, and for other purposes.

At the request of Mr. SESSIONS, his name was added as a cosponsor of Amendment No. 361 proposed to S. 254, supra.

AMENDMENTS SUBMITTED

VIOLENT AND REPEAT JUVENILE OFFENDER ACCOUNTABILITY AND REHABILITATION ACT OF 1999

LAUTENBERG (AND KERREY) AMENDMENT NO. 362

Mr. LAUTENBERG (for himself and Mr. KERREY) proposed an amendment

to the bill (S. 254) to reduce violent juvenile crime, promote accountability by rehabilitation of juvenile criminals, punish and deter violent gang crime, and for other purposes; as follows:

At the end of the bill, add the following:

SEC. ___. EXTENSION OF BRADY BACKGROUND CHECKS TO GUN SHOWS.

(a) FINDINGS.—Congress finds that—

(1) more than 4,400 traditional gun shows are held annually across the United States, attracting thousands of attendees per show and hundreds of Federal firearms licensees and nonlicensed firearms sellers;

(2) traditional gun shows, as well as flea markets and other organized events, at which a large number of firearms are offered for sale by Federal firearms licensees and nonlicensed firearms sellers, form a significant part of the national firearms market;

(3) firearms and ammunition that are exhibited or offered for sale or exchange at gun shows, flea markets, and other organized events move easily in and substantially affect interstate commerce;

(4) in fact, even before a firearm is exhibited or offered for sale or exchange at a gun show, flea market, or other organized event, the gun, its component parts, ammunition, and the raw materials from which it is manufactured have moved in interstate commerce;

(5) gun shows, flea markets, and other organized events at which firearms are exhibited or offered for sale or exchange, provide a convenient and centralized commercial location at which firearms may be bought and sold anonymously, often without background checks and without records that enable gun tracing;

(6) at gun shows, flea markets, and other organized events at which guns are exhibited or offered for sale or exchange, criminals and other prohibited persons obtain guns without background checks and frequently use guns that cannot be traced to later commit crimes;

(7) many persons who buy and sell firearms at gun shows, flea markets, and other organized events cross State lines to attend these events and engage in the interstate transportation of firearms obtained at these events;

(8) gun violence is a pervasive, national problem that is exacerbated by the availability of guns at gun shows, flea markets, and other organized events;

(9) firearms associated with gun shows have been transferred illegally to residents of another State by Federal firearms licensees and nonlicensed firearms sellers, and have been involved in subsequent crimes including drug offenses, crimes of violence, property crimes, and illegal possession of firearms by felons and other prohibited persons; and

(10) Congress has the power, under the interstate commerce clause and other provisions of the Constitution of the United States, to ensure, by enactment of this Act, that criminals and other prohibited persons do not obtain firearms at gun shows, flea markets, and other organized events.

(b) DEFINITIONS.—Section 921(a) of title 18, United States Code, is amended by adding at the end the following:

''(35) GUN SHOW.—The term 'gun show' means any event—

''(A) at which 50 or more firearms are offered or exhibited for sale, transfer, or exchange, if 1 or more of the firearms has been shipped or transported in, or otherwise affects, interstate or foreign commerce; and

''(B) at which—

''(i) not less than 20 percent of the exhibitors are firearm exhibitors;

''(ii) there are not less than 10 firearm exhibitors; or

''(iii) 50 or more firearms are offered for sale, transfer, or exchange.

''(36) GUN SHOW PROMOTER.—The term 'gun show promoter' means any person who organizes, plans, promotes, or operates a gun show.

''(37) GUN SHOW VENDOR.—The term 'gun show vendor' means any person who exhibits, sells, offers for sale, transfers, or exchanges 1 or more firearms at a gun show, regardless of whether or not the person arranges with the gun show promoter for a fixed location from which to exhibit, sell, offer for sale, transfer, or exchange 1 or more firearms.''

(c) REGULATION OF FIREARMS TRANSFERS AT GUN SHOWS.—

(1) IN GENERAL.—Chapter 44 of title 18, United States Code, is amended by adding at the end the following:

''§ 931. Regulation of firearms transfers at gun shows

''(a) REGISTRATION OF GUN SHOW PROMOTERS.—It shall be unlawful for any person to organize, plan, promote, or operate a gun show unless that person—

''(1) registers with the Secretary in accordance with regulations promulgated by the Secretary; and

''(2) pays a registration fee, in an amount determined by the Secretary.

''(b) RESPONSIBILITIES OF GUN SHOW PROMOTERS.—It shall be unlawful for any person to organize, plan, promote, or operate a gun show unless that person—

''(1) before commencement of the gun show, verifies the identity of each gun show vendor participating in the gun show by examining a valid identification document (as defined in section 1028(d)(1)) of the vendor containing a photograph of the vendor;

''(2) before commencement of the gun show, requires each gun show vendor to sign—

''(A) a ledger with identifying information concerning the vendor; and

''(B) a notice advising the vendor of the obligations of the vendor under this chapter; and

''(3) notifies each person who attends the gun show of the requirements of this chapter, in accordance with such regulations as the Secretary shall prescribe; and

''(4) maintains a copy of the records described in paragraphs (1) and (2) at the permanent place of business of the gun show promoter for such period of time and in such form as the Secretary shall require by regulation.

''(c) RESPONSIBILITIES OF TRANSFERORS OTHER THAN LICENSEES.—

''(1) IN GENERAL.—If any part of a firearm transaction takes place at a gun show, it shall be unlawful for any person who is not licensed under this chapter to transfer a firearm to another person who is not licensed under this chapter, unless the firearm is transferred through a licensed importer, licensed manufacturer, or licensed dealer in accordance with subsection (e).

''(2) CRIMINAL BACKGROUND CHECKS.—A person who is subject to the requirement of paragraph (1)—

''(A) shall not transfer the firearm to the transferee until the licensed importer, licensed manufacturer, or licensed dealer through which the transfer is made under subsection (e) makes the notification described in subsection (e)(3)(A); and

''(B) notwithstanding subparagraph (A), shall not transfer the firearm to the transferee if the licensed importer, licensed manufacturer, or licensed dealer through which the transfer is made under subsection (e) makes the notification described in subsection (e)(3)(B).

''(3) ABSENCE OF RECORDKEEPING REQUIREMENTS.—Nothing in this section shall permit or authorize the Secretary to impose recordkeeping requirements on any non-licensed vendor.

''(d) RESPONSIBILITIES OF TRANSFEREES OTHER THAN LICENSEES.—

''(1) IN GENERAL.—If any part of a firearm transaction takes place at a gun show, it shall be unlawful for any person who is not licensed under this chapter to receive a firearm from another person who is not licensed under this chapter, unless the firearm is transferred through a licensed importer, licensed manufacturer, or licensed dealer in accordance with subsection (e).

''(2) CRIMINAL BACKGROUND CHECKS.—A person who is subject to the requirement of paragraph (1)—

''(A) shall not receive the firearm from the transferor until the licensed importer, licensed manufacturer, or licensed dealer through which the transfer is made under subsection (e) makes the notification described in subsection (e)(3)(A); and

''(B) notwithstanding subparagraph (A), shall not receive the firearm from the transferor if the licensed importer, licensed manufacturer, or licensed dealer through which the transfer is made under subsection (e) makes the notification described in subsection (e)(3)(B).

''(e) RESPONSIBILITIES OF LICENSEES.—A licensed importer, licensed manufacturer, or licensed dealer who agrees to assist a person who is not licensed under this chapter in carrying out the responsibilities of that person under subsection (c) or (d) with respect to the transfer of a firearm shall—

''(1) enter such information about the firearm as the Secretary may require by regulation into a separate bound record;

''(2) record the transfer on a form specified by the Secretary;

''(3) comply with section 922(t) as if transferring the firearm from the inventory of the licensed importer, licensed manufacturer, or licensed dealer to the designated transferee (although a licensed importer, licensed manufacturer, or licensed dealer complying with this subsection shall not be required to comply again with the requirements of section 922(t) in delivering the firearm to the nonlicensed transferor), and notify the nonlicensed transferor and the nonlicensed transferee—

''(A) of such compliance; and

''(B) if the transfer is subject to the requirements of section 922(t)(1), of any receipt by the licensed importer, licensed manufacturer, or licensed dealer of a notification from the national instant criminal background check system that the transfer would violate section 922 or would violate State law;

''(4) not later than 10 days after the date on which the transfer occurs, submit to the Secretary a report of the transfer, which report—

''(A) shall be on a form specified by the Secretary by regulation; and

''(B) shall not include the name of or other identifying information relating to any person involved in the transfer who is not licensed under this chapter;

''(5) if the licensed importer, licensed manufacturer, or licensed dealer assists a person other than a licensee in transferring, at 1 time or during any 5 consecutive business days, 2 or more pistols or revolvers, or any combination of pistols and revolvers totaling 2 or more, to the same nonlicensed person, in addition to the reports required under paragraph (4), prepare a report of the multiple transfers, which report shall be—

''(A) prepared on a form specified by the Secretary; and

''(B) not later than the close of business on the date on which the transfer occurs, forwarded to—

''(i) the office specified on the form described in subparagraph (A); and

''(ii) the appropriate State law enforcement agency of the jurisdiction in which the transfer occurs; and

''(6) retain a record of the transfer as part of the permanent business records of the licensed importer, licensed manufacturer, or licensed dealer.

''(f) RECORDS OF LICENSEE TRANSFERS.—If any part of a firearm transaction takes place at a gun show, each licensed importer, licensed manufacturer, and licensed dealer who transfers 1 or more firearms to a person who is not licensed under this chapter shall, not later than 10 days after the date on which the transfer occurs, submit to the Secretary a report of the transfer, which report—

''(1) shall be in a form specified by the Secretary by regulation;

''(2) shall not include the name of or other identifying information relating to the transferee; and

''(3) shall not duplicate information provided in any report required under subsection (e)(4).

''(g) FIREARM TRANSACTION DEFINED.—In this section, the term 'firearm transaction'—

''(1) includes the offer for sale, sale, transfer, or exchange of a firearm; and

''(2) does not include the mere exhibition of a firearm.''.

(2) PENALTIES.—Section 924(a) of title 18, United States Code, is amended by adding at the end the following:

''(7)(A) Whoever knowingly violates section 931(a) shall be fined under this title, imprisoned not more than 5 years, or both.

''(B) Whoever knowingly violates subsection (b) or (c) of section 931, shall be—

''(i) fined under this title, imprisoned not more than 2 years, or both; and

''(ii) in the case of a second or subsequent conviction, such person shall be fined under this title, imprisoned not more than 5 years, or both.

''(C) Whoever willfully violates section 931(d), shall be—

''(i) fined under this title, imprisoned not more than 2 years, or both; and

''(ii) in the case of a second or subsequent conviction, such person shall be fined under this title, imprisoned not more than 5 years, or both.

''(D) Whoever knowingly violates subsection (e) or (f) of section 931 shall be fined under this title, imprisoned not more than 5 years, or both.

''(E) In addition to any other penalties imposed under this paragraph, the Secretary may, with respect to any person who knowingly violates any provision of section 931—

''(i) if the person is registered pursuant to section 931(a), after notice and opportunity for a hearing, suspend for not more than 6 months or revoke the registration of that person under section 931(a); and

''(ii) impose a civil fine in an amount equal to not more than $10,000.''.

(3) TECHNICAL AND CONFORMING AMENDMENTS.—Chapter 44 of title 18, United States Code, is amended—

(A) in the chapter analysis, by adding at the end the following:

''931. Regulation of firearms transfers at gun shows.''; and

(B) in the first sentence of section 923(j), by striking ''a gun show or event'' and inserting ''an event''; and

(d) INSPECTION AUTHORITY.—Section 923(g)(1) is amended by adding at the end the following:

''(E) Notwithstanding subparagraph (B), the Secretary may enter during business hours the place of business of any gun show promoter and any place where a gun show is held for the purposes of examining the records required by sections 923 and 931 and the inventory of licensees conducting business at the gun show. Such entry and examination shall be conducted for the purposes of determining compliance with this chapter by gun show promoters and licensees conducting business at the gun show and shall not require a showing of reasonable cause or a warrant.''.

(e) INCREASED PENALTIES FOR SERIOUS RECORDKEEPING VIOLATIONS BY LICENSEES.—Section 924(a)(3) of title 18, United States Code, is amended to read as follows:

''(3)(A) Except as provided in subparagraph (B), any licensed dealer, licensed importer, licensed manufacturer, or licensed collector who knowingly makes any false statement or representation with respect to the information required by this chapter to be kept in the records of a person licensed under this chapter, or violates section 922(m) shall be fined under this title, imprisoned not more than 1 year, or both.

''(B) If the violation described in subparagraph (A) is in relation to an offense—

''(i) under paragraph (1) or (3) of section 922(b), such person shall be fined under this title, imprisoned not more than 5 years, or both; or

''(ii) under subsection (a)(6) or (d) of section 922, such person shall be fined under this title, imprisoned not more than 10 years, or both.''.

(f) INCREASED PENALTIES FOR VIOLATIONS OF CRIMINAL BACKGROUND CHECK REQUIREMENTS.—

(1) PENALTIES.—Section 924 of title 18, United States Code, is amended—

(A) in paragraph (5), by striking ''subsection (s) or (t) of section 922'' and inserting ''section 922(s)''; and

(B) by adding at the end the following:

''(8) Whoever knowingly violates section 922(t) shall be fined under this title, imprisoned not more than 5 years, or both.''.

(2) ELIMINATION OF CERTAIN ELEMENTS OF OFFENSE.—Section 922(t)(5) of title 18, United States Code, is amended by striking ''and, at the time'' and all that follows through ''State law''.

(g) GUN OWNER PRIVACY AND PREVENTION OF FRAUD AND ABUSE OF SYSTEM INFORMATION.—Section 922(t)(2)(C) of title 18, United States Code, is amended by inserting before the period at the end the following: '', as soon as possible, consistent with the responsibility of the Attorney General under section 103(h) of the Brady Handgun Violence Prevention Act to ensure the privacy and security of the system and to prevent system fraud and abuse, but in no event later than 90 days after the date on which the licensee first contacts the system with respect to the transfer''.

(h) EFFECTIVE DATE.—This section (other than subsection (i)) and the amendments made by this section shall take effect 180 days after the date of enactment of this Act.

(i) INAPPLICABILITY OF OTHER PROVISIONS.—Notwithstanding any other provision of this Act, the provisions of the title headed ''**GENERAL FIREARM PROVISIONS**'' (as added by the amendment of Mr. Craig number 332) and the provisions of the section headed ''**APPLICATION OF SECTION 923(j) AND (m)**'' (as added by the amendment of Mr. Hatch number 344) shall be null and void.

HATCH AND LEAHY AMENDMENT NO. 363

Mr. HATCH (for himself and Mr. LEAHY) proposed an amendment to the bill S. 254, supra; as follows:

At the end of title IV, add the following:

Subtitle ____—Safe School Security

SEC. ___1. SHORT TITLE.

This subtitle may be cited as the ''Safe School Security Act of 1999''.

SEC. ___2. ESTABLISHMENT OF SCHOOL SECURITY TECHNOLOGY CENTER.

(a) SCHOOL SECURITY TECHNOLOGY CENTER.—

(1) ESTABLISHMENT.—The Attorney General, the Secretary of Education, and the Secretary of Energy shall enter into an agreement for the establishment at the Sandia National Laboratories, in partnership with the National Law Enforcement and Corrections Technology Center—Southeast and the National Center for Rural Law Enforcement, of a center to be known as the ''School Security Technology Center''. The School Security Technology Center shall be administered by the Attorney General.

(2) FUNCTIONS.—The School Security Technology Center shall be a resource to local educational agencies for school security assessments, security technology development, technology availability and implementation, and technical assistance relating to improving school security. The School Security Technology Center shall also conduct and publish research on school violence, coalesce data from victim groups, and monitor and report on schools that implement school security strategies.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section—

(1) $3,700,000 for fiscal year 2000;

(2) $3,800,000 for fiscal year 2001; and

(3) $3,900,000 for fiscal year 2002.

SEC. ___3. GRANTS FOR LOCAL SCHOOL SECURITY PROGRAMS.

Subpart 1 of part A of title IV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7111 et seq.) is amended by adding at the end the following:

''SEC. 4119. LOCAL SCHOOL SECURITY PROGRAMS.

''(a) IN GENERAL.—

''(1) GRANTS AUTHORIZED.—From amounts appropriated under subsection (c), the Secretary shall award grants on a competitive basis to local educational agencies to enable the agencies to acquire security technology for, or carry out activities related to improving security at, the middle and secondary schools served by the agencies, including obtaining school security assessments, and technical assistance, for the development of a comprehensive school security plan from the School Security Technology Center.

''(2) APPLICATION.—To be eligible to receive a grant under this section, a local educational agency shall submit to the Secretary an application in such form and containing such information as the Secretary may require, including information relating to the security needs of the agency.

''(3) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to local educational agencies that demonstrate the highest security needs, as reported by the agency in the application submitted under paragraph (2).

''(b) APPLICABILITY.—The provisions of this part (other than this section) shall not apply to this section.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2000, 2001, and 2002.''.

SEC. ___4. SAFE AND SECURE SCHOOL ADVISORY REPORT.

Not later than 1 year after the date of enactment of this Act, the Attorney General, in consultation with the Secretary of Education and the Secretary of Energy, or their designees, shall—

(1) develop a proposal to further improve school security; and

(2) submit that proposal to Congress.

At the end, insert the following:

SEC. ___. DRUG TESTS AND LOCKER INSPECTIONS.

(a) SHORT TITLE.—This section may be cited as the ''School Violence Prevention Act''.

(b) AMENDMENT.—Section 4116(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7116(b)) is amended—

(1) in paragraph (9), by striking ''and'' after the semicolon;

(2) by redesignating paragraph (10) as paragraph (11); and

(3) by inserting after paragraph (9) the following:

''(10) consistent with the fourth amendment to the Constitution of the United States, testing a student for illegal drug use or inspecting a student's locker for guns, explosives, other weapons, or illegal drugs, including at the request of or with the consent of a parent or legal guardian of the student, if the local educational agency elects to so test or inspect; and''.

At the appropriate place, insert the following:

SEC. . WAIVER FOR LOCAL MATCH REQUIREMENT UNDER COMMUNITY POLICING PROGRAM.

Section 1701(i) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(i)) is amended by adding at the end of the first sentence the following: ''The Attorney General shall waive the requirement under this subsection of a non-Federal contribution to the costs of a program, project, or activity that hires law enforcement officers for placement in public schools by a jurisdiction that demonstrates financial need or hardship.''

On page 93, line 19, strike ''and''.

On page 93, after line 19, insert the following:

''(16) projects to coordinate the delivery of adolescent mental health and substance abuse services to children at risk by coordinating councils composed of public and private service providers; and

On page 93, line 20, strike ''(16)'' and insert ''(17)''.

On page 129, line 5, strike ''and''.

On page 129, after line 5, insert the following:

''(24) provide for projects to coordinate the delivery of adolescent mental health and substance abuse services to children at risk by coordinating councils composed of public and private service providers; and

On page 129, line 6, strike ''(24)'' and insert ''(25)''.

At the appropriate place, insert the following:

SEC. _. CARJACKING OFFENSES.

Section 2119 of title 18, United States Code, is amended by striking '', with the intent to cause death or serious body harm''.

On page 90, after line 7, insert and renumber the following paragraphs:

''(5) to develop, implement or operate projects for the prevention or reduction of truancy through partnerships between local education agencies, local law enforcement, and, as appropriate, other community groups.''

At the end, add the following:

TITLE ____—VIOLENCE PREVENTION TRAINING FOR EARLY CHILDHOOD EDUCATORS

SEC. ___01. SHORT TITLE.

This title may be cited as the ''Violence Prevention Training for Early Childhood Educators Act''.

SEC. ___02. PURPOSE.

The purpose of this title is to provide grants to institutions that carry out early childhood education training programs to enable the institutions to include violence prevention training as part of the preparation of individuals pursuing careers in early childhood development and education.

SEC. ___03. FINDINGS.

Congress makes the following findings:

(1) Aggressive behavior in early childhood is the single best predictor of aggression in later life.

(2) Aggressive and defiant behavior predictive of later delinquency is increasing among our Nation's youngest children. Without prevention efforts, higher percentages of juveniles are likely to become violent juvenile offenders.

(3) Research has demonstrated that aggression is primarily a learned behavior that develops through observation, imitation, and direct experience. Therefore, children who experience violence as victims or as witnesses are at increased risk of becoming violent themselves.

(4) In a study at a Boston city hospital, 1 out of every 10 children seen in the primary care clinic had witnessed a shooting or a stabbing before the age of 6, with 50 percent of the children witnessing in the home and 50 percent of the children witnessing in the streets.

(5) A study in New York found that children who had been victims of violence within their families were 24 percent more likely to report violent behavior as adolescents, and adolescents who had grown up in families where partner violence occurred were 21 percent more likely to report violent delinquency than individuals not exposed to violence.

(6) Aggression can become well-learned and difficult to change by the time a child reaches adolescence. Early childhood offers a critical period for overcoming risk for violent behavior and providing support for prosocial behavior.

(7) Violence prevention programs for very young children yield economic benefits. By providing health and stability to the individual child and the child's family, the programs may reduce expenditures for medical care, special education, and involvement with the judicial system.

(8) Primary prevention can be effective. When preschool teachers teach young children interpersonal problem-solving skills and other forms of conflict resolution, children are less likely to demonstrate problem behaviors.

(9) There is evidence that family support programs in families with children from birth through 5 years of age are effective in preventing delinquency.

SEC. ___04. DEFINITIONS.

In this title:

(1) AT-RISK CHILD.—The term ''at-risk child'' means a child who has been affected by violence through direct exposure to child abuse, other domestic violence, or violence in the community.

(2) EARLY CHILDHOOD EDUCATION TRAINING PROGRAM.—The term ''early childhood education training program'' means a program that—

(A)(i) trains individuals to work with young children in early child development programs or elementary schools; or

(ii) provides professional development to individuals working in early child development programs or elementary schools;

(B) provides training to become an early childhood education teacher, an elementary school teacher, a school counselor, or a child care provider; and

(C) leads to a bachelor's degree or an associate's degree, a certificate for working with young children (such as a Child Development Associate's degree or an equivalent credential), or, in the case of an individual with such a degree, certificate, or credential, provides professional development.

(3) ELEMENTARY SCHOOL.—The term ''elementary school'' has the meaning given the term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(4) VIOLENCE PREVENTION.—The term ''violence prevention'' means—

(A) preventing violent behavior in children;

(B) identifying and preventing violent behavior in at-risk children; or

(C) identifying and ameliorating violent behavior in children who act out violently.

SEC. ___05. PROGRAM AUTHORIZED.

(a) GRANT AUTHORITY.—The Secretary of Education, is authorized to award grants to institutions that carry out early childhood education training programs and have applications approved under section ___06 to enable the institutions to provide violence prevention training as part of the early childhood education training program.

(b) AMOUNT.—The Secretary of Education shall award a grant under this title in an amount that is not less than $500,000 and not more than $1,000,000.

(c) DURATION.—The Attorney General shall award a grant under this title for a period of not less than 3 years and not more than 5 years.

SEC. ___06. APPLICATION.

(a) APPLICATION REQUIRED.—Each institution desiring a grant under this title shall submit to the Secretary of Education an application at such time, in such manner, and accompanied by such information as the Secretary of Education may require.

(b) CONTENTS.—Each application shall—

(1) describe the violence prevention training activities and services for which assistance is sought;

(2) contain a comprehensive plan for the activities and services, including a description of—

(A) the goals of the violence prevention training program;

(B) the curriculum and training that will prepare students for careers which are described in the plan;

(C) the recruitment, retention, and training of students;

(D) the methods used to help students find employment in their fields;

(E) the methods for assessing the success of the violence prevention training program; and

(F) the sources of financial aid for qualified students;

(3) contain an assurance that the institution has the capacity to implement the plan; and

(4) contain an assurance that the plan was developed in consultation with agencies and organizations that will assist the institution in carrying out the plan.

SEC. ___07. SELECTION PRIORITIES.

The Secretary of Education shall give priority to awarding grants to institutions carrying out violence prevention programs that include 1 or more of the following components:

(1) Preparation to engage in family support (such as parent education, service referral, and literacy training).

(2) Preparation to engage in community outreach or collaboration with other services in the community.

(3) Preparation to use conflict resolution training with children.

(4) Preparation to work in economically disadvantaged communities.

(5) Recruitment of economically disadvantaged students.

(6) Carrying out programs of demonstrated effectiveness in the type of training for

which assistance is sought, including programs funded under section 596 of the Higher Education Act of 1965 (as such section was in effect prior to October 7, 1998).

SEC. ___08. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title $15,000,000 for each of the fiscal years 2000 through 2004.

On page 227, line 11, strike ''and'' and all that follows through the period on line 19 and insert the following:

''(11) partnerships between State educational agencies and local educational agencies for the design and implementation of character education and training programs that incorporate the following elements of character: caring, citizenship, fairness, respect responsibility and trustworthiness; and

(12) for programs to seek to target, curb and punish adults who knowingly and intentionally use a juvenile during the commission or attempted commission of a crime, including programs that specifically provide for additional punishments or sentence enhancements for adults who knowingly and intentionally use a juvenile during the commission or attempted commission of a crime.''

On page 93, line 19, strike ''and'' and all that follows through line 21 and insert the following:

''(16) partnerships between State educational agencies and local educational agencies for the design and implementation of character education and training programs that incorporate the following elements of character: caring, citizenship, fairness, respect responsibility and trustworthiness; and

(17) other activities that are likely to prevent juvenile delinquency.''

At the end, add the following:

TITLE ___—PREVENTING JUVENILE DELINQUENCY THROUGH CHARACTER EDUCATION

SEC. ___01. PURPOSE.

The purpose of this title is to support the work of community-based organizations, local educational agencies, and schools in providing children and youth with alternatives to delinquency through strong school-based and after school programs that—

(1) are organized around character education;

(2) reduce delinquency, school discipline problems, and truancy; and

(3) improve student achievement, overall school performance, and youths' positive involvement in their community.

SEC. ___02. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated—

(1) $15,000,000 for fiscal year 2000, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out school-based programs under section ___03; and

(2) $10,000,000 for fiscal year 2000, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out the after school programs under section ___04.

(b) SOURCE OF FUNDING.—Amounts authorized to be appropriated pursuant to this section may be derived from the Violent Crime Reduction Trust Fund.

SEC. ___03. SCHOOL-BASED PROGRAMS.

(a) IN GENERAL.—The Secretary, in consultation with the Attorney General, is authorized to award grants to schools, or local educational agencies that enter into a partnership with a school, to support the development of character education programs in the schools in order to—

(1) reduce delinquency, school discipline problems, and truancy; and

(2) improve student achievement, overall school performance, and youths' positive involvement in their community.

(b) APPLICATIONS.—Each school or local educational agency desiring a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require.

(1) CONTENTS.—Each application shall include—

(A) a description of the community to be served and the needs that will be met with the program in that community;

(B) a description of how the program will reach youth at-risk of delinquency;

(C) a description of the activities to be assisted, including—

(i) how parents, teachers, students, and other members of the community will be involved in the design and implementation of the program;

(ii) the character education program to be implemented, including methods of teacher training and parent education that will be used or developed; and

(iii) how the program will coordinate activities assisted under this section with other youth serving activities in the larger community;

(D) a description of the goals of the program;

(E) a description of how progress toward the goals, and toward meeting the purposes of this title, will be measured; and

(F) an assurance that the school or local educational agency will provide the Secretary with information regarding the program and the effectiveness of the program.

SEC. ___04. AFTER SCHOOL PROGRAMS.

(a) IN GENERAL.—The Secretary, in consultation with the Attorney General, is authorized to award grants to community-based organizations to enable the organizations to provide youth with alternative activities, in the after school or out of school hours, that include a strong character education component.

(b) ELIGIBLE COMMUNITY-BASED ORGANIZATIONS.—The Secretary only shall award a grant under this section to a community-based organization that has a demonstrated capacity to provide after school or out of school programs to youth, including youth serving organizations, businesses, and other community groups.

(c) APPLICATIONS.—Each community-based organization desiring a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require. Each application shall include—

(1) a description of the community to be served and the needs that will be met with the program in that community;

(2) a description of how the program will identify and recruit at-risk youth for participation in the program, and will provide continuing support for their participation;

(3) a description of the activities to be assisted, including—

(A) how parents, students, and other members of the community will be involved in the design and implementation of the program;

(B) how character education will be incorporated into the program; and

(C) how the program will coordinate activities assisted under this section with activities of schools and other community-based organizations;

(4) a description of the goals of the program;

(5) a description of how progress toward the goals, and toward meeting the purposes of this title, will be measured; and

(6) an assurance that the community-based organization will provide the Secretary with information regarding the program and the effectiveness of the program.

SEC. ___05. GENERAL PROVISIONS.

(a) DURATION.—Each grant under this title shall be awarded for a period of not to exceed 5 years.

(b) PLANNING.—A school, local educational agency or community-based organization may use grant funds provided under this title for not more than 1 year for the planning and design of the program to be assisted.

(c) SELECTION OF GRANTEES.—

(1) CRITERIA.—The Secretary, in consultation with the Attorney General, shall select, through a peer review process, community-based organizations, schools, and local educational agencies to receive grants under this title on the basis of the quality of the applications submitted and taking into consideration such factors as—

(A) the quality of the activities to be assisted;

(B) the extent to which the program fosters in youth the elements of character and reaches youth at-risk of delinquency;

(C) the quality of the plan for measuring and assessing the success of the program;

(D) the likelihood the goals of the program will be realistically achieved;

(E) the experience of the applicant in providing similar services; and

(F) the coordination of the program with larger community efforts in character education.

(2) DIVERSITY OF PROJECTS.—The Secretary shall approve applications under this title in a manner that ensures, to the extent practicable, that programs assisted under this title serve different areas of the United States, including urban, suburban and rural areas, and serve at-risk populations.

(d) USE OF FUNDS.—Grant funds under this title shall be used to support the work of community-based organizations, schools, or local educational agencies in providing children and youth with alternatives to delinquency through strong school-based, after school, or out of school programs that—

(1) are organized around character education;

(2) reduce delinquency, school discipline problems, and truancy; and

(3) improve student achievement, overall school performance, and youths' positive involvement in their community.

(d) DEFINITIONS.—

(1) IN GENERAL.—The terms used in this Act have the meanings given the terms in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(2) CHARACTER EDUCATION.—The term ''character education'' means an organized educational program that works to reinforce core elements of character, including caring, civic virtue and citizenship, justice and fairness, respect, responsibility, and trustworthiness.

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

At the appropriate place, insert the following:

SEC. ___. SPECIAL FORFEITURE OF COLLATERAL PROFITS OF CRIME.

Section 3681 of title 18, United States Code, is amended by striking subsection (a) and inserting the following:

''(a) IN GENERAL.—

''(1) FORFEITURE OF PROCEEDS.—Upon the motion of the United States attorney made at any time after conviction of a defendant for an offense described in paragraph (2), and after notice to any interested party, the court shall order the defendant to forfeit all or any part of proceeds received or to be received by the defendant, or a transferee of the defendant, from a contract relating to

the transfer of a right or interest of the defendant in any property described in paragraph (3), if the court determines that—

''(A) the interests of justice or an order of restitution under this title so require;

''(B) the proceeds (or part thereof) to be forfeited reflect the enhanced value of the property attributable to the offense; and

''(C) with respect to a defendant convicted of an offense against a State—

''(i) the property at issue, or the proceeds to be forfeited, have travelled in interstate or foreign commerce or were derived through the use of an instrumentality of interstate or foreign commerce; and

''(ii) the attorney general of the State has declined to initiate a forfeiture action with respect to the proceeds to be forfeited.

''(2) OFFENSES DESCRIBED.—An offense is described in this paragraph if it is—

''(A) an offense under section 794 of this title;

''(B) a felony offense against the United States or any State; or

''(C) a misdemeanor offense against the United States or any State resulting in physical harm to any individual.

''(3) PROPERTY DESCRIBED.—Property is described in this paragraph if it is any property, tangible or intangible, including any—

''(A) evidence of the offense;

''(B) instrument of the offense, including any vehicle used in the commission of the offense;

''(C) real estate where the offense was committed;

''(D) document relating to the offense;

''(E) photograph or audio or video recording relating to the offense;

''(F) clothing, jewelry, furniture, or other personal property relating to the offense;

''(G) movie, book, newspaper, magazine, radio or television production, or live entertainment of any kind depicting the offense or otherwise relating to the offense;

''(H) expression of the thoughts, opinions, or emotions of the defendant regarding the offense; or

''(I) other property relating to the offense.''.

On page 265, after line 20, add the following:

SEC. 402. CALLER IDENTIFICATION SERVICES TO ELEMENTARY AND SECONDARY SCHOOLS AS PART OF UNIVERSAL SERVICE OBLIGATION.

(a) CLARIFICATION.—Section 254(h)(1)(B) of the Communications Act of 1934 (47 U.S.C. 254(h)(1)(B)) is amended by inserting after ''under subsection (c)(3),'' the following: ''including caller identification services with respect to elementary and secondary schools,''.

(b) OUTREACH.—The Federal Communications Commission shall take appropriate actions to notify elementary and secondary schools throughout the United States of—

(1) the availability of caller identification services as part of the services that are within the definition of universal service under section 254(h)(1)(B) of the Communications Act of 1934; and

(2) the procedures to be used by such schools in applying for such services under that section.

On page 44, strike lines 13 through 18, and insert the following:

''(a) PROHIBITED ACT.—It shall be unlawful for any person, to use any facility in, or travel in, interstate or foreign commerce, or cause another to do so, to recruit, solicit, induce, command, or cause another person to be or remain as a member of a criminal street gang, or conspire to do so, with the intent that the person being recruited, solicited, induced, commanded or caused to be or remain a member of such gang participant in an offense described in section 521(c) of this title.''

On page 265, after line 20, insert the following:

SEC. ____. PARENT LEADERSHIP MODEL.

(a) IN GENERAL.—The Administrator of the Office of Juvenile Crime Control and Prevention is authorized to make a grant to a national organization to provide training, technical assistance, best practice strategies, program materials and other necessary support for a mutual support, parental leadership model proven to prevent child abuse and juvenile delinquency.

(b) AUTHORIZATION.—There are authorized to be appropriated out of the Violent Crime Trust Fund, $3,000,000.

On page 167, line 23, strike ''The'' and insert ''(a) LOCAL EDUCATIONAL GRANTS.—The''.

On page 169, after line 3 insert the following:

''(b) FAMILY-TO-FAMILY MENTORING GRANTS.—

''(1) DEFINITIONS.—In this subsection:

''(A) FAMILY-TO-FAMILY MENTORING PROGRAM.—The term 'family-to-family mentoring program' means a mentoring program that—

''(i) utilizes a 2-tier mentoring approach that matches volunteer families with at-risk families allowing parents to directly work with parents and children to work directly with children; and

''(ii) has an afterschool program for volunteer and at-risk families.

''(B) POSITIVE ALTERNATIVES PROGRAM.—The term 'positive alternatives program' means a positive youth development and family-to-family mentoring program that emphasizes drug and gang prevention components.

''(C) QUALIFIED POSITIVE ALTERNATIVES PROGRAM.—The term 'qualified positive alternatives program' means a positive alternatives program that has established a family-to-family mentoring program, as of the date of enactment of the Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act of 1999.

''(2) AUTHORITY.—The Administrator shall make and enter into contracts with a qualified positive alternatives program.

On page 171, strike lines 20 through 22 and insert the following:

''(3) An assurance that no mentor or mentoring family will be assigned a number of youths that would undermine their ability to be an effective mentor and ensure a one-to-one relationship with mentored youths.''

On page 170, line 19, strike ''youth'' and insert ''youths.''

At the end of title IV, add the following:

Subtitle ____—Partnerships for High-Risk Youth

SEC. ____1. SHORT TITLE.

This subtitle may be cited as the ''Partnerships for High-Risk Youth Act''.

SEC. ____2. FINDINGS.

Congress finds that—

(1) violent juvenile crime rates have been increasing in United States schools, causing many high-profile deaths of young, innocent school children;

(2) in 1994, there were 2,700,000 arrests of persons under age 18 (a third of whom were under age 15), up from 1,700,000 in 1991;

(3) while crime is generally down in many urban and suburban areas, crime committed by teenagers has spiked sharply over the past few years;

(4) there is no single solution, or panacea, to the problem of rising juvenile crime;

(5) there will soon be over 34,000,000 teenagers in the United States, which is 26 percent higher than the number of such teenagers in 1990 and the largest number of teenagers in the United States to date;

(6) in order to ensure the safety of youth in the United States, the Nation should begin to explore innovative methods of curbing the rise in violent crime in United States schools, such as use of faith-based and grassroots initiatives; and

(7)(A) a strong partnership among law enforcement, local government, juvenile and family courts, schools, businesses, charitable organizations, families, and the religious community can create a community environment that supports the youth of the Nation and reduces the occurrence of juvenile crime; and

(B) the development of character and strong moral values will—

(i) greatly decrease the likelihood that youth will fall victim to the temptations of crime; and

(ii) improve the lives and future prospects of high-risk youth and their communities.

SEC. ____3. PURPOSES.

The purposes of this subtitle are as follows:

(1) To establish a national demonstration project to promote learning about successful youth interventions, with programs carried out by institutions that can identify and employ effective approaches for improving the lives and future prospects of high-risk youth and their communities.

(2) To document best practices for conducting successful interventions for high-risk youth, based on the results of local initiatives.

(3) To produce lessons and data from the operating experience from those local initiatives that will—

(A) provide information to improve policy in the public and private sectors; and

(B) promote the operational effectiveness of other local initiatives throughout the United States.

SEC. ____4. ESTABLISHMENT OF DEMONSTRATION PROJECT.

(a) IN GENERAL.—The Attorney General shall establish and carry out a demonstration project. In carrying out the demonstration project, the Attorney General shall, subject to the availability of appropriations, award a grant to Public-Private Ventures, Inc. to enable Public-Private Ventures, Inc. to award grants to eligible partnerships to pay for the Federal share of the cost of carrying out collaborative intervention programs for high-risk youth, described in section ____6, in the following 12 cities:

(1) Boston, Massachusetts.
(2) New York, New York.
(3) Philadelphia, Pennsylvania.
(4) Pittsburgh, Pennsylvania.
(5) Detroit, Michigan.
(6) Denver, Colorado.
(7) Seattle, Washington.
(8) Cleveland, Ohio.
(9) San Francisco, California.
(10) Austin, Texas.
(11) Memphis, Tennessee.
(12) Indianapolis, Indiana.

(b) FEDERAL SHARE.—

(1) IN GENERAL.—The Federal share of the cost described in subsection (a) shall be 70 percent.

(2) NON-FEDERAL SHARE.—The non-Federal share of the cost may be provided in cash.

SEC. ____5. ELIGIBILITY.

(a) IN GENERAL.—To be eligible to receive a grant under section ____4, a partnership—

(1) shall submit an application to Public-Private Ventures Inc. at such time, in such manner, and containing such information as Public-Private Ventures, Inc. may require;

(2) shall enter into a memorandum of understanding with Public-Private Ventures, Inc.; and

(3)(A) shall be a collaborative entity that includes representatives of local government, juvenile detention service providers, local law enforcement, probation officers, youth street workers, and local educational

agencies, and religious institutions that have resident-to-membership percentages of at least 40 percent; and;

(B) shall serve a city referred to in section ____4(a).

(b) SELECTION CRITERIA.—In making grants under section ____4, Public-Private Ventures, Inc. shall consider—

(1) the ability of a partnership to design and implement a local intervention program for high-risk youth;

(2) the past experience of the partnership, and key participating individuals, in intervention programs for youth and similar community activities; and

(3) the experience of the partnership in working with other community-based organizations.

SEC. ___6. USES OF FUNDS.

(a) PROGRAMS.—

(1) CORE FEATURES.—An eligible partnership that receives a grant under section ____4 shall use the funds made available through the grant to carry out an intervention program with the following core features:

(A) TARGET GROUP.—The program will target a group of youth (including young adults) who—

(i) are at high risk of—

(I) leading lives that are unproductive and negative;

(II) not being self-sufficient; and

(III) becoming incarcerated; and

(ii) are likely to cause pain and loss to other individuals and their communities.

(B) VOLUNTEERS AND MENTORS.—The program will make significant use of volunteers and mentors.

(C) LONG-TERM INVOLVEMENT.—The program will feature activities that promote long-term involvement in the lives of the youth (including young adults).

(2) PERMISSIBLE SERVICES.—The partnership, in carrying out the program, may use funds made available through the grant to provide, directly or through referrals, comprehensive support services to the youth (including young adults).

(b) EVALUATION AND RELATED ACTIVITIES.—Using funds made available through its grant under section ____4, Public-Private Ventures, Inc. shall—

(1) prepare and implement an evaluation design for evaluating the programs that receive grants under section ____4;

(2) conduct a quarterly evaluation of the performance and progress of the programs;

(3) organize and conduct national and regional conferences to promote peer learning about the operational experiences from the programs;

(4) provide technical assistance to the partnerships carrying out the programs, based on the quarterly evaluations; and

(5) prepare and submit to the Attorney General a report that describes the activities of the partnerships and the results of the evaluations.

(c) LIMITATION.—Not more than 20 percent of the funds appropriated under section ____7 for a fiscal year may be used—

(1) to provide comprehensive support services under subsection (a)(2);

(2) to carry out activities under subsection (b); and

(3) to pay for the administrative costs of Public-Private Ventures, Inc., related to carrying out this subtitle.

SEC. ___7. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this subtitle $4,000,000 for each of the fiscal years 2000 through 2004.

Subtitle ____—National Youth Crime Prevention

SEC. ___1. SHORT TITLE.

This subtitle may be cited as the ''National Youth Crime Prevention Demonstration Act''.

SEC. ___2. PURPOSES.

The purposes of this subtitle are as follows:

(1) To establish a demonstration project that establishes violence-free zones that would involve successful youth intervention models in partnership with law enforcement, local housing authorities, private foundations, and other public and private partners.

(2) To document best practices based on successful grassroots interventions in cities, including Washington, District of Columbia; Boston, Massachusetts; Hartford, Connecticut; and other cities to develop methodologies for widespread replication.

(3) To increase the efforts of the Department of Justice, the Department of Housing and Urban Development, and other agencies in supporting effective neighborhood mediating approaches.

SEC. ___3. ESTABLISHMENT OF NATIONAL YOUTH CRIME PREVENTION DEMONSTRATION PROJECT.

The Attorney General shall establish and carry out a demonstration project. In carrying out the demonstration project, the Attorney General shall, subject to the availability of appropriations, award a grant to the National Center for Neighborhood Enterprise (referred to in this subtitle as the ''National Center'') to enable the National Center to award grants to grassroots entities in the following 8 cities:

(1) Washington, District of Columbia.

(2) Detroit, Michigan.

(3) Hartford, Connecticut.

(4) Indianapolis, Indiana.

(5) Chicago (and surrounding metropolitan area), Illinois.

(6) San Antonio, Texas.

(7) Dallas, Texas.

(8) Los Angeles, California.

SEC. ___4. ELIGIBILITY.

(a) IN GENERAL.—To be eligible to receive a grant under this subtitle, a grassroots entity referred to in section ____3 shall submit an application to the National Center to fund intervention models that establish violence-free zones.

(b) SELECTION CRITERIA.—In awarding grants under this subtitle, the National Center shall consider—

(1) the track record of a grassroots entity and key participating individuals in youth group mediation and crime prevention;

(2) the engagement and participation of a grassroots entity with other local organizations; and

(3) the ability of a grassroots entity to enter into partnerships with local housing authorities, law enforcement agencies, and other public entities.

SEC. ___5. USES OF FUNDS.

(a) IN GENERAL.—Funds received under this subtitle may be used for youth mediation, youth mentoring, life skills training, job creation and entrepreneurship, organizational development and training, development of long-term intervention plans, collaboration with law enforcement, comprehensive support services and local agency partnerships, and activities to further community objectives in reducing youth crime and violence.

(b) GUIDELINES.—The National Center will identify local lead grassroots entities in each designated city.

(c) TECHNICAL ASSISTANCE.—The National Center, in cooperation with the Attorney General, shall also provide technical assistance for startup projects in other cities.

SEC. ___6. REPORTS.

The National Center shall submit a report to the Attorney General evaluating the effectiveness of grassroots agencies and other public entities involved in the demonstration project.

SEC. ___7. DEFINITIONS.

In this subtitle:

(1) GRASSROOTS ENTITY.—The term ''grassroots entity'' means a not-for-profit community organization with demonstrated effectiveness in mediating and addressing youth violence by empowering at-risk youth to become agents of peace and community restoration.

(2) NATIONAL CENTER FOR NEIGHBORHOOD ENTERPRISE.—The term ''National Center for Neighborhood Enterprise'' means a not-for-profit organization incorporated in the District of Columbia.

SEC. ___8. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this subtitle—

(1) $5,000,000 for fiscal year 2000;

(2) $5,000,000 for fiscal year 2001;

(3) $5,000,000 for fiscal year 2002;

(4) $5,000,000 for fiscal year 2003; and

(5) $5,000,000 for fiscal year 2004.

(b) RESERVATION.—The National Center for Neighborhood Enterprise may use not more than 20 percent of the amounts appropriated pursuant to subsection (a) in any fiscal year for administrative costs, technical assistance and training, comprehensive support services, and evaluation of participating grassroots organizations.

On page 119, line 16, strike ''and''.

On page 119, line 18, insert ''and'' at the end.

On page 119, between lines 18 and 19, insert the following:

''(R) court supervised initiatives that address the illegal possession of firearms by juveniles;''.

On page 129, line 5, strike ''and''.

On page 129, line 14, strike ''individual.'' and insert ''individual; and''.

On page 129, between lines 14 and 15, insert the following:

''(25) demonstrate that the State has in effect a policy or practice that requires State or local law enforcement agencies to—

''(A) present before a judicial officer any juvenile who unlawfully possesses a firearm in a school; and

''(B) detain such juvenile in an appropriate juvenile facility or secure community-based placement for not less than 24 hours for appropriate evaluation, upon a finding by the judicial officer that the juvenile may be a danger to himself or herself, to other individuals, or to the community in which that juvenile resides.''.

On page 131, line 11, strike ''or (24)'' and insert ''(24), or (25)''.

On page 131, line 12, strike ''1999'' and insert ''2000''.

On page 131, line 15, strike ''12.5'' and insert ''10''.

At the appropriate place, insert the following:

''SEC. . NATIONAL MEDIA CAMPAIGN AGAINST VIOLENCE.

There is authorized to be appropriated to the National Crime Prevention Council not to exceed $25,000,000, to be expended without fiscal-year limitation, for a 2-year national media campaign, to be conducted in consultation with national, statewide or community based youth organization, Boys and Girls Clubs of America, and to be targeted to parents (and other caregivers) and to youth, to reduce and prevent violent criminal behavior by young Americans: *Provided*, That none of such funds may be used—(1) to propose, influence, favor, or oppose any change in any statute, rule, regulation, treaty, or other provision of law; (2) for any partisan political purpose; (3) to feature any elected

officials, persons seeking elected office, cabinet-level officials, or Federal officials employed pursuant to Schedule C of title 5, Code of Federal Regulations, section 213, or (4) in any way that otherwise would violate section 1913 of title 18 of the United States Code: *Provided further,* That, for purposes hereof, ''violent criminal behavior by young Americans'' means behavior, by minors residing in the United States (or in any jurisdiction under the sovereign jurisdiction thereof), that both is illegal under federal, state, or local law, and involves acts or threats of physical violence, physical injury, or physical harm Code: *Provided further,* That not to exceed 10% of the funds appropriated pursuant to this authorization shall be used to commission an objective accounting, from a licensed and certified public accountant, using generally-accepted accounting principles, of the funds appropriated pursuant to this authorization and of any other funds or in-kind donations spent or used in the campaign, and an objective evaluation both of the impact and cost-effectiveness of the campaign and of the campaign-related activities of the Council and the Clubs, which accounting and evaluation shall be submitted by the Council to the Committees on Appropriations and the Judiciary of each House of Congress by not later than 9 months after the conclusion of the campaign.

Strike sections 303 and 304 and insert the following:

SEC. 303. RUNAWAY AND HOMELESS YOUTH.

(a) FINDINGS.—Section 302 of the Runaway and Homeless Youth Act (42 U.S.C. 5701) is amended—

(1) in paragraph (5), by striking ''accurate reporting of the problem nationally and to develop'' and inserting ''an accurate national reporting system to report the problem, and to assist in the development of''; and

(2) by striking paragraph (8) and inserting the following:

''(8) services for runaway and homeless youth are needed in urban, suburban, and rural areas;''.

(b) AUTHORITY TO MAKE GRANTS FOR CENTERS AND SERVICES.—Section 311 of the Runaway and Homeless Youth Act (42 U.S.C. 5711) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) GRANTS FOR CENTERS AND SERVICES.—

''(1) IN GENERAL.—The Secretary shall make grants to public and nonprofit private entities (and combinations of such entities) to establish and operate (including renovation) local centers to provide services for runaway and homeless youth and for the families of such youth.

''(2) SERVICES PROVIDED.—Services provided under paragraph (1)—

''(A) shall be provided as an alternative to involving runaway and homeless youth in the law enforcement, child welfare, mental health, and juvenile justice systems;

''(B) shall include—

''(i) safe and appropriate shelter; and

''(ii) individual, family, and group counseling, as appropriate; and

''(C) may include—

''(i) street-based services;

''(ii) home-based services for families with youth at risk of separation from the family; and

''(iii) drug abuse education and prevention services.'';

(2) in subsection (b)(2), by striking ''the Trust Territory of the Pacific Islands,''; and

(3) by striking subsections (c) and (d).

(c) ELIGIBILITY.—Section 312 of the Runaway and Homeless Youth Act (42 U.S.C. 5712) is amended—

(1) in subsection (b)—

(A) in paragraph (8), by striking ''paragraph (6)'' and inserting ''paragraph (7)'';

(B) in paragraph (10), by striking ''and'' at the end;

(C) in paragraph (11), by striking the period at the end and inserting ''; and''; and

(D) by adding at the end the following:

''(12) shall submit to the Secretary an annual report that includes, with respect to the year for which the report is submitted—

''(A) information regarding the activities carried out under this part;

''(B) the achievements of the project under this part carried out by the applicant; and

''(C) statistical summaries describing—

''(i) the number and the characteristics of the runaway and homeless youth, and youth at risk of family separation, who participate in the project; and

''(ii) the services provided to such youth by the project.''; and

(2) by striking subsections (c) and (d) and inserting the following:

''(c) APPLICANTS PROVIDING STREET-BASED SERVICES.—To be eligible to use assistance under section 311(a)(2)(C)(i) to provide street-based services, the applicant shall include in the plan required by subsection (b) assurances that in providing such services the applicant will—

''(1) provide qualified supervision of staff, including on-street supervision by appropriately trained staff;

''(2) provide backup personnel for on-street staff;

''(3) provide initial and periodic training of staff who provide such services; and

''(4) conduct outreach activities for runaway and homeless youth, and street youth.

''(d) APPLICANTS PROVIDING HOME-BASED SERVICES.—To be eligible to use assistance under section 311(a) to provide home-based services described in section 311(a)(2)(C)(ii), an applicant shall include in the plan required by subsection (b) assurances that in providing such services the applicant will—

''(1) provide counseling and information to youth and the families (including unrelated individuals in the family households) of such youth, including services relating to basic life skills, interpersonal skill building, educational advancement, job attainment skills, mental and physical health care, parenting skills, financial planning, and referral to sources of other needed services;

''(2) provide directly, or through an arrangement made by the applicant, 24-hour service to respond to family crises (including immediate access to temporary shelter for runaway and homeless youth, and youth at risk of separation from the family);

''(3) establish, in partnership with the families of runaway and homeless youth, and youth at risk of separation from the family, objectives and measures of success to be achieved as a result of receiving home-based services;

''(4) provide initial and periodic training of staff who provide home-based services; and

''(5) ensure that—

''(A) caseloads will remain sufficiently low to allow for intensive (5 to 20 hours per week) involvement with each family receiving such services; and

''(B) staff providing such services will receive qualified supervision.

''(e) APPLICANTS PROVIDING DRUG ABUSE EDUCATION AND PREVENTION SERVICES.—To be eligible to use assistance under section 311(a)(2)(C)(iii) to provide drug abuse education and prevention services, an applicant shall include in the plan required by subsection (b)—

''(1) a description of—

''(A) the types of such services that the applicant proposes to provide;

''(B) the objectives of such services; and

''(C) the types of information and training to be provided to individuals providing such services to runaway and homeless youth; and

''(2) an assurance that in providing such services the applicant shall conduct outreach activities for runaway and homeless youth.''.

(d) APPROVAL OF APPLICATIONS.—Section 313 of the Runaway and Homeless Youth Act (42 U.S.C. 5713) is amended to read as follows:

''SEC. 313. APPROVAL OF APPLICATIONS.

''(a) IN GENERAL.—An application by a public or private entity for a grant under section 311(a) may be approved by the Secretary after taking into consideration, with respect to the State in which such entity proposes to provide services under this part—

''(1) the geographical distribution in such State of the proposed services under this part for which all grant applicants request approval; and

''(2) which areas of such State have the greatest need for such services.

''(b) PRIORITY.—In selecting applications for grants under section 311(a), the Secretary shall give priority to—

''(1) eligible applicants who have demonstrated experience in providing services to runaway and homeless youth; and

''(2) eligible applicants that request grants of less than $200,000.''.

(e) AUTHORITY FOR TRANSITIONAL LIVING GRANT PROGRAM.—Section 321 of the Runaway and Homeless Youth Act (42 U.S.C. 5714–1) is amended—

(1) in the section heading, by striking ''PURPOSE AND'';

(2) in subsection (a), by striking ''(a)''; and

(3) by striking subsection (b).

(f) ELIGIBILITY.—Section 322(a)(9) of the Runaway and Homeless Youth Act (42 U.S.C. 5714–2(a)(9)) is amended by inserting '', and the services provided to such youth by such project,'' after ''such project''.

(g) COORDINATION.—Section 341 of the Runaway and Homeless Youth Act (42 U.S.C. 5714–21) is amended to read as follows:

''SEC. 341. COORDINATION.

''With respect to matters relating to the health, education, employment, and housing of runaway and homeless youth, the Secretary—

''(1) in conjunction with the Attorney General, shall coordinate the activities of agencies of the Department of Health and Human Services with activities under any other Federal juvenile crime control, prevention, and juvenile offender accountability program and with the activities of other Federal entities; and

''(2) shall coordinate the activities of agencies of the Department of Health and Human Services with the activities of other Federal entities and with the activities of entities that are eligible to receive grants under this title.''.

(h) AUTHORITY TO MAKE GRANTS FOR RESEARCH, EVALUATION, DEMONSTRATION, AND SERVICE PROJECTS.—Section 343 of the Runaway and Homeless Youth Act (42 U.S.C. 5714–23) is amended—

(1) in the section heading, by inserting ''EVALUATION,'' after ''RESEARCH,'';

(2) in subsection (a), by inserting ''evaluation,'' after ''research,''; and

(3) in subsection (b)—

(A) by striking paragraph (2); and

(B) by redesignating paragraphs (3) through (10) as paragraphs (2) through (9), respectively.

(i) ASSISTANCE TO POTENTIAL GRANTEES.—Section 371 of the Runaway and Homeless Youth Act (42 U.S.C. 5714a) is amended by striking the last sentence.

(j) REPORTS.—Section 381 of the Runaway and Homeless Youth Act (42 U.S.C. 5715) is amended to read as follows:

''SEC. 381. REPORTS.

''(a) IN GENERAL.—Not later than April 1, 2000, and biennially thereafter, the Secretary shall submit, to the Committee on Education

and the Workforce of the House of Representatives and the Committee on the Judiciary of the Senate, a report on the status, activities, and accomplishments of entities that receive grants under parts A, B, C, D, and E, with particular attention to—

''(1) in the case of centers funded under part A, the ability or effectiveness of such centers in—

''(A) alleviating the problems of runaway and homeless youth;

''(B) if applicable or appropriate, reuniting such youth with their families and encouraging the resolution of intrafamily problems through counseling and other services;

''(C) strengthening family relationships and encouraging stable living conditions for such youth; and

''(D) assisting such youth to decide upon a future course of action; and

''(2) in the case of projects funded under part B—

''(A) the number and characteristics of homeless youth served by such projects;

''(B) the types of activities carried out by such projects;

''(C) the effectiveness of such projects in alleviating the problems of homeless youth;

''(D) the effectiveness of such projects in preparing homeless youth for self-sufficiency;

''(E) the effectiveness of such projects in assisting homeless youth to decide upon future education, employment, and independent living;

''(F) the ability of such projects to encourage the resolution of intrafamily problems through counseling and development of self-sufficient living skills; and

''(G) activities and programs planned by such projects for the following fiscal year.

''(b) CONTENTS OF REPORTS.—The Secretary shall include in each report submitted under subsection (a), summaries of—

''(1) the evaluations performed by the Secretary under section 386; and

''(2) descriptions of the qualifications of, and training provided to, individuals involved in carrying out such evaluations.''.

(k) EVALUATION.—Section 384 of the Runaway and Homeless Youth Act (42 U.S.C. 5732) is amended to read as follows:

''SEC. 386. EVALUATION AND INFORMATION.

''(a) IN GENERAL.—If a grantee receives grants for 3 consecutive fiscal years under part A, B, C, D, or E (in the alternative), then the Secretary shall evaluate such grantee on-site, not less frequently than once in the period of such 3 consecutive fiscal years, for purposes of—

''(1) determining whether such grants are being used for the purposes for which such grants are made by the Secretary;

''(2) collecting additional information for the report required by section 383; and

''(3) providing such information and assistance to such grantee as will enable such grantee to improve the operation of the centers, projects, and activities for which such grants are made.

''(b) COOPERATION.—Recipients of grants under this title shall cooperate with the Secretary's efforts to carry out evaluations, and to collect information, under this title.''.

(l) AUTHORIZATION OF APPROPRIATIONS.—Section 385 of the Runaway and Homeless Youth Act (42 U.S.C. 5751) is amended to read as follows:

''SEC. 388. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—

''(1) AUTHORIZATION.—There is authorized to be appropriated to carry out this title (other than part E) such sums as may be necessary for fiscal years 2000, 2001, 2002, 2003, and 2004.

''(2) ALLOCATION.—

''(A) PARTS A AND B.—From the amount appropriated under paragraph (1) for a fiscal year, the Secretary shall reserve not less than 90 percent to carry out parts A and B.

''(B) PART B.—Of the amount reserved under subparagraph (A), not less than 20 percent, and not more than 30 percent, shall be reserved to carry out part B.

''(3) PARTS C AND D.—In each fiscal year, after reserving the amounts required by paragraph (2), the Secretary shall use the remaining amount (if any) to carry out parts C and D.

''(b) SEPARATE IDENTIFICATION REQUIRED.—No funds appropriated to carry out this title may be combined with funds appropriated under any other Act if the purpose of combining such funds is to make a single discretionary grant, or a single discretionary payment, unless such funds are separately identified in all grants and contracts and are used for the purposes specified in this title.''.

(m) SEXUAL ABUSE PREVENTION PROGRAM.—

(1) AUTHORITY FOR PROGRAM.—The Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended—

(A) by striking the heading for part F;

(B) by redesignating part E as part F; and

(C) by inserting after part D the following:

''PART E—SEXUAL ABUSE PREVENTION PROGRAM

''SEC. 351. AUTHORITY TO MAKE GRANTS.

''(a) IN GENERAL.—The Secretary may make grants to nonprofit private agencies for the purpose of providing street-based services to runaway and homeless, and street youth, who have been subjected to, or are at risk of being subjected to, sexual abuse, prostitution, or sexual exploitation.

''(b) PRIORITY.—In selecting applicants to receive grants under subsection (a), the Secretary shall give priority to nonprofit private agencies that have experience in providing services to runaway and homeless, and street youth.''.

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 388(a) of the Runaway and Homeless Youth Act (42 U.S.C. 5751), as amended by subsection (l) of this section, is amended by adding at the end the following:

''(4) PART E.—There is authorized to be appropriated to carry out part E such sums as may be necessary for fiscal years 2000, 2001, 2002, 2003, and 2004.''.

(n) DEFINITIONS.—The Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended by inserting after section 386, as amended by subsection (k) of this section, the following:

''SEC. 387. DEFINITIONS.

''In this title:

''(1) DRUG ABUSE EDUCATION AND PREVENTION SERVICES.—The term 'drug abuse education and prevention services'—

''(A) means services to runaway and homeless youth to prevent or reduce the illicit use of drugs by such youth; and

''(B) may include—

''(i) individual, family, group, and peer counseling;

''(ii) drop-in services;

''(iii) assistance to runaway and homeless youth in rural areas (including the development of community support groups);

''(iv) information and training relating to the illicit use of drugs by runaway and homeless youth, to individuals involved in providing services to such youth; and

''(v) activities to improve the availability of local drug abuse prevention services to runaway and homeless youth.

''(2) HOME-BASED SERVICES.—The term 'home-based services'—

''(A) means services provided to youth and their families for the purpose of—

''(i) preventing such youth from running away, or otherwise becoming separated, from their families; and

''(ii) assisting runaway youth to return to their families; and

''(B) includes services that are provided in the residences of families (to the extent practicable), including—

''(i) intensive individual and family counseling; and

''(ii) training relating to life skills and parenting.

''(3) HOMELESS YOUTH.—The term 'homeless youth' means an individual—

''(A) who is—

''(i) not more than 21 years of age; and

''(ii) for the purposes of part B, not less than 16 years of age;

''(B) for whom it is not possible to live in a safe environment with a relative; and

''(C) who has no other safe alternative living arrangement.

''(4) STREET-BASED SERVICES.—The term 'street-based services'—

''(A) means services provided to runaway and homeless youth, and street youth, in areas where they congregate, designed to assist such youth in making healthy personal choices regarding where they live and how they behave; and

''(B) may include—

''(i) identification of and outreach to runaway and homeless youth, and street youth;

''(ii) crisis intervention and counseling;

''(iii) information and referral for housing;

''(iv) information and referral for transitional living and health care services;

''(v) advocacy, education, and prevention services related to—

''(I) alcohol and drug abuse;

''(II) sexual exploitation;

''(III) sexually transmitted diseases, including human immunodeficiency virus (HIV); and

''(IV) physical and sexual assault.

''(5) STREET YOUTH.—The term 'street youth' means an individual who—

''(A) is—

''(i) a runaway youth; or

''(ii) indefinitely or intermittently a homeless youth; and

''(B) spends a significant amount of time on the street or in other areas that increase the risk to such youth for sexual abuse, sexual exploitation, prostitution, or drug abuse.

''(6) TRANSITIONAL LIVING YOUTH PROJECT.—The term 'transitional living youth project' means a project that provides shelter and services designed to promote a transition to self-sufficient living and to prevent long-term dependency on social services.

''(7) YOUTH AT RISK OF SEPARATION FROM THE FAMILY.—The term 'youth at risk of separation from the family' means an individual—

''(A) who is less than 18 years of age; and

''(B)(i) who has a history of running away from the family of such individual;

''(ii) whose parent, guardian, or custodian is not willing to provide for the basic needs of such individual; or

''(iii) who is at risk of entering the child welfare system or juvenile justice system as a result of the lack of services available to the family to meet such needs.''.

(o) REDESIGNATION OF SECTIONS.—Sections 371, 372, 381, 382, and 383 of the Runaway and Homeless Youth Act (42 U.S.C. 5714b–5851 et seq.), as amended by this title, are redesignated as sections 381, 382, 383, 384, and 385, respectively.

(p) TECHNICAL AMENDMENTS.—The Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended—

(1) in section 331, in the first sentence, by striking ''With'' and all that follows through ''the Secretary'', and inserting ''The Secretary''; and

(2) in section 344(a)(1), by striking ''With'' and all that follows through ''the Secretary'', and inserting ''The Secretary''.

SEC. 304. NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN.

(a) FINDINGS.—Section 402 of the Missing Children's Assistance Act (42 U.S.C. 5771) is amended—

(1) in paragraph (7), by striking ''and'' at the end;

(2) in paragraph (8), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(9) for 14 years, the National Center for Missing and Exploited Children has—

''(A) served as the national resource center and clearinghouse congressionally mandated under the provisions of the Missing Children's Assistance Act of 1984; and

''(B) worked in partnership with the Department of Justice, the Federal Bureau of Investigation, the Department of the Treasury, the Department of State, and many other agencies in the effort to find missing children and prevent child victimization;

''(10) Congress has given the Center, which is a private non-profit corporation, access to the National Crime Information Center of the Federal Bureau of Investigation, and the National Law Enforcement Telecommunications System;

''(11) since 1987, the Center has operated the National Child Pornography Tipline, in conjunction with the United States Customs Service and the United States Postal Inspection Service and, beginning this year, the Center established a new CyberTipline on child exploitation, thus becoming 'the 911 for the Internet';

''(12) in light of statistics that time is of the essence in cases of child abduction, the Director of the Federal Bureau of Investigation in February of 1997 created a new NCIC child abduction ('CA') flag to provide the Center immediate notification in the most serious cases, resulting in 642 'CA' notifications to the Center and helping the Center to have its highest recovery rate in history;

''(13) the Center has established a national and increasingly worldwide network, linking the Center online with each of the missing children clearinghouses operated by the 50 States, the District of Columbia, and Puerto Rico, as well as with Scotland Yard in the United Kingdom, the Royal Canadian Mounted Police, INTERPOL headquarters in Lyon, France, and others, which has enabled the Center to transmit images and information regarding missing children to law enforcement across the United States and around the world instantly;

''(14) from its inception in 1984 through March 31, 1998, the Center has—

''(A) handled 1,203,974 calls through its 24-hour toll-free hotline (1–800–THE–LOST) and currently averages 700 calls per day;

''(B) trained 146,284 law enforcement, criminal and juvenile justice, and healthcare professionals in child sexual exploitation and missing child case detection, identification, investigation, and prevention;

''(C) disseminated 15,491,344 free publications to citizens and professionals; and

''(D) worked with law enforcement on the cases of 59,481 missing children, resulting in the recovery of 40,180 children;

''(15) the demand for the services of the Center is growing dramatically, as evidenced by the fact that in 1997, the Center handled 129,100 calls, an all-time record, and by the fact that its new Internet website (www.missingkids.com) receives 1,500,000 'hits' every day, and is linked with hundreds of other websites to provide real-time images of breaking cases of missing children;

''(16) in 1997, the Center provided policy training to 256 police chiefs and sheriffs from 50 States and Guam at its new Jimmy Ryce Law Enforcement Training Center;

''(17) the programs of the Center have had a remarkable impact, such as in the fight against infant abductions in partnership with the healthcare industry, during which the Center has performed 668 onsite hospital walk-throughs and inspections, and trained 45,065 hospital administrators, nurses, and security personnel, and thereby helped to reduce infant abductions in the United States by 82 percent;

''(18) the Center is now playing a significant role in international child abduction cases, serving as a representative of the Department of State at cases under The Hague Convention, and successfully resolving the cases of 343 international child abductions, and providing greater support to parents in the United States;

''(19) the Center is a model of public/private partnership, raising private sector funds to match congressional appropriations and receiving extensive private in-kind support, including advanced technology provided by the computer industry such as imaging technology used to age the photographs of long-term missing children and to reconstruct facial images of unidentified deceased children;

''(20) the Center was 1 of only 10 of 300 major national charities given an A+ grade in 1997 by the American Institute of Philanthropy; and

''(21) the Center has been redesignated as the Nation's missing children clearinghouse and resource center once every 3 years through a competitive selection process conducted by the Office of Juvenile Justice and Delinquency Prevention of the Department of Justice, and has received grants from that Office to conduct the crucial purposes of the Center.''.

(b) DEFINITIONS.—Section 403 of the Missing Children's Assistance Act (42 U.S.C. 5772) is amended—

(1) in paragraph (1), by striking ''and'' at the end;

(2) in paragraph (2), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(3) the term 'Center' means the National Center for Missing and Exploited Children.''.

(c) DUTIES AND FUNCTIONS OF THE ADMINISTRATOR.—Section 404 of the Missing Children's Assistance Act (42 U.S.C. 5773) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by striking subsection (b) and inserting the following:

''(b) ANNUAL GRANT TO NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN.—

''(1) IN GENERAL.—The Administrator shall annually make a grant to the Center, which shall be used to—

''(A)(i) operate a national 24-hour toll-free telephone line by which individuals may report information regarding the location of any missing child, or other child 13 years of age or younger whose whereabouts are unknown to such child's legal custodian, and request information pertaining to procedures necessary to reunite such child with such child's legal custodian; and

''(ii) coordinate the operation of such telephone line with the operation of the national communications system referred to in part C of the Runaway and Homeless Youth Act (42 U.S.C. 5714–11);

''(B) operate the official national resource center and information clearinghouse for missing and exploited children;

''(C) provide to State and local governments, public and private nonprofit agencies, and individuals, information regarding—

''(i) free or low-cost legal, restaurant, lodging, and transportation services that are available for the benefit of missing and exploited children and their families; and

''(ii) the existence and nature of programs being carried out by Federal agencies to assist missing and exploited children and their families;

''(D) coordinate public and private programs that locate, recover, or reunite missing children with their families;

''(E) disseminate, on a national basis, information relating to innovative and model programs, services, and legislation that benefit missing and exploited children;

''(F) provide technical assistance and training to law enforcement agencies, State and local governments, elements of the criminal justice system, public and private nonprofit agencies, and individuals in the prevention, investigation, prosecution, and treatment of cases involving missing and exploited children; and

''(G) provide assistance to families and law enforcement agencies in locating and recovering missing and exploited children, both nationally and internationally.

''(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator to carry out this subsection, $10,000,000 for each of fiscal years 2000, 2001, 2002, 2003, and 2004.

''(c) NATIONAL INCIDENCE STUDIES.—The Administrator, either by making grants to or entering into contracts with public agencies or nonprofit private agencies, shall—

''(1) periodically conduct national incidence studies to determine for a given year the actual number of children reported missing each year, the number of children who are victims of abduction by strangers, the number of children who are the victims of parental kidnapings, and the number of children who are recovered each year; and

''(2) provide to State and local governments, public and private nonprofit agencies, and individuals information to facilitate the lawful use of school records and birth certificates to identify and locate missing children.''.

(d) NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN.—Section 405(a) of the Missing Children's Assistance Act (42 U.S.C. 5775(a)) is amended by inserting ''the Center and with'' before ''public agencies''.

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 408 of the Missing Children's Assistance Act (42 U.S.C. 5777) is amended by striking ''1997 through 2001'' and inserting ''2000 through 2004''.

On page 7, strike lines 7 through 18, and insert the following:

SEC. 101. SURRENDER TO STATE AUTHORITIES.

Section 5001 of title 18, United States Code, is amended by striking the first undesignated paragraph and inserting the following:

''Whenever any person who is less than 18 years of age is been arrested and charged with the commission of an offense (or an act of delinquency that would be an offense were it committed by an adult) punishable in any court of the United States or of the District of Columbia, the United States Attorney for the district in which such person has been arrested may forego prosecution pursuant to section 5032(a)(2) if, after investigation by the United States Attorney, it appears that—

''(1) such person has committed an act that is also an offense or an act of delinquency under the law of any State or the District of Columbia;

''(2) such State or the District of Columbia, as applicable, can and will assume jurisdiction over such juvenile and will take such juvenile into custody and deal with the juvenile in accordance with the law of such State or the District of Columbia, as applicable; and

''(3) it is in the best interests of the United States and of the juvenile offender.''.

On page 8, line 14, insert '', except as provided in subsection (d)(2)'' after ''court''.

On page 9, line 2, insert '', except as provided in subsection (d)(2)'' after ''court''.

On page 10, beginning on line 1, strike ''of concurrent jurisdiction between the Federal Government and a State or Indian tribe over both the offense and the juvenile'' and insert ''in which both the Federal Government and a State or Indian tribe have penal provisions that criminalize the conduct at issue and both have jurisdiction over the juvenile''.

On page 10, line 15, strike ''the offense'' and insert ''the conduct''.

On page 10, strike line 20 and all that follows through page 11, line 5, and insert the following:

''(C) DEFINITION.—In this subsection, the term 'Indian tribe' has the meaning given the term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

On page 12, line 13, insert ''or for referral'' after ''defendant''.

On page 12, line 16, strike ''20'' and insert ''30''.

On page 12, line 18, strike ''initially appears through counsel'' and insert ''appears through counsel to answer an indictment''.

On page 12, line 24, strike ''clear and convincing'' and insert ''a preponderance of the''.

On page 14, line 20, strike ''not''.

On page 15, line 19, insert ''and subject to subparagraph (C) of this paragraph,'' after ''chapter,''.

On page 23, line 9, insert ''committed while an adult'' after ''charges''.

On page 24, beginning on line 10, strike ''brief and incidental or accidental'' and insert ''brief and inadvertent, or accidental, in secure areas of a facility that are not dedicated to use by juvenile offenders and that are nonresidential, which may include dining, recreational, educational, vocational, health care, entry areas, and passageways''.

On page 30, line 17, strike ''the guidelines'' and insert ''any guidelines''.

On page 35, line 1, insert ''felony'' after ''any''.

On page 36, beginning on line 14, strike ''purpose of making an admission determination'' and insert ''sole purpose of denying admission''.

On page 36, line 21, add after ''juvenile.'' the following: ''Any juvenile may petition the court after a period of 5 years to have a record relating to such juvenile and described in this section (except a record relating to an offense described in subsection (b)(2)(A)) removed from the Federal Bureau of Investigation database if that juvenile can establish by clear and convincing evidence that the juvenile is no longer a danger to the community.''.

On page 38, beginning on line 2, strike ''or ordered to pay restitution or a special assessment under section 3013''.

On page 47, between lines 21 and 22, insert the following:

(3) STATE.—The term ''State'' includes a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

On page 54, line 1, strike ''by paragraph (3)'' and insert ''in paragraph (3)''.

On page 62, line 2, strike ''and''.

On page 62, line 5, strike the period and insert a semicolon.

On page 62, between lines 5 and 6, insert the following:

''(D) supervision by properly screened staff, who are trained and experienced in working with juveniles or young adults, in highly structured, disciplined surroundings, characteristic of a military environment; and

''(E) participation in community service programs, such as counseling sessions, mentoring, community service, or restitution projects, and a comprehensive aftercare plan developed through close coordination with Federal, State, and local agencies, and in cooperation with business and private organizations, as appropriate.

On page 65, line 12, insert '', and in which there is sufficient flexibility to allow for individualized sanctions and services suited to the individual juvenile offender'' before the period.

On page 68, line 24, insert ''violent and unlawful acts of animal cruelty,'' after ''gangs,''.

On page 69, beginning on line 24, strike ''brief and incidental or accidental'' and insert ''brief and inadvertent, or accidental, in secure areas of a facility that are not dedicated to use by juvenile offenders and that are nonresidential, which may include dining, recreational, educational, vocational, health care, entry areas, and passageways''.

On page 71, line 10, strike ''forcible''.

On page 92, line 15, insert '', including youth violence courts targeted to juveniles aged 14 and younger'' before the semicolon.

On page 93, strike lines 20 and 21, and insert the following:

''(16) programs for positive youth development that provide youth at risk of delinquency with—

''(A) an ongoing relationship with a caring adult (for example, mentor, tutor, coach, or shelter youth worker);

''(B) safe places and structured activities during nonschool hours;

''(C) a healthy start;

''(D) a marketable skill through effective education; and

''(E) an opportunity to give back through community service.

On page 119, line 16, strike ''and''.

On page 119, between lines 18 and 19, insert the following:

''(R) programs for positive youth development that provide delinquent youth and youth at-risk of delinquency with—

''(i) an ongoing relationship with a caring adult (for example, mentor, tutor, coach, or shelter youth worker);

''(ii) safe places and structured activities during nonschool hours;

''(iii) a healthy start;

''(iv) a marketable skill through effective education; and

''(v) an opportunity to give back through community service;

On page 121, beginning on line 5, strike ''in collocated facilities'' and insert '', including in collocated facilities,''.

On page 122, beginning on line 8, strike ''in collocated facilities'' and insert '', including in collocated facilities,''.

On page 123, strike lines 20 through 24, and insert the following:

''(ii) a parent or other legal guardian (or guardian ad litem) of the juvenile involved consents to detaining or confining such juvenile in accordance with this subparagraph and the parent has the right to revoke such consent at any time;

On page 124, line 6, insert ''finds that such detention or confinement is in the best interest of such juvenile and'' before ''approves''.

On page 124, line 18, insert '', which review may be in the presence of the juvenile'' before the semicolon.

On page 127, beginning on line 22, strike ''(if any), not to exceed 5 percent,'' and insert '', if any,''.

On page 225, line 25, insert '', including programs designed and operated to further the goal of providing eligible offenders with an alternative to adjudication that emphasizes restorative justice'' before the semicolon.

On page 227, line 11, strike ''and''.

On page 227, line 19, strike the period and insert ''; and''.

On page 227, between lines 19 and 20, insert the following:

''(12) for programs that drug test juveniles who are arrested, including follow-up testings.

On page 253, strike line 23 and all that follows through page 255, line 22.

On page 103, line 12, strike ''**206**'' and insert ''**207**''.

On page 103, between lines 11 and 12, insert the following:

''SEC. 206. GRANTS TO YOUTH ORGANIZATIONS.

''(a) GRANT PROGRAM.—The Administrator may make grants to Indian tribes (as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act) and national, Statewide, or community-based, nonprofit organizations in crime prone areas, (such as Boys and Girls Clubs, Police Athletic Leagues, 4–H Clubs, YWCA, YMCA, Big Brothers and Big Sisters, and Kids 'N Kops programs) for the purposes of—

''(1) providing constructive activities to youth during after school hours, weekends, and school vacations;

''(2) providing supervised activities in safe environments to youth in those areas, including activities through parks and other recreation areas; and

''(3) providing anti-alcohol and other drug education to prevent alcohol and other drug abuse among youth.

''(b) APPLICATIONS.—

''(1) ELIGIBILITY.—In order to be eligible to receive a grant under this section, the governing body of the Indian tribe or the chief operating officer of a national, Statewide, or community-based nonprofit organization shall submit an application to the Administrator, in such form and containing such information as the Administrator may reasonably require.

''(2) APPLICATION REQUIREMENTS.—Each application submitted in accordance with paragraph (1) shall include—

''(A) a request for a grant to be used for the purposes of this section;

''(B) a description of the communities to be served by the grant, including the nature of juvenile crime, violence, and drug use in the communities;

''(C) written assurances that Federal funds received under this section will be used to supplement and not supplant, non-Federal funds that would otherwise be available for activities funded under this section;

''(D) written assurances that all activities funded under this section will be supervised by an appropriate number of responsible adults;

''(E) a plan for assuring that program activities will take place in a secure environment that is free of crime and drugs; and

''(F) any additional statistical or financial information that the Administrator may reasonably require.

''(c) GRANT AWARDS.—In awarding grants under this section, the Administrator shall consider—

''(1) the ability of the applicant to provide the intended services;

''(2) the history and establishment of the applicant in providing youth activities; and

''(3) the extent to which services will be provided in crime prone areas, including efforts to achieve an equitable geographic distribution of the grant awards.

''(d) ALLOCATION.—Of the amounts made available to carry out this section—

''(1) 20 percent shall be for grants to national or Statewide nonprofit organizations; and

''(2) 80 percent shall be for grants to community-based, nonprofit organizations.

''(e) CONTINUED AVAILABILITY.—Amounts made available under this section shall remain available until expended.

On page 107, line 20, strike ''**207**'' and insert ''**208**''.

On page 122, lines 15 and 16, strike the semicolon and ''(II)'' and insert ''and''.

On page 122, line 18, strike ''(III)'' and insert ''(II)''.

On page 123, line 1, strike ''(IV)'' and insert ''(III)''.

On page 57, line 24, insert ''public recreation agencies,'' after ''schools,''.

On page 89, line 21, insert ''public recreation,'' after ''justice,''.

On page 90, line 23, insert ''public recreation staff,'' after ''businesses,''.

On page 92, line 22, insert ''public recreation agencies,'' after ''agencies,''.

On page 95, line 3, insert ''public recreation agencies,'' after ''schools,''.

On page 99, line 25, insert ''local recreation agency,'' after ''authority),''.

On page 115, line 22, insert ''public recreation agencies,'' after ''care agencies,''.

On page 145, line 18, insert ''public recreation personnel,'' after ''education,''.

On page 152, line 14, insert '', recreation,'' after ''education''.

On page 155, line 9, insert ''or other appropriate site'' after ''project''.

On page 159, line 16, insert ''recreation,'' after ''ployment,''.

On page 243, line 18, strike ''and''.

On page 243, line 19, strike ''(x)'' and insert ''(xi)''.

On page 243, between lines 18 and 19, insert the following:

''(x) local recreation agencies; and''.

At the appropriate place, insert the following:

SEC. ___. VICTIMS OF TERRORISM.

(a) IN GENERAL.—Section 1404B of the Victims of Crime Act of 1984 (42 U.S.C. 10603b) is amended to read as follows:

''SEC. 1404B. COMPENSATION AND ASSISTANCE TO VICTIMS OF TERRORISM OR MASS VIOLENCE.

''(a) DEFINITIONS.—In this section—

''(1) the term 'eligible crime victim compensation program' means a program that meets the requirements of section 1402(b);

''(2) the term 'eligible crime victim assistance program' means a program that meets the requirements of section 1404(b);

''(3) the term 'public agency' includes any Federal, State, or local government or nonprofit organization; and

''(4) the term 'victim'—

''(A) means an individual who is citizen or employee of the United States, and who is injured or killed as a result of a terrorist act or mass violence, whether occurring within or outside the United States; and

''(B) includes, in the case of an individual described in subparagraph (A) who is deceased, the family members of the individual.

''(b) GRANTS AUTHORIZED.—The Director may make grants, as provided in either section 1402(d)(4)(B) or 1404—

''(1) to States, which shall be used for eligible crime victim compensation programs and eligible crime victim assistance programs for the benefit of victims; and

''(2) to victim service organizations, and public agencies that provide emergency or ongoing assistance to victims of crime, which shall be used to provide, for the benefit of victims—

''(A) emergency relief (including compensation, assistance, and crisis response) and other related victim services; and

''(B) training and technical assistance for victim service providers.

''(c) RULE OF CONSTRUCTION.—Nothing in this section may be construed to supplant any compensation available under title VIII of the Omnibus Diplomatic Security and Antiterrorism Act of 1986.''.

(b) APPLICABILITY.—The amendment made by this section applies to any terrorist act or mass violence occurring on or after December 20, 1988, with respect to which an investigation or prosecution was ongoing after April 24, 1996.

At the appropriate place, insert the following:

SEC. ___. TRUTH-IN-SENTENCING INCENTIVE GRANTS.

(a) QUALIFICATION DATE.—Section 20104 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13704(a)(3)) is amended by striking ''on April 26, 1996'' and inserting ''on or after April 26, 1996.''

(b) MINIMUM AMOUNT.—Section 20106 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13706) is amended by striking subsection (b) and inserting the following:

''(b) FORMULA ALLOCATION.—The amount made available to carry out this section for any fiscal year under section 20104 shall be allocated as follows:

''(1) .75 percent shall be allocated to each State that meets the requirements of section 20104, except that the United States Virgin Islands, America Samoa, Guam, and the Northern Mariana Islands each shall be allocated 0.05 percent; and

''(2) The amount remaining after the application of paragraph (1) shall be allocated to each State that meets the requirements of section 20104 in the ratio that the average annual number of part 1 violent crimes reported by that State to the Federal Bureau of Investigation for the 3 years preceding the year in which the determination is made bears to the average annual number of part 1 violent crimes reported by States that meet the requirements of section 20104 to the Federal Bureau of Investigation for the 3 years preceding the year in which the determination is made, except that a State may not receive more than 25 percent of the total amount available for such grants.''.

At the end, insert the following:

SEC. ___. APPLICATION OF PROVISION RELATING TO A SENTENCE OF DEATH FOR AN ACT OF ANIMAL ENTERPRISE TERRORISM.

Section 3591 of title 18, United States Code (relating to circumstances under which a defendant may be sentenced to death), shall apply to sentencing for a violation of section 43 of title 18, United States Code, as amended by this Act to include the death penalty as a possible punishment.

At the appropriate place, insert the following:

SEC. ___. PROHIBITIONS RELATING TO EXPLOSIVE MATERIALS.

(a) PROHIBITION OF SALE, DELIVERY, OR TRANSFER OF EXPLOSIVE MATERIALS TO CERTAIN INDIVIDUALS.—Section 842 of title 18, United States Code, is amended by striking subsection (d) and inserting the following:

''(d) PROHIBITION OF SALE, DELIVERY, OR TRANSFER OF EXPLOSIVE MATERIALS TO CERTAIN INDIVIDUALS.—It shall be unlawful for any licensee to knowingly sell, deliver, or transfer any explosive materials to any individual who—

''(1) is less than 21 years of age;

''(2) is under indictment for, or has been convicted in any court of, a crime punishable by imprisonment for a term exceeding 1 year;

''(3) is a fugitive from justice;

''(4) is an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));

''(5) has been adjudicated as a mental defective or has been committed to any mental institution;

''(6) being an alien—

''(A) is illegally or unlawfully in the United States; or

''(B) except as provided in section 845(d), has been admitted to the United States under a nonimmigrant visa (as that term is defined in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26));

''(7) has been discharged from the Armed Forces under dishonorable conditions;

''(8) having been a citizen of the United States, has renounced his citizenship;

''(9) is subject to a court order that restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child, except that this paragraph shall only apply to a court order that—

''(A) was issued after a hearing of which such person received actual notice, and at which such person had the opportunity to participate; and

''(B)(i) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; and

''(ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or

''(10) has been convicted in any court of a misdemeanor crime of domestic violence.''.

(b) PROHIBITION ON SHIPPING, TRANSPORTING, POSSESSION, OR RECEIPT OF EXPLOSIVES BY CERTAIN INDIVIDUALS.—Section 842 of title 18, United States Code, is amended by striking subsection (i) and inserting the following:

''(i) PROHIBITION ON SHIPPING, TRANSPORTING, POSSESSION, OR RECEIPT OF EXPLOSIVES BY CERTAIN INDIVIDUALS.—It shall be unlawful for any person to ship or transport in interstate or foreign commerce, or possess, in or affecting commerce, any explosive, or to receive any explosive that has been shipped or transported in interstate or foreign commerce, if that person—

''(1) is less than 21 years of age;

''(2) has been convicted in any court, of a crime punishable by imprisonment for a term exceeding 1 year;

''(3) is a fugitive from justice;

''(4) is an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));

''(5) has been adjudicated as a mental defective or who has been committed to a mental institution;

''(6) being an alien—

''(A) is illegally or unlawfully in the United States; or

''(B) except as provided in section 845(d), has been admitted to the United States under a nonimmigrant visa (as that term is defined in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26));

''(7) has been discharged from the Armed Forces under dishonorable conditions;

''(8) having been a citizen of the United States, has renounced his citizenship; or

''(9) is subject to a court order that—

''(A) was issued after a hearing of which such person received actual notice, and at which such person had an opportunity to participate;

''(B) restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct

that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and

''(C)(i) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; and

''(ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or

''(10) has been convicted in any court of a misdemeanor crime of domestic violence.''.

(c) EXCEPTIONS AND WAIVER FOR CERTAIN INDIVIDUALS.—Section 845 of title 18, United States Code, is amended by adding at the end the following:

''(d) EXCEPTIONS AND WAIVER FOR CERTAIN INDIVIDUALS.—

''(1) DEFINITIONS.—In this subsection—

''(A) the term 'alien' has the same meaning as in section 101(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(3)); and

''(B) the term 'nonimmigrant visa' has the same meaning as in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26)).

''(2) EXCEPTIONS.—Subsections (d)(5)(B) and (i)(5)(B) of section 842 do not apply to any alien who has been lawfully admitted to the United States pursuant to a nonimmigrant visa, if that alien is—

''(A) admitted to the United States for lawful hunting or sporting purposes;

''(B) a foreign military personnel on official assignment to the United States;

''(C) an official of a foreign government or a distinguished foreign visitor who has been so designated by the Department of State; or

''(D) a foreign law enforcement officer of a friendly foreign government entering the United States on official law enforcement business.

''(3) WAIVER.—

''(A) IN GENERAL.—Any individual who has been admitted to the United States under a nonimmigrant visa and who is not described in paragraph (2), may receive a waiver from the applicability of subsection (d)(5)(B) or (i)(5)(B) of section 842, if—

''(i) the individual submits to the Attorney General a petition that meets the requirements of subparagraph (B); and

''(ii) the Attorney General approves the petition.

''(B) PETITIONS.—Each petition under subparagraph (A)(i) shall—

''(i) demonstrate that the petitioner has resided in the United States for a continuous period of not less than 180 days before the date on which the petition is submitted under this paragraph; and

''(ii) include a written statement from the embassy or consulate of the petitioner, authorizing the petitioner to engage in any activity prohibited under subsection (d) or (i) of section 842, as applicable, and certifying that the petitioner would not otherwise be prohibited from engaging in that activity under subsection (d) or (i) of section 842, as applicable.''.

On page 175, line 14, strike ''$1,000,000,000'' and insert ''$1,100,000,000''.

On page 175, strike lines 19 through 22 and insert the following:

''(1) $500,000,000 shall be for programs under sections 1801 and 1803 of part R of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796 et seq.), of which $50,000,000 shall be for programs under section 1803;''.

On page 241, line 15, strike ''applies.''.'' and insert ''applies.''.

On page 241, after line 15, insert the following:

''SEC. 1803. GRANTS TO COURTS FOR STATE JUVENILE JUSTICE SYSTEMS.

''(a) IN GENERAL.—The Attorney General may make grants in accordance with this section to States and units of local government to assist State and local courts with juvenile offender dockets.

''(b) GRANT PURPOSES.—Grants under this section may be used—

''(1) for technology, equipment, and training for judges, probation officers, and other court personnel to implement an accountability-based juvenile justice system that provides substantial and appropriate sanctions that are graduated in such manner as to reflect (for each delinquent act or criminal offense) the severity or repeated nature of that act or offense;

''(2) to hire additional judges, probation officers, other necessary court personnel, victims counselors, and public defenders for juvenile courts or adult courts with juvenile offender dockets, including courts with specialized juvenile drug offense or juvenile firearms offense dockets to reduce juvenile court backlogs, and provide additional services to make more effective systems of graduated sanctions designed to reduce recidivism and deter future crimes or delinquent acts by juvenile offenders.

''(3) to provide funding to enable juvenile courts and juvenile probation officers to address drug, gang, and youth violence problems more effectively; and

''(45) to provide funds to—

(A) effectively supervise and monitor juvenile offenders sentenced to probation or parole; and

(B) enforce conditions of probation and parole imposed on juvenile offenders, including drug testing and payment of restitution.

''(c) APPLICATION.—

''(1) IN GENERAL.—Each State or unit of local government that applies for a grant under this section shall submit an application to the Attorney General, in such form and containing such information as the Attorney General may reasonably require.

''(2) REQUIREMENTS.—In submitting an application for a grant under this part, a State or unit of local government shall provide assurances that the State or unit of local government will—

''(A) give priority to the prosecution of violent juvenile offenders;

''(B) seek to reduce any backlogs in juvenile justice cases and provide additional services to make more effective systems of graduated sanctions designed to reduce recidivism and deter future crimes or delinquent acts by juvenile offenders;

''(C) give adequate consideration to the rights and needs of victims of juvenile offenders; and

''(D) use amounts received under this section to supplement (and not supplant) State and local resources.

''(d) ALLOCATION OF GRANTS.—

''(1) IN GENERAL.—

''(A) ALLOCATION TO STATES.—

''(I) IN GENERAL.—In awarding grants under this part, the Attorney General may award grants provided for a State (including units of local government in that State) an aggregate amount equal to 0.75 percent of the amount made available to the Attorney General by appropriations for this section made pursuant to section 291(b)(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (reduced by amounts reserved under subsection (e)).

''(ii) ADJUSTMENT.—If the Attorney General determines that an insufficient number of applications have been submitted for a State, the Attorney General may adjust the aggregate amount awarded for a State under clause (i).

''(b) REMAINING AMOUNTS.—Of the adjusted amounts available to the Attorney General to carry out the grant program under this section referred to in subparagraph (A) that remain after the Attorney General distributes the amounts specified in that subparagraph (referred to in this subparagraph as the 'remaining amount') the Attorney General may award an additional aggregate amount to each State (including any political subdivision thereof) that (or with respect to which a political subdivision thereof) submits an application that is approved by the Attorney General under this section that bears the same ratio to the remaining amount as the population of juveniles residing in that State bears to the populace of juveniles residing in all States.

''(2) EQUITABLE DISTRIBUTION.—The Attorney General shall ensure that the distribution of grant amounts made available for a State (including units of local government in that State) under this section is made on an equitable geographic basis, to ensure that—

''(A) an equitable amount of available funds are directed to rural areas, including those justifications serving smaller urban and rural communities located along interstate transportation routes that are adversely affected by interstate criminal gang activity, such as illegal drug trafficking; and

''(B) the amount allocated to a State is equitably divided between the State, counties, and other units of government to reflect the relative responsibilities of each such unit of local government.

''(e) ADMINISTRATION; TECHNICAL ASSISTANCE.—

''(1) IN GENERAL.—The Attorney General may reserve for each fiscal year not more than 2 percent of amounts appropriated for this section pursuant to section 291(b)(1) of the Juvenile Justice and Delinquency Prevention Act of 1974—

''(A) for the administration of this section; and

''(B) for the provision of technical assistance to recipients of or applicants for grant awards under this section.

''(2) CARRYOVER PROVISION.—Any amounts reserved for any fiscal year pursuant to paragraph (1) that are not expended during that fiscal year shall remain available until expended, except that any amount reserved under this subsection for the succeeding fiscal year from amounts made available by appropriations shall be reduced by an amount equal to the amount that remains available.

''(f) AVAILABILITY OF FUNDS.—Any grant amounts awarded under this section shall remain available until expended.''.

At the appropriate place, insert the following:

SEC. ___. DISTRICT JUDGES FOR DISTRICTS IN THE STATES OF ARIZONA, FLORIDA, AND NEVADA.

(a) SHORT TITLE.—This section may be cited as the ''Emergency Federal Judgeship Act of 1999''.

(b) IN GENERAL.—The President shall appoint, by and with the advice and consent of the Senate—

(1) 3 additional district judges for the district of Arizona;

(2) 4 additional district judges for the middle district of Florida; and

(3) 2 additional district judges for the district of Nevada.

(c) TABLES.—In order that the table contained in section 133 of title 28, United States Code, will reflect the changes in the total number of permanent district judgeships authorized as a result of subsection (a) of this section—

(1) the item relating to Arizona in such table is amended to read as follows:

''Arizona ..... 11'';

(2) the item relating to Florida in such table is amended to read as follows:

''Florida:

Northern	4
Middle	15
Southern	16'';

and

(3) the item relating to Nevada in such table is amended to read as follows:

''Nevada ..... 6''.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section, including such sums as may be necessary to provide appropriate space and facilities for the judicial positions created by this section.

At the appropriate place, insert the following:

SEC. ___. BEHAVIORAL AND SOCIAL SCIENCE RESEARCH ON YOUTH VIOLENCE.

(a) NIH RESEARCH.—The National Institutes of Health, acting through the Office of Behavioral and Social Sciences Research, shall carry out a coordinated, multi-year course of behavioral and social science research on the causes and prevention of youth violence.

(b) NATURE OF RESEARCH.—Funds made available to the National Institutes of Health pursuant to this section shall be utilized to conduct, support, coordinate, and disseminate basic and applied behavioral and social science research with respect to youth violence, including research on 1 or more of the following subjects:

(1) The etiology of youth violence.

(2) Risk factors for youth violence.

(3) Childhood precursors to antisocial violent behavior.

(4) The role of peer pressure in inciting youth violence.

(5) The processes by which children develop patterns of thought and behavior, including beliefs about the value of human life.

(6) Science-based strategies for preventing youth violence, including school and community-based programs.

(7) Other subjects that the Director of the Office of Behavioral and Social Sciences Research deems appropriate.

(c) ROLE OF THE OFFICE OF BEHAVIORAL AND SOCIAL SCIENCES RESEARCH.—Pursuant to this section and section 404A of the Public Health Service Act (42 U.S.C. 283c), the Director of the Office of Behavioral and Social Sciences Research shall—

(1) coordinate research on youth violence conducted or supported by the agencies of the National Institutes of Health;

(2) identify youth violence research projects that should be conducted or supported by the research institutes, and develop such projects in cooperation with such institutes and in consultation with state and federal law enforcement agencies;

(3) take steps to further cooperation and collaboration between the National Institutes of Health and the Centers for Disease Control and Prevention, the Substance Abuse and Mental Health Services Administration, the agencies of the Department of Justice, and other governmental and nongovernmental agencies with respect to youth violence research conducted or supported by such agencies;

(4) establish a clearinghouse for information about youth violence research conducted by governmental and nongovernmental entities; and

(5) periodically report to Congress on the state of youth violence research and make recommendations to Congress regarding such research.

(d) FUNDING.—There is authorized to be appropriated, $5,000,000 for each of fiscal years 2000 through 2004 to carry out this section. If amount are not separately appropriated to carry out this section, the Director of the National Institutes of Health shall carry out this section using funds appropriated generally to the National Institutes of Health, except that funds expended for under this section shall supplement and not supplant existing funding for behavioral research activities at the National Institutes of Health.

On page 90, strike line 25 and insert the following: properly screened and trained and that—

''(A) the State establish criteria to assess the quality of those one-on-one mentoring projects;

''(B) the Administrator develop an annual report on the best mentoring practices in those projects; and

''(C) the State choose exemplary projects, designated Gold Star Mentoring Projects, to receive preferential access to funding;

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE REGARDING MENTORING PROGRAMS.

(a) FINDINGS.—The Senate finds that—

(1) the well-being of all people of the United States is preserved and enhanced when young people are given the guidance they need to live healthy and productive lives;

(2) adult mentors can play an important role in ensuring that young people become healthy, productive, successful members of society;

(3) at-risk young people with mentors are 46 percent less likely to begin using illegal drugs than at-risk young people without mentors;

(4) at-risk young people with mentors are 27 percent less likely to begin using alcohol than at-risk young people without mentors;

(5) at-risk young people with mentors are 53 percent less likely to skip school than at-risk young people without mentors;

(6) at-risk young people with mentors are 33 percent less likely to hit someone than at-risk young people without mentors;

(7) 73 percent of students with mentors report that their mentors helped raise their goals and expectations; and

(8) there are many employees of the Federal Government who would like to serve as youth or family mentors but are unable to leave their jobs to participate in mentoring programs.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the President should issue an Executive Order allowing all employees of the Federal Government to use a maximum of 1 hour each week of excused absence or administrative leave to serve as mentors in youth or family mentoring programs.

On page 85, line 6, strike ''and'' after the semicolon.

On page 85, line 10, strike the period and insert a semicolon and ''and''.

On page 85, insert between lines 10 and 11 the following:

''(9) provide technical and financial assistance to an organization composed of member representatives of the State advisory groups appointed under section 222(b)(2) to carry out activities under this paragraph, if such an organization agrees to carry out activities that include—

''(A) conducting an annual conference of such member representatives for purposes relating to the activities of such State advisory groups;

''(B) disseminating information, data, standards, advanced techniques, and programs models developed through the Institute and through programs funded under section 261;

''(D) advising the Administrator with respect to particular functions or aspects of the work of the Office; and

On page 110, line 22, insert after the period ''A portion of any allocation of formula grants to a State shall be available to develop a State plan or for other activities associated with such State plan which are necessary for efficient administration, including monitoring, evaluation, and one full-time staff position.''.

On page 129, line 23, strike '', consisting'' and insert ''The State Advisory Group shall consist''.

On page 130, strike lines 15 through 19 and insert the following:

''(i) IN GENERAL.—The State Advisory Group established under subparagraph (A) shall—

''(I) participate in the development and review of the State plan under this section before submission to the supervisory agency for final action; and

''(II) be afforded an opportunity to review and comment, not later than 30 days after the submission to the State Advisory Group, on all juvenile justice and delinquency prevention grant applications submitted to the State agency designated under subsection (a)(1).

On page 131, lines 2, 3, and 4, strike ''shall make available to the State Advisory Group such sums as may be necessary''.

On page 85, line 6, strike ''and'' at the end.

On page 85, line 10, insert the following at the end:

SEC. 204. NATIONAL PROGRAM.

(b) DUTIES OF ADMINISTRATOR—In carrying out this title, the Administrator shall—

(9) provide technical and financial assistance to an eligible organization composed of member representatives of the State advisory groups appointed under section 222(b)(2) to assist such organization to carry out the functions specified under (A).

(A) To be eligible to receive such assistance such organization shall agree to carry out activities that include—

(i) conducting an annual conference of such member representatives for purposes relating to the activities of such State advisory groups; and

(ii) disseminating information, data, standards, advanced techniques, and program models developed through the Institute and through programs funded under section 261.

On page 265, after line 20, add the following:

SEC. 4. FAMILIES AND SCHOOLS TOGETHER PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Office of Juvenile Justice and Delinquency in the Department of Justice.

(2) FAST PROGRAM.—The term ''FAST program'' means a program that addresses the urgent social problems of youth violence and chronic juvenile delinquency by building and enhancing juveniles' relationships with their families, peers, teachers, school staff, and other members of the community by bringing together parents, schools, and communities to help—

(A) at-risk children identified by their teachers to succeed;

(B) enhance the functioning of families with at-risk children;

(C) prevent alcohol and other drug abuse in the family; and

(D) reduce the stress that their families experience from daily life.

(b) AUTHORIZATION.—In consultation with the Attorney General, the Secretary of Education, and the Secretary of the Department of Health and Human Services, the Administrator shall carry out a Family and Schools Together program to promote FAST programs.

(c) REGULATIONS.—Not later than 60 days after the date of enactment of this Act, the Administrator, in consultation with the Attorney General, the Secretary of Education, and the Secretary of the Department of Health and Human Services shall develop

regulations governing the distribution of the funds for FAST programs.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $12,000,000 for the each of fiscal years 2000 through 2004.

(2) ALLOCATION.—Of amounts appropriated under paragraph (1)—

(A) 83.33 percent shall be available for the implementation of local FAST programs; and

(B) 16.67 percent shall be available for research and evaluation of FAST programs.

At the end of the bill, insert the following:

TITLE V—VIOLENT OFFENDER DNA IDENTIFICATION ACT OF 1999

SEC. 501. SHORT TITLE.

This title may be cited as the ''Violent Offender DNA Identification Act of 1999''.

SEC. 502. ELIMINATION OF CONVICTED OFFENDER DNA BACKLOG.

(a) DEVELOPMENT OF PLAN.—

(1) IN GENERAL.—Not later than 45 days after the date of enactment of this Act, the Director of the Federal Bureau of Investigation, in coordination with the Assistant Attorney General of the Office of Justice Programs at the Department of Justice, and after consultation with representatives of State and local forensic laboratories, shall develop a voluntary plan to assist State and local forensic laboratories in performing DNA analyses of DNA samples collected from convicted offenders.

(2) OBJECTIVE.—The objective of the plan developed under paragraph (1) shall be to effectively eliminate the backlog of convicted offender DNA samples awaiting analysis in State or local forensic laboratory storage, including samples that need to be reanalyzed using upgraded methods, in an efficient, expeditious manner that will provide for their entry into the Combined DNA Indexing System (CODIS).

(b) PLAN CONDITIONS.—The plan developed under subsection (a) shall—

(1) require that each laboratory performing DNA analyses satisfy quality assurance standards and utilize state-of-the-art testing methods, as set forth by the Director of the Federal Bureau of Investigation, in coordination with the Assistant Attorney General of the Office of Justice Programs of the Department of Justice; and

(2) require that each DNA sample collected and analyzed be accessible only—

(A) to criminal justice agencies for law enforcement identification purposes;

(B) in judicial proceedings, if otherwise admissible pursuant to applicable statutes or rules;

(C) for criminal defense purposes, to a defendant, who shall have access to samples and analyses performed in connection with the case in which such defendant is charged; or

(D) if personally identifiable information is removed, for a population statistics database, for identification research and protocol development purposes, or for quality control purposes.

(c) IMPLEMENTATION OF PLAN.—Subject to the availability of appropriations under subsection (d), the Director of the Federal Bureau of Investigation, in coordination with the Assistant Attorney General of the Office of Justice Programs at the Department of Justice, shall implement the plan developed pursuant to subsection (a) with State and local forensic laboratories that elect to participate.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Justice to carry out this section $15,000,000 for each of fiscal years 2000 and 2001.

SEC. 503. DNA IDENTIFICATION OF FEDERAL, DISTRICT OF COLUMBIA, AND MILITARY VIOLENT OFFENDERS.

(a) EXPANSION OF DNA IDENTIFICATION INDEX.—Section 811(a)(2) of the Antiterrorism and Effective Death Penalty Act of 1996 (28 U.S.C. 531 note) is amended to read as follows:

''(2) the Director of the Federal Bureau of Investigation shall expand the combined DNA Identification System (CODIS) to include information on DNA identification records and analyses related to criminal offenses and acts of juvenile delinquency under Federal law, the Uniform Code of Military Justice, and the District of Columbia Code, in accordance with section 210304 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14132).''.

(b) INDEX TO FACILITATE LAW ENFORCEMENT EXCHANGE OF DNA IDENTIFICATION INFORMATION.—Section 210304 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14132) is amended—

(1) in subsection (a)(1), by striking ''persons convicted of crimes'' and inserting ''individuals convicted of criminal offenses or adjudicated delinquent for acts of juvenile delinquency, including qualifying offenses (as defined in subsection (d)(1))'';

(2) in subsection (b)(2), by striking '', at regular intervals of not to exceed 180 days,'' and inserting ''semiannual''; and

(3) by adding at the end the following:

''(d) INCLUSION OF DNA INFORMATION RELATING TO VIOLENT OFFENDERS.—

''(1) DEFINITIONS.—In this subsection—

''(A) the term 'crime of violence' has the meaning given such term in section 924(c)(3) of title 18, United States Code; and

''(B) the term 'qualifying offense' means a criminal offense or act of juvenile delinquency included on the list established by the Director of the Federal Bureau of Investigation under paragraph (2)(A)(i).

''(2) REGULATIONS.—

''(A) IN GENERAL.—Not later than 90 days after the date of enactment of this subsection, and at the discretion of the Director thereafter, the Director of the Federal Bureau of Investigation, in consultation with the Director of the Bureau of Prisons, the Director of the Court Services and Offender Supervision Agency for the District of Columbia or the Trustee appointed under section 11232(a) of the Balanced Budget Act of 1997 (as appropriate), and the Chief of Police of the Metropolitan Police Department of the District of Columbia, shall by regulation establish—

''(i) a list of qualifying offenses; and

''(ii) standards and procedures for—

''(I) the analysis of DNA samples collected from individuals convicted of or adjudicated delinquent for a qualifying offense;

''(II) the inclusion in the index established by this section of the DNA identification records and DNA analyses relating to the DNA samples described in subclause (I); and

''(III) with respect to juveniles, the expungement of DNA identification records and DNA analyses described in subclause (II) from the index established by this section in any circumstance in which the underlying adjudication for the qualifying offense has been expunged.

''(B) OFFENSES INCLUDED.—The list established under subparagraph (A)(i) shall include—

''(i) each criminal offense or act of juvenile delinquency under Federal law that—

''(I) constitutes a crime of violence; or

''(II) in the case of an act of juvenile delinquency, would, if committed by an adult, constitute a crime of violence;

''(ii) each criminal offense under the District of Columbia Code that constitutes a crime of violence; and

''(iii) any other felony offense under Federal law or the District of Columbia Code, as determined by the Director of the Federal Bureau of Investigation.

''(3) FEDERAL OFFENDERS.—

''(A) COLLECTION OF SAMPLES FROM FEDERAL PRISONERS.—

''(i) IN GENERAL.—Beginning 180 days after the date of enactment of this subsection, the Director of the Bureau of Prisons shall collect a DNA sample from each individual in the custody of the Bureau of Prisons who, before or after this subsection takes effect, has been convicted of or adjudicated delinquent for a qualifying offense.

''(ii) TIME AND MANNER.—The Director of the Bureau of Prisons shall specify the time and manner of collection of DNA samples under this subparagraph.

''(B) COLLECTION OF SAMPLES FROM FEDERAL OFFENDERS ON SUPERVISED RELEASE, PAROLE, OR PROBATION.—

''(i) IN GENERAL.—Beginning 180 days after the date of enactment of this subsection, the agency responsible for the supervision under Federal law of an individual on supervised release, parole, or probation (other than an individual described in paragraph (4)(B)(i)) shall collect a DNA sample from each individual who has, before or after this subsection takes effect, been convicted of or adjudicated delinquent for a qualifying offense.

''(ii) TIME AND MANNER.—The Director of the Administrative Office of the United States Courts shall specify the time and manner of collection of DNA samples under this subparagraph.

''(4) DISTRICT OF COLUMBIA OFFENDERS.—

''(A) OFFENDERS IN CUSTODY OF DISTRICT OF COLUMBIA.—

''(i) IN GENERAL.—The Government of the District of Columbia may—

''(I) identify 1 or more categories of individuals who are in the custody of, or under supervision by, the District of Columbia, from whom DNA samples should be collected; and

''(II) collect a DNA sample from each individual in any category identified under clause (i).

''(ii) DEFINITION.—In this subparagraph, the term 'individuals in the custody of, or under supervision by, the District of Columbia'—

''(I) includes any individual in the custody of, or under supervision by, any agency of the Government of the District of Columbia; and

''(II) does not include an individual who is under the supervision of the Director of the Court Services and Offender Supervision Agency for the District of Columbia or the Trustee appointed under section 11232(a) of the Balanced Budget Act of 1997.

''(B) OFFENDERS ON SUPERVISED RELEASE, PROBATION, OR PAROLE.—

''(i) IN GENERAL.—Beginning 180 days after the date of enactment of this subsection, the Director of the Court Services and Offender Supervision Agency for the District of Columbia, or the Trustee appointed under section 11232(a) of the Balanced Budget Act of 1997, as appropriate, shall collect a DNA sample from each individual under the supervision of the Agency or Trustee, respectively, who is on supervised release, parole, or probation and who has, before or after this subsection takes effect, been convicted of or adjudicated delinquent for a qualifying offense.

''(ii) TIME AND MANNER.—The Director or the Trustee, as appropriate, shall specify the time and manner of collection of DNA samples under this subparagraph.

''(5) WAIVER; COLLECTION PROCEDURES.—Notwithstanding any other provision of this subsection, a person or agency responsible

for the collection of DNA samples under this subsection may—

''(A) waive the collection of a DNA sample from an individual under this subsection if another person or agency has collected such a sample from the individual under this subsection or subsection (e); and

''(B) use or authorize the use of such means as are necessary to restrain and collect a DNA sample from an individual who refuses to cooperate in the collection of the sample.

''(e) INCLUSION OF DNA INFORMATION RELATING TO VIOLENT MILITARY OFFENDERS.—

''(1) IN GENERAL.—Not later than 120 days after the date of enactment of this subsection, the Secretary of Defense shall prescribe regulations that—

''(A) specify categories of conduct punishable under the Uniform Code of Military Justice (referred to in this subsection as 'qualifying military offenses') that are comparable to qualifying offenses (as defined in subsection (d)(1)); and

''(B) set forth standards and procedures for—

''(i) the analysis of DNA samples collected from individuals convicted of a qualifying military offense; and

''(ii) the inclusion in the index established by this section of the DNA identification records and DNA analyses relating to the DNA samples described in clause (i).

''(2) COLLECTION OF SAMPLES.—

''(A) IN GENERAL.—Beginning 180 days after the date of enactment of this subsection, the Secretary of Defense shall collect a DNA sample from each individual under the jurisdiction of the Secretary of a military department who has, before or after this subsection takes effect, been convicted of a qualifying military offense.

''(B) TIME AND MANNER.—The Secretary of Defense shall specify the time and manner of collection of DNA samples under this paragraph.

''(3) WAIVER; COLLECTION PROCEDURES.—Notwithstanding any other provision of this subsection, the Secretary of Defense may—

''(A) waive the collection of a DNA sample from an individual under this subsection if another person or agency has collected or will collect such a sample from the individual under subsection (d); and

''(B) use or authorize the use of such means as are necessary to restrain and collect a DNA sample from an individual who refuses to cooperate in the collection of the sample.

''(f) CRIMINAL PENALTY.—

''(1) IN GENERAL.—An individual from whom the collection of a DNA sample is required or authorized pursuant to subsection (d) who fails to cooperate in the collection of that sample shall be—

''(A) guilty of a class A misdemeanor; and

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

''(2) MILITARY OFFENDERS.—An individual from whom the collection of a DNA sample is required or authorized pursuant to subsection (e) who fails to cooperate in the collection of that sample may be punished as a court martial may direct as a violation of the Uniform Code of Military Justice.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

''(1) to the Department of Justice to carry out subsection (d) of this section (including to reimburse the Federal judiciary for any reasonable costs incurred in implementing such subsection, as determined by the Attorney General) and section 3(d) of the Violent Offender DNA Identification Act of 1999—

''(A) $6,600,000 for fiscal year 2000; and

''(B) such sums as may be necessary for each of fiscal years 2001 through 2004;

''(2) to the Court Services and Offender Supervision Agency for the District of Columbia or the Trustee appointed under section 11232(a) of the Balanced Budget Act of 1997 (as appropriate), such sums as may be necessary for each of fiscal years 2000 through 2004; and

''(3) to the Department of Defense to carry out subsection (e)—

''(A) $600,000 for fiscal year 2000; and

''(B) $300,000 for each of fiscal years 2001 through 2004.''.

(c) CONDITIONS OF RELEASE.—

(1) CONDITIONS OF PROBATION.—Section 3563(a) of title 18, United States Code, is amended—

(A) in paragraph (7), by striking ''and'' at the end;

(B) in paragraph (8), by striking the period at the end and inserting ''; and''; and

(C) by inserting after paragraph (8) the following:

''(9) that the defendant cooperate in the collection of a DNA sample from the defendant if the collection of such a sample is required or authorized pursuant to section 210304 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14132).''.

(2) CONDITIONS OF SUPERVISED RELEASE.—Section 3583(d) of title 18, United States Code, is amended by inserting before ''The court shall also order'' the following: ''The court shall order, as an explicit condition of supervised release, that the defendant cooperate in the collection of a DNA sample from the defendant, if the collection of such a sample is required or authorized pursuant to section 210304 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14132).''.

(3) CONDITIONS OF RELEASE GENERALLY.—If the collection of a DNA sample from an individual on probation, parole, or supervised release pursuant to a conviction or adjudication of delinquency under the law of any jurisdiction (including an individual on parole pursuant to chapter 311 of title 18, United States Code, as in effect on October 30, 1997) is required or authorized pursuant to section 210304 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14132), and the sample has not otherwise been collected, the individual shall cooperate in the collection of a DNA sample as a condition of that probation, parole, or supervised release.

(d) REPORT AND EVALUATION.—Not later than 1 year after the date of enactment of this Act, the Attorney General, acting through the Assistant Attorney General for the Office of Justice Programs of the Department of Justice and the Director of the Federal Bureau of Investigation, shall—

(1) conduct an evaluation to—

(A) identify criminal offenses, including offenses other than qualifying offenses (as defined in section 210304(d)(1) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14132(d)(1)), as added by this section) that, if serving as a basis for the mandatory collection of a DNA sample under section 210304 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14132) or under State law, are likely to yield DNA matches, and the relative degree of such likelihood with respect to each such offense; and

(B) determine the number of investigations aided (including the number of suspects cleared), and the rates of prosecution and conviction of suspects identified through DNA matching; and

(2) submit to Congress a report describing the results of the evaluation under paragraph (1).

(e) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) DRUG CONTROL AND SYSTEM IMPROVEMENT GRANTS.—Section 503(a)(12)(C) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3753(a)(12)(C)) is amended by striking '', at regular intervals of not to exceed 180 days,'' and inserting ''semiannual''.

(2) DNA IDENTIFICATION GRANTS.—Section 2403(3) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796kk–2(3)) is amended by striking '', at regular intervals not exceeding 180 days,'' and inserting ''semiannual''.

(3) FEDERAL BUREAU OF INVESTIGATION.—Section 210305(a)(1)(A) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14133(a)(1)(A)) is amended by striking '', at regular intervals of not to exceed 180 days,'' and inserting ''semiannual''.

At the appropriate place, insert the following:

SEC. ____. AMENDMENTS RELATING TO VIOLENT CRIME IN INDIAN COUNTRY AND AREAS OF EXCLUSIVE FEDERAL JURISDICTION.

(a) ASSAULTS WITH MARITIME AND TERRITORIAL JURISDICTION.—Section 113(a)(3) of title 18, United States Code, is amended by striking ''with intent to do bodily harm, and''.

(b) OFFENSES COMMITTED WITHIN INDIAN COUNTRY.—Section 1153 of title 18, United States Code, is amended—

(1) in subsection (a), by inserting ''an offense for which the maximum statutory term of imprisonment under section 1363 is greater than 5 years,'' after ''a felony under chapter 109A,''; and

(2) by adding at the end the following:

''(c) Nothing in this section shall limit the inherent power of an Indian tribe to exercise criminal jurisdiction over any Indian with respect to any offense committed within Indian country, subject to the limitations on punishment under section 202(7) of the Civil Rights Act of 1968 (25 U.S.C. 1302(7)).''.

(c) RACKETEERING ACTIVITY.—Section 1961(1)(A) of title 18, United States Code, is amended by inserting ''(or would have been so chargeable except that the act or threat was committed in Indian country, as defined in section 1151, or in any other area of exclusive Federal jurisdiction)'' after ''chargeable under State law''.

(d) MANSLAUGHTER WITHIN THE SPECIAL MARITIME AND TERRITORIAL JURISDICTION OF THE UNITED STATES.—Section 1112(b) of title 18, United States Code, is amended by striking ''ten years'' and inserting ''20 years''.

(e) EMBEZZLEMENT AND THEFT FROM INDIAN TRIBAL ORGANIZATIONS.—The second undesignated paragraph of section 1163 of title 18, United States Code, is amended by striking ''so embezzled,'' and inserting ''embezzled,''.

On page 129, strike lines 5 and 6, and insert the following: ''ernment or combination thereof;

''(24) provide for the establishment of youth tribunals and peer 'juries' in school districts in the State to promote zero tolerance policies with respect to misdemeanor offenses, acts of juvenile delinquency, and other antisocial behavior occurring on school grounds, including truancy, vandalism, underage drinking, and underage tobacco use; and

At the end of title IV add the following new subtitle:

Subtitle C—National Youth Violence Commission

SEC. 431. SHORT TITLE.

This subtitle may be cited as the ''National Youth Violence Commission Act''.

SEC. 432. NATIONAL YOUTH VIOLENCE COMMISSION.

(a) ESTABLISHMENT OF COMMISSION.—There is established a commission to be known as the National Youth Violence Commission (hereinafter referred to in this subtitle as the ''Commission''). The Commission shall—

(1) be composed of 16 members appointed in accordance with subsection (b); and

(2) conduct its business in accordance with the provisions of this subtitle.

(b) MEMBERSHIP.—

(1) PERSONS ELIGIBLE.—Except for those members who hold the offices described under paragraph (2)(A), and those members appointed under paragraph (2) (C)(ii) and (D)(iv), the members of the Commission shall be individuals who have expertise, by both experience and training, in matters to be studied by the Commission under section 433. The members of the Commission shall be well-known and respected among their peers in their respective fields of expertise.

(2) APPOINTMENTS.—The members of the Commission shall be appointed for the life of the Commission as follows:

(A) Four shall be appointed by the President of the United States, including—

(i) the Surgeon General of the United States;

(ii) the Attorney General of the United States;

(iii) the Secretary of the Department of Health and Human Services; and

(iv) the Secretary of the Department of Education.

(B) Four shall be appointed by the Speaker of the House of Representatives, including—

(i) 1 member who meets the criteria for eligibility in paragraph (1) in the field of law enforcement or crime enforcement;

(ii) 1 member who meets the criteria for eligibility in paragraph (1) in the field of school administration, teaching, or counseling;

(iii) 1 member who meets the criteria for eligibility in paragraph (1) in the field of parenting and family studies; and

(iv) 1 member who meets the criteria for eligibility in paragraph (1) in the field of child or adolescent psychology.

(C) Two shall be appointed by the Minority Leader of the House of Representatives, including—

(i) 1 member who meets the criteria for eligibility in paragraph (1) in the field of law enforcement or crime enforcement; and

(ii) 1 member who is a recognized religious leader.

(D) Four shall be appointed by the Majority Leader of the Senate, including—

(i) 1 member who meets the criteria for eligibility in paragraph (1) in the field of law enforcement or crime enforcement;

(ii) 1 member who meets the criteria for eligibility in paragraph (1) in the field of school administration, teaching, or counseling;

(iii) 1 member who meets the criteria for eligibility in paragraph (1) in the social sciences; and

(iv) 1 member who is a recognized religious leader.

(E) Two shall be appointed by the Minority Leader of the Senate, including—

(i) 1 member who meets the criteria for eligibility in paragraph (1) in the field of school administration, teaching, or counseling; and

(ii) 1 member who meets the criteria for eligibility in paragraph (1) in the field of parenting and family studies.

(3) COMPLETION OF APPOINTMENTS; VACANCIES.—Not later than 30 days after the date of enactment of this Act, the appointing authorities under paragraph (2) shall each make their respective appointments. Any vacancy that occurs during the life of the Commission shall not affect the powers of the Commission, and shall be filled in the same manner as the original appointment not later than 30 days after the vacancy occurs.

(4) OPERATION OF THE COMMISSION.—

(A) CHAIRMANSHIP.—The appointing authorities under paragraph (2) shall jointly designate 1 member as the Chairman of the Commission. In the event of a disagreement among the appointing authorities, the Chairman shall be determined by a majority vote of the appointing authorities. The determination of which member shall be Chairman shall be made not later than 15 days after the appointment of the last member of the Commission, but in no case later than 45 days after the date of enactment of this Act.

(B) MEETINGS.—The Commission shall meet at the call of the Chairman. The initial meeting of the Commission shall be conducted not later than 30 days after the later of—

(i) the date of the appointment of the last member of the Commission; or

(ii) the date on which appropriated funds are available for the Commission.

(C) QUORUM; VOTING; RULES.—A majority of the members of the Commission shall constitute a quorum to conduct business, but the Commission may establish a lesser quorum for conducting hearings scheduled by the Commission. Each member of the Commission shall have 1 vote, and the vote of each member shall be accorded the same weight. The Commission may establish by majority vote any other rules for the conduct of the Commission's business, if such rules are not inconsistent with this subtitle or other applicable law.

SEC. 433. DUTIES OF THE COMMISSION.

(a) STUDY.—

(1) IN GENERAL.—It shall be the duty of the Commission to conduct a comprehensive factual study of incidents of youth violence to determine the root causes of such violence.

(2) MATTERS TO BE STUDIED.—In determining the root causes of incidents of youth violence, the Commission shall study any matter that the Commission determines relevant to meeting the requirements of paragraph (1), including at a minimum—

(A) the level of involvement and awareness of teachers and school administrators in the lives of their students and any impact of such involvement and awareness on incidents of youth violence;

(B) trends in family relationships, the level of involvement and awareness of parents in the lives of their children, and any impact of such relationships, involvement, and awareness on incidents of youth violence;

(C) the alienation of youth from their schools, families, and peer groups, and any impact of such alienation on incidents of youth violence;

(D) the availability of firearms to youth, including any illegal means by which youth acquire such firearms, and any impact of such availability on incidents of youth violence;

(E) any impact upon incidents of youth violence of the failure to execute existing laws designed to restrict youth access to certain firearms and the illegal purchase, possession, or transfer of certain firearms;

(F) the effect upon youth of depictions of violence in the media and any impact of such depictions on incidents of youth violence; and

(G) the availability to youth of information regarding the construction of weapons, including explosive devices, and any impact of such information on incidents of youth violence.

(3) TESTIMONY OF PARENTS AND STUDENTS.—In determining the root causes of incidents of youth violence, the Commission shall, pursuant to section 434(a), take the testimony of parents and students to learn and memorialize their views and experiences regarding incidents of youth violence.

(b) RECOMMENDATIONS.—Based on the findings of the study required under subsection (a), the Commission shall make recommendations to the President and Congress to address the causes of youth violence and reduce incidents of youth violence. If the Surgeon General issues any report on media and violence, the Commission shall consider the findings and conclusions of such report in making recommendations under this subsection.

(c) REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date on which the Commission first meets, the Commission shall submit to the President and Congress a comprehensive report of the Commission's findings and conclusions, together with the recommendations of the Commission.

(2) SUMMARIES.—The report under this subsection shall include a summary of—

(A) the reports submitted to the Commission by any entity under contract for research under section 434(e); and

(B) any other material relied on by the Commission in the preparation of the Commission's report.

SEC. 434. POWERS OF THE COMMISSION.

(a) HEARINGS.—

(1) IN GENERAL.—The Commission may hold such hearings, sit and act at such times and places, administer such oaths, take such testimony, and receive such evidence as the Commission considers advisable to carry out its duties under section 433.

(2) WITNESS EXPENSES.—Witnesses requested to appear before the Commission shall be paid the same fees as are paid to witnesses under section 1821 of title 28, United States Code.

(b) SUBPOENAS.—

(1) IN GENERAL.—If a person fails to supply information requested by the Commission, the Commission may by majority vote request the Attorney General of the United States to require by subpoena the production of any written or recorded information, document, report, answer, record, account, paper, computer file, or other data or documentary evidence necessary to carry out the Commission's duties under section 433. The Commission shall transmit to the Attorney General a confidential, written request for the issuance of any such subpoena. The Attorney General shall issue the requested subpoena if the request is reasonable and consistent with the Commission's duties under section 433. A subpoena under this paragraph may require the production of materials from any place within the United States.

(2) INTERROGATORIES.—The Commission may, with respect only to information necessary to understand any materials obtained through a subpoena under paragraph (1), request the Attorney General to issue a subpoena requiring the person producing such materials to answer, either through a sworn deposition or through written answers provided under oath (at the election of the person upon whom the subpoena is served), to interrogatories from the Commission regarding such information. The Attorney General shall issue the requested subpoena if the request is reasonable and consistent with the Commission's duties under section 433. A complete recording or transcription shall be made of any deposition made under this paragraph.

(3) CERTIFICATION.—Each person who submits materials or information to the Attorney General pursuant to a subpoena issued under paragraph (1) or (2) shall certify to the Attorney General the authenticity and completeness of all materials or information submitted. The provisions of section 1001 of title 18, United States Code, shall apply to any false statements made with respect to the certification required under this paragraph.

(4) TREATMENT OF SUBPOENAS.—Any subpoena issued by the Attorney General under paragraph (1) or (2) shall comply with the requirements for subpoenas issued by a United

States district court under the Federal Rules of Civil Procedure.

(5) FAILURE TO OBEY A SUBPOENA.—If a person refuses to obey a subpoena issued by the Attorney General under paragraph (1) or (2), the Attorney General may apply to a United States district court for an order requiring that person to comply with such subpoena. The application may be made within the judicial district in which that person is found, resides, or transacts business. Any failure to obey the order of the court may be punished by the court as civil contempt.

(c) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out its duties under section 433. Upon the request of the Commission, the head of such department or agency may furnish such information to the Commission.

(d) INFORMATION TO BE KEPT CONFIDENTIAL.—

(1) IN GENERAL.—The Commission shall be considered an agency of the Federal Government for purposes of section 1905 of title 18, United States Code, and any individual employed by any individual or entity under contract with the Commission under subsection (e) shall be considered an employee of the Commission for the purposes of section 1905 of title 18, United States Code.

(2) DISCLOSURE.—Information obtained by the Commission or the Attorney General under this Act and shared with the Commission, other than information available to the public, shall not be disclosed to any person in any manner, except—

(A) to Commission employees or employees of any individual or entity under contract to the Commission under subsection (e) for the purpose of receiving, reviewing, or processing such information;

(B) upon court order; or

(C) when publicly released by the Commission in an aggregate or summary form that does not directly or indirectly disclose—

(i) the identity of any person or business entity; or

(ii) any information which could not be released under section 1905 of title 18, United States Code.

(e) CONTRACTING FOR RESEARCH.—The Commission may enter into contracts with any entity for research necessary to carry out the Commission's duties under section 433.

SEC. 435. COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of service for the Commission.

(c) STAFF.—

(1) IN GENERAL.—The Chairman of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment and termination of an executive director shall be subject to confirmation by a majority of the members of the Commission.

(2) COMPENSATION.—The executive director shall be compensated at a rate not to exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code. The Chairman may fix the compensation of other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for such personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(3) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee, with the approval of the head of the appropriate Federal agency, may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status, benefits, or privilege.

(d) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals not to exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

SEC. 436. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Commission and any agency of the Federal Government assisting the Commission in carrying out its duties under this subtitle such sums as may be necessary to carry out the purposes of this subtitle. Any sums appropriated shall remain available, without fiscal year limitation, until expended.

SEC. 437. TERMINATION OF THE COMMISSION.

The Commission shall terminate 30 days after the Commission submits the report under section 433(c).

On page 134, strike lines 9 through 12.

On page 134, line 13, strike ''(2)'' and insert ''(1)''.

On page 134, line 16, add ''and'' at the end;

On page 134, line 17, strike ''(3)'' and insert ''(2)''.

On page 134, strike line 20 and all that follows through page 135, line 7, and insert ''linquency.''.

On page 138, strike lines 2 through 4, and insert the following:

''The Administrator, in consultation with the Director, shall—

On page 138, line 9, strike ''data and''.

On page 138, after line 23, add the following:

''SEC. 242A. STATISTICAL ANALYSIS.

''The Administrator, under the supervision of the Assistant Attorney General for the Office of Justice Programs, and in consultation with the Director, may—

''(1) transfer funds to and enter into agreements with the Bureau of Justice Statistics or, subject to the approval of the Assistant Attorney General for the Office of Justice Programs, to another Federal agency authorized by law to undertake statistical work in juvenile justice matters, for the purpose of providing for the collection, analysis, and dissemination of statistical data and information relating to juvenile crime, the juvenile justice system, and youth violence, and for other purposes, consistent with the Violent and Repeat Juvenile Offender Accountability Act of 1999; and

''(2) plan and identify, in consultation with the Director of the Bureau of Justice Statistics, the purposes and goals of each grant made or contract or other agreement entered into under this title.

On page 143, strike lines 19 through 21, and insert the following:

''The Administrator may—

On page 145, lines 3 and 4, strike ''within the National Institute for Crime Control and Delinquency Prevention''.

On page 219, between lines 23 and 24, insert the following:

(6) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to affect the authority under section 242A or 243 of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended by this Act.

On page 90, strike lines 3 through 7, and insert the following:

''(3) projects that provide support and treatment to—

''(A) juveniles who are at risk of delinquency because they are the victims of child abuse or neglect; and

''(B) juvenile offenders who are victims of child abuse or neglect and to their families, in order to reduce the likelihood that such juvenile offenders will commit subsequent violations of law;

On page 108, strike lines 17 through 24, and insert the following:

''(b) RESERVATION OF FUNDS.—Notwithstanding any other provision of law, from the amounts allocated under section 291 to carry out section 205 and part B in each fiscal year—

''(1) the Administrator shall reserve an amount equal to the amount which all Indian tribes that qualify for a grant under section 206 would collectively be entitled, if such tribes were collectively treated as a State for purposes of subsection (a); and

''(2) the Administrator shall reserve 5 percent to make grants to States under section 208.

On page 109, between lines 9 and 10, insert the following:

''SEC. 208. CONFIDENTIAL REPORTING OF INDIVIDUALS SUSPECTED OF IMMINENT SCHOOL VIOLENCE.

''(a) IN GENERAL.—Grants under this section shall be known as 'CRISIS Grants'.

''(b) AUTHORITY TO MAKE GRANTS.—From the amounts reserved by the Administrator under section 207(b)(2), the Administrator shall make a grant to each State in an amount determined under subsection (d), for use in accordance with subsection (c).

''(c) USE OF GRANT AMOUNTS.—Amounts made available to a State under a grant under this section may be used by the State—

''(1) to support the independent State development and operation of confidential, toll-free telephone hotlines that will operate 7 days per week, 24 hours per day, in order to provide students, school officials, and other individuals with the opportunity to report specific threats of imminent school violence or to report other suspicious or criminal conduct by juveniles to appropriate State and local law enforcement entities for investigation;

''(2) to ensure proper State training of personnel who answer and respond to telephone calls to hotlines described in paragraph (1);

''(3) to assist in the acquisition of technology necessary to enhance the effectiveness of hotlines described in paragraph (1), including the utilization of Internet webpages or resources;

''(4) to enhance State efforts to offer appropriate counseling services to individuals who call a hotline described in paragraph (1) threatening to do harm to themselves or others; and

''(5) to further State efforts to publicize the services offered by the hotlines described in paragraph (1) and to encourage individuals to utilize those services.

''(d) ALLOCATION TO STATES.—The total amount reserved to carry out this section in each fiscal year shall be allocated to each State based on the proportion of the population of the State that is less than 18 years of age.''.

On page 265, after line 20, insert the following:

SEC. ___. FEDERAL JUDICIARY PROTECTION ACT OF 1999.

(a) SHORT TITLE.—This section may be cited as the ''Federal Judiciary Protection Act of 1999''.

(b) ASSAULTING, RESISTING, OR IMPEDING CERTAIN OFFICERS OR EMPLOYEES.—Section 111 of title 18, United States Code, is amended—

(1) in subsection (a), by striking ''three'' and inserting ''8''; and

(2) in subsection (b), by striking ''ten'' and inserting ''20''.

(c) INFLUENCING, IMPEDING, OR RETALIATING AGAINST A FEDERAL OFFICIAL BY THREATENING OR INJURING A FAMILY MEMBER.—Section 115(b)(4) of title 18, United States Code, is amended—

(1) by striking ''five'' and inserting ''10''; and

(2) by striking ''three'' and inserting ''6''.

(d) MAILING THREATENING COMMUNICATIONS.—Section 876 of title 18, United States Code, is amended—

(1) by designating the first 4 undesignated paragraphs as subsections (a) through (d), respectively;

(2) in subsection (c), as so designated, by adding at the end the following: ''If such a communication is addressed to a United States judge, a Federal law enforcement officer, or an official who is covered by section 1114, the individual shall be fined under this title, imprisoned not more than 10 years, or both.''; and

(3) in subsection (d), as so designated, by adding at the end the following: ''If such a communication is addressed to a United States judge, a Federal law enforcement officer, or an official who is covered by section 1114, the individual shall be fined under this title, imprisoned not more than 10 years, or both.''.

(e) AMENDMENT OF THE SENTENCING GUIDELINES FOR ASSAULTS AND THREATS AGAINST FEDERAL JUDGES AND CERTAIN OTHER FEDERAL OFFICIALS AND EMPLOYEES.—

(1) IN GENERAL.—Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall review and amend the Federal sentencing guidelines and the policy statements of the Commission, if appropriate, to provide an appropriate sentencing enhancement for offenses involving influencing, assaulting, resisting, impeding, retaliating against, or threatening a Federal judge, magistrate judge, or any other official described in section 111 or 115 of title 18, United States Code.

(2) FACTORS FOR CONSIDERATION.—In carrying out this section, the United States Sentencing Commission shall consider, with respect to each offense described in paragraph (1)—

(A) any expression of congressional intent regarding the appropriate penalties for the offense;

(B) the range of conduct covered by the offense;

(C) the existing sentences for the offense;

(D) the extent to which sentencing enhancements within the Federal sentencing guidelines and the court's authority to impose a sentence in excess of the applicable guideline range are adequate to ensure punishment at or near the maximum penalty for the most egregious conduct covered by the offense;

(E) the extent to which Federal sentencing guideline sentences for the offense have been constrained by statutory maximum penalties;

(F) the extent to which Federal sentencing guidelines for the offense adequately achieve the purposes of sentencing as set forth in section 3553(a)(2) of title 18, United States Code;

(G) the relationship of Federal sentencing guidelines for the offense to the Federal sentencing guidelines for other offenses of comparable seriousness; and

(H) any other factors that the Commission considers to be appropriate.

At the appropriate place insert the following new section:

''SEC. . LOCAL ENFORCEMENT OF LOCAL ALCOHOL PROHIBITIONS THAT REDUCE JUVENILE CRIME IN REMOTE ALASKA VILLAGES.

(a) CONGRESSIONAL FINDING.—The Congress finds the following:

(1) Villages in remote areas of Alaska lack local law enforcement due to the absence of a tax base to support such services and to small populations that do not secure sufficient funds under existing state and federal grant program formulas.

(2) State troopers are often unable to respond to reports of violence in remote villages if there is inclimate weather, and often only respond in reported felony cases.

(3) Studies conclude that alcohol consumption is strongly linked to the commission of violent crimes in remote Alaska villages and that youth are particularly susceptible to developing chronic criminal behaviors associated with alcohol in the absence of early intervention.

(4) Many remote villages have sought to limit the introduction of alcohol into their communities as a means of early intervention and to reduce criminal conduct among juveniles.

(5) In many remote villages, there is no person with the authority to enforce these local alcohol restrictions in a manner consistent with juridical standards of due process required under the state and federal constitutions.

(6) Remote Alaska villages are experiencing a marked increase in births and the number of juveniles residing in villages is expected to increase dramatically in the next five years.

(7) Adoption of alcohol prohibitions by voters in remote villages represents a community-based effort to reduce juvenile crime, but this local policy choice requires local law enforcement to be effective.

(b) GRANT OF FEDERAL FUNDS.

(1) The Attorney General is authorized to provide to the State of Alaska funds for state law enforcement, judicial infrastructure and other costs necessary in remote villages to implement the prohibitions on the sale, importation and possession of alcohol adopted pursuant to state local option statues.

(2) Funds provided to the State of Alaska under this section shall be in addition to and shall not disqualify the State, local governments, or Indian tribes (as that term is defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (P.L. 93-638, as amended; 25 U.S.C. 450b(e) (1998)) from federal funds available under other authority.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this section

(A) $15,000,000 for fiscal year 2000

(B) $17,000,000 for fiscal year 2001

(C) $18,000,000 for fiscal year 2002

(2) SOURCE OF SUMS.—Amounts authorized to be appropriated under this subsection may be derived from the Violent Crime Reduction Trust Fund.''

At page 107, strike liens 11 through 14.

At page 168, line 7 after the comma insert ''elders in Alaska Native villages,''

At the appropriate place insert the following new section:

''SEC. . RULE OF CONSTRUCTION—Nothing in this Act may be construed to create, expand or diminish or in any way affect the jurisdiction of an Indian tribe in the State of Alaska.''

At the appropriate place, insert the following:

SEC. ___. BOUNTY HUNTER ACCOUNTABILITY AND QUALITY ASSISTANCE.

(a) FINDINGS.—Congress finds that—

(1) bounty hunters, also known as bail enforcement officers or recovery agents, provide law enforcement officers and the courts with valuable assistance in recovering fugitives from justice;

(2) regardless of the differences in their duties, skills, and responsibilities, the public has had difficulty in discerning the difference between law enforcement officers and bounty hunters;

(3) the availability of bail as an alternative to the pretrial detention or unsecured release of criminal defendants is important to the effective functioning of the criminal justice system;

(4) the safe and timely return to custody of fugitives who violate bail contracts is an important matter of public safety, as is the return of any other fugitive from justice;

(5) bail bond agents are widely regulated by the States, whereas bounty hunters are largely unregulated;

(6) the public safety requires the employment of qualified, well-trained bounty hunters; and

(7) in the course of their duties, bounty hunters often move in and affect interstate commerce.

(b) DEFINITIONS.—In this section—

(1) the term ''bail bond agent'' means any retail seller of a bond to secure the release of a criminal defendant pending judicial proceedings, unless such person also is self-employed to obtain the recovery of any fugitive from justice who has been released on bail;

(2) the term ''bounty hunter''—

(A) means any person whose services are engaged, either as an independent contractor or as an employee of a bounty hunter employer, to obtain the recovery of any fugitive from justice who has been released on bail; and

(B) does not include any—

(i) law enforcement officer acting under color of law;

(ii) attorney, accountant, or other professional licensed under applicable State law;

(iii) employee whose duties are primarily internal audit or credit functions;

(iv) person while engaged in the performance of official duties as a member of the Armed Forces on active duty (as defined in section 101(d)(1) of title 10, United States Code); or

(v) bail bond agent;

(3) the term ''bounty hunter employer''—

(A) means any person that—

(i) employs 1 or more bounty hunters; or

(ii) provides, as an independent contractor, for consideration, the services of 1 or more bounty hunters (which may include the services of that person); and

(B) does not include any bail bond agent; and

(4) the term ''law enforcement officer'' means a public officer or employee authorized under applicable Federal or State law to conduct or engage in the prevention, investigation, prosecution, or adjudication of criminal offenses, including any public officer or employee engaged in corrections, parole, or probation functions, or the recovery of any fugitive from justice.

(c) MODEL GUIDELINES.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Attorney General shall develop model guidelines for the State control and regulation of persons employed or applying for employment as bounty hunters. In developing such guidelines, the Attorney General shall consult with organizations representing—

(A) State and local law enforcement officers;

(B) State and local prosecutors;

(C) the criminal defense bar;

(D) bail bond agents;

(E) bounty hunters; and

(F) corporate sureties.

(2) RECOMMENDATIONS.—The guidelines developed under paragraph (1) shall include recommendations of the Attorney General regarding whether—

(A) a person seeking employment as a bounty hunter should—

(i) be required to submit to a fingerprint-based criminal background check prior to entering into the performance of duties pursuant to employment as a bounty hunter; or

(ii) not be allowed to obtain such employment if that person has been convicted of a felony offense under Federal or State law;

(B) bounty hunters and bounty hunter employers should be required to obtain adequate liability insurance for actions taken in the course of performing duties pursuant to employment as a bounty hunter; and

(C) State laws should provide—

(i) for the prohibition on bounty hunters entering any private dwelling, unless the bounty hunter first knocks on the front door and announces the presence of 1 or more bounty hunters; and

(ii) the official recognition of bounty hunters from other States.

(3) EFFECT ON BAIL.—The guidelines published under paragraph (1) shall include an analysis of the estimated effect, if any, of the adoption of the guidelines by the States on—

(A) the cost and availability of bail; and

(B) the bail bond agent industry.

(4) NO REGULATORY AUTHORITY.—Nothing in this subsection may be construed to authorize the promulgation of any Federal regulation relating to bounty hunters, bounty hunter employers, or bail bond agents.

(5) PUBLICATION OF GUIDELINES.—The Attorney General shall publish model guidelines developed pursuant to paragraph (1) in the Federal Register.

At the appropriate place, insert the following:

SEC. ____. ASSISTANCE FOR UNINCORPORATED NEIGHBORHOOD WATCH PROGRAMS.

(a) IN GENERAL.—Section 1701(d) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(d)) is amended—

(1) in paragraph (10), by striking ''and'' at the end;

(2) in paragraph (11), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(12) provide assistance to unincorporated neighborhood watch organizations approved by the appropriate local police or sheriff's department, in an amount equal to not more than $1950 per organization, for the purchase of citizen band radios, street signs, magnetic signs, flashlights, and other equipment relating to neighborhood watch patrols.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a)(11) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(11)) is amended—

(1) in subparagraph (A), by striking clause (vi) and inserting the following:

''(vi) $282,625,000 for fiscal year 2000.''; and

(2) in subparagraph (B) by inserting after ''(B)'' the following: ''Of amounts made available to carry out part Q in each fiscal year $14,625,000 shall be used to carry out section 1701(d)(12).''.

On page 227, line 11, strike ''and'' at the end.

On page 227, line 19, strike the period at the end and insert ''; and''.

On page 227, between lines 19 and 20, insert the following:

''(12) for programs for—

''(A) providing cross-training, jointly with the public mental health system, for State juvenile court judges, public defenders, and mental health and substance abuse agency representatives with respect to the appropriate use of effective, community-based alternatives to juvenile justice or mental health system institutional placements; or

''(B) providing training for State juvenile probation officers and community mental health and substance abuse program representatives on appropriate linkages between probation programs and mental health community programs, specifically focusing on the identification of mental disorders and substance abuse addiction in juveniles on probation, effective treatment interventions for those disorders, and making appropriate contact with mental health and substance abuse case managers and programs in the community, in order to ensure that juveniles on probation receive appropriate access to mental health and substance abuse treatment programs and services.

On page 89, line 18, strike ''or'' at the end.

On page 89, line 21, add ''or'' at the end.

On page 89, between lines 21 and 22, insert the following:

''(H) to provide services to juveniles with serious mental and emotional disturbances (SED) who are in need of mental health services;

On page 90, between lines 7 and 8, insert the following:

''(4) projects that support State and local programs to prevent juvenile delinquency by providing for—

''(A) assessments by qualified mental health professionals of incarcerated juveniles who are suspected of being in need of mental health services;

''(B) the development of individualized treatment plans for juveniles determined to be in need of mental health services pursuant to assessments under subparagraph (A);

''(C) the inclusion of discharge plans for incarcerated juveniles determined to be in need of mental health services; and

''(D) requirements that all juveniles receiving psychotropic medication be under the care of a licensed mental health professional;

On page 90, line 8, strike ''(4)'' and insert ''(5)''.

On page 90, line 17, strike ''(5)'' and insert ''(6)''.

On page 91, line 1, strike ''(6)'' and insert ''(7)''.

On page 91, line 11, strike ''(7)'' and insert ''(8)''.

On page 91, line 17, strike ''(8)'' and insert ''(9)''.

On page 91, line 22, strike ''(9)'' and insert ''(10)''.

On page 92, line 6, strike ''(10)'' and insert ''(11)''.

On page 92, line 16, strike ''(11)'' and insert ''(12)''.

On page 92, line 24, strike ''(12)'' and insert ''(13)''.

On page 93, line 5, strike ''(13)'' and insert ''(14)''.

On page 93, line 13, strike ''(14)'' and insert ''(15)''.

On page 93, line 17, strike ''(15)'' and insert ''(16)''.

On page 93, line 20, strike ''(16)'' and insert ''(17)''.

To reduce violent juvenile crime, promote accountability by and rehabilitation of juvenile criminals, punish and deter violent gang crime, and for other purposes.

On page 89, strike line 22 and all that follows through page 90, line 2.

On page 90, line 3, strike ''(3)'' and insert ''(2)''.

On page 90, strike lines 8 through 16.

On page 90, line 17, strike ''(5)'' and insert ''(3)''.

On page 91, line 1, strike ''(6)'' and insert ''(4)''.

On page 91, line 11, strike ''(7)'' and insert ''(5)''.

On page 91, line 17, strike ''(8)'' and insert ''(6)''.

On page 91, strike line 22 and all that follows through page 92, line 5.

On page 92, line 6, strike ''(10)'' and insert ''(7)''.

On page 92, line 16, strike ''(11)'' and insert ''(8)''.

On page 92, line 24, strike ''(12)'' and insert ''(9)''.

On page 93, line 5, strike ''(13)'' and insert ''(10)''.

On page 93, line 13, strike ''(14)'' and insert ''(11)''.

On page 93, line 17, strike ''(15)'' and insert ''(12)''.

On page 93, line 19, strike ''and''.

On page 93, line 20, strike ''(16)'' and insert ''(13)''.

On page 93, line 21, strike the period and insert a semicolon.

On page 93, between lines 21 and 22, insert the following:

''(14) projects that use neighborhood courts or panels that increase victim satisfaction and require juveniles to make restitution, or perform community service, for the damage caused by their delinquent acts;

''(15) programs designed and operated to provide eligible offenders with an alternative to adjudication that emphasizes restorative justice;

''(16) projects that expand the use of probation officers—

''(A) particularly for the purpose of permitting nonviolent juvenile offenders, including status offenders, to remain at home with their families as an alternative to detention; and

''(B) to ensure that juveniles follow the terms of their probation; and

''(17) projects that provide for initial intake screening, which may include drug testing, of each juvenile taken into custody—

''(A) to determine the likelihood that such juvenile will commit a subsequent offense; and

''(B) to provide appropriate interventions to prevent such juvenile from committing subsequent offenses.

On page 96, strike lines 9 and 10, and insert the following:

''(G) An assurance that of the grant funds remaining after administrative costs are deducted consistent with subparagraph (A)—

''(i) not less than 80 percent shall be used for the purposes designated in paragraphs (1) through (13) of subsection (a); and

''(ii) not less than 20 percent shall be used for the purposes in paragraphs (14) through (17) of subsection (a).

''(H) Such other information as the Ad-

* * *

At the appropriate place, insert the following:

SEC. ____. FINDINGS AND SENSE OF CONGRESS.

(a) FINDINGS.—Congress makes the following findings—

(1) The Nation's highest priority should be to ensure that children begin school ready to learn.

(2) New scientific research shows that the electrical activity of brain cells actually

changes the physical structure of the brain itself and that without a stimulating environment, a baby's brain will suffer. At birth, a baby's brain contains 100,000,000,000 neurons, roughly as many nerve cells as there are stars in the Milky Way, but the wiring pattern between these neurons develops over time. Children who play very little or are rarely touched develop brains that are 20 to 30 percent smaller than normal for their age.

(3) This scientific research also conclusively demonstrates that enhancing children's physical, social, emotional, and intellectual development will result in tremendous benefits for children, families, and the Nation.

(4) Since more than 50 percent of the mothers of children under the age of 3 now work outside of the home, society must change to provide new supports so young children receive the attention and care that they need.

(5) There are 12,000,000 children under the age of 3 in the United States today and 1 in 4 lives in poverty.

(6) Compared with most other industrialized countries, the United States has a higher infant mortality rate, a higher proportion of low-birth weight babies, and a smaller proportion of babies immunized against childhood diseases.

(7) National and local studies have found a strong link between—

(A) lack of early intervention for children; and

(B) increased violence and crime among youth.

(8) The United States will spend more than $35,000,000,000 over the next 5 years on Federal programs for at-risk or delinquent youth and child welfare programs, which address crisis situations that frequently could have been avoided or made much less severe through good early intervention for children.

(9) Many local communities across the country have developed successful early childhood efforts and with additional resources could expand and enhance opportunities for young children.

(b) SENSE OF CONGRESS.—It is the sense of Congress that Federal funding for early childhood development collaboratives should be a priority in the Federal budget for fiscal year 2000 and subsequent fiscal years.

At the end of title IV, add the following:

Subtitle ____—Safe School Security

SEC. ___1. SHORT TITLE.

This subtitle may be cited as the ''Safe School Security Act of 1999''.

SEC. ___2. ESTABLISHMENT OF SCHOOL SECURITY TECHNOLOGY CENTER.

(a) SCHOOL SECURITY TECHNOLOGY CENTER.—

(1) ESTABLISHMENT.—The Attorney General, the Secretary of Education, and the Secretary of Energy shall enter into an agreement for the establishment at the Sandia National Laboratories, in partnership with the National Law Enforcement and Corrections Technology Center—Southeast and the National Center for Rural Law Enforcement, of a center to be known as the ''School Security Technology Center''. The School Security Technology Center shall be administered by the Attorney General.

(2) FUNCTIONS.—The School Security Technology Center shall be a resource to local educational agencies for school security assessments, security technology development, technology availability and implementation, and technical assistance relating to improving school security. The School Security Technology Center shall also conduct and publish research on school violence, coalesce data from victim groups, and monitor and report on schools that implement school security strategies.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section—

(1) $3,700,000 for fiscal year 2000;

(2) $3,800,000 for fiscal year 2001; and

(3) $3,900,000 for fiscal year 2002.

SEC. ___3. GRANTS FOR LOCAL SCHOOL SECURITY PROGRAMS.

Subpart 1 of part A of title IV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7111 et seq.) is amended by adding at the end the following:

''SEC. 4119. LOCAL SCHOOL SECURITY PROGRAMS.

''(a) IN GENERAL.—

''(1) GRANTS AUTHORIZED.—From amounts appropriated under subsection (c), the Secretary shall award grants on a competitive basis to local educational agencies to enable the agencies to acquire security technology for, or carry out activities related to improving security at, the middle and secondary schools served by the agencies, including obtaining school security assessments, and technical assistance, for the development of a comprehensive school security plan from the School Security Technology Center.

''(2) APPLICATION.—To be eligible to receive a grant under this section, a local educational agency shall submit to the Secretary an application in such form and containing such information as the Secretary may require, including information relating to the security needs of the agency.

''(3) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to local educational agencies that demonstrate the highest security needs, as reported by the agency in the application submitted under paragraph (2).

''(b) APPLICABILITY.—The provisions of this part (other than this section) shall not apply to this section.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2000, 2001, and 2002.''.

SEC. ___4. SAFE AND SECURE SCHOOL ADVISORY REPORT.

Not later than 1 year after the date of enactment of this Act, the Attorney General, in consultation with the Secretary of Education and the Secretary of Energy, or their designees, shall—

(1) develop a proposal to further improve school security; and

(2) submit that proposal to Congress.

On page 29, insert between lines 5 and 6 the following:

''(24) provide assurances that—

''(A) any assistance provided under this Act will not cause the displacement (including a partial displacement, such as a reduction in the hours of nonovertime work, wages, or employment benefits) of any currently employed employee;

''(B) activities assisted under this Act will not impair an existing collective bargaining relationship, contract for services, or collective bargaining agreement; and

''(C) no such activity that would be inconsistent with the terms of a collective bargaining agreement shall be undertaken without the written concurrence of the labor organization involved;'',

Amend S. 254, Title III, Subtitle A, Title II, Section 205 Juvenile Delinquency Prevention Challenge Grant Program:

(a)(11) comprehensive juvenile justice and delinquency prevention projects that meet the needs of juveniles through the collaboration of the many local service systems juveniles encounter, including schools.

On page 92, line 20, insert after ''schools'' the following: *child abuse and neglect courts,* law enforcement agencies, child protection agencies, mental health agencies, welfare services, health care agencies and private nonprofit agencies offering services to juveniles;

(a)(15) family strengthening activities, such as mutual support groups for parents and their children;

On page 93, line 19, insert after ''children'' the following:

(16) adoptive parent recruitment activities targeted at recruiting permanent adoptive families for older children and children with special needs in the foster care system who are at risk of entering the juvenile justice system; and

(17) other activities that are likely to prevent juvenile delinquency.

(3) On page 93, strike lines 20–21.

Section 273 is amended:

On page 167, lines 23–26, and on page 168, lines 1–2:

strike ''The Administrator shall, by making grants to and entering into contracts with local educational agencies (each of which agency shall be in partnership with a public or private agency, institution or business), establish and support programs and activities for the purpose of implementing mentoring programs that'', and insert, ''The Administrator shall make grants to local education agencies and nonprofit organizations to establish and support programs and activities for the purpose of implementing mentoring programs that''.

On page 176, lines 14–16, Section 291(b)(7) is amended:

Strike ''$15 million shall be for programs under part F of this title, of which $3 million shall be for programs under section 279, and insert'' * * * million shall be for programs under part F of this title, of which $3 million shall be for programs under section 279 and $3 million for programs under section 280.''

On page 175, between lines 8–9, insert the following:

(A) by inserting:

SEC. 280. CAPACITY BUILDING.

(a) MODEL PROGRAM.—The Administrator may make a grant to a qualified national organization with a proven history of providing one-to-one services for the purpose of expanding and replicating capacity building programs to reduce the incidence of juvenile crime and delinquency among at-risk youth.

(b) ESTABLISHMENT OF NEW CAPACITY BUILDING PROGRAMS.—

(1) IN GENERAL.—The Administrator may make 1 or more grants to national organizations with proven histories of providing one-to-one services for the purpose of expanding and replicating capacity building programs to reduce the incidence of juvenile crime and delinquency among at-risk youth.

(2) MATCHING REQUIREMENT AND SOURCE OF MATCHING FUNDS.—

(A) IN GENERAL.—The amount of a grant under this subsection may not exceed 50 percent of the total cost of the programs funded by the grant.

(B) SOURCE OF MATCH.—Matching funds for grants under this subsection must be derived from a private agency, institution or business.

At the end of the Title III, Juvenile Crime Control, Accountability, and Delinquency Prevention, add a new Subtitle as follows:

Subtitle—. Parenting as Prevention

SEC. 1. SHORT TITLE.

This Act shall be cited as the Parenting as Prevention Act.

SEC. 2. ESTABLISHMENT OF PROGRAM.

The Secretary of Health and Human Services, in consultation with the Attorney General, the Secretary of Education, the Secretary of Housing and Urban Development, the Secretary of Labor, the Secretary of Agriculture, and the Secretary of Defense shall establish a parenting support and education program as provided in sections 3, 4, and 5.

SEC. 3. NATIONAL PARENTING SUPPORT AND EDUCATION COMMISSION.

(a) The Secretary of Health and Human Services shall establish a National Parenting Support and Education Commission (hereinafter referred to as the ''Commission'') to identify the best practices for parenting and to provide practical advice for parents and caregivers based on the best available research data. She shall provide the Commission with necessary staff and other resources to fulfill its duties.

(b) The Secretary shall appoint the Commission after consultation with the cabinet members identified in section 2. The Commission shall consist of the following members—

(1) an adolescent representative,

(2) a parent representative,

(3) an expert in brain research,

(4) expert in child development, youth development, early childhood education, primary education, and secondary education,

(5) an expert in children's mental health,

(6) an expert on children's health and nutrition,

(7) an expert on child abuse prevention, diagnosis, and treatment,

(8) a representative of parenting support programs,

(9) a representative of parenting education,

(10) a representative from law enforcement,

(11) an expert on firearm safety programs,

(12) a representative from a non-profit organization that delivers services to children and their families which may include a faith based organization; and

(13) such other representatives as the Secretary deems necessary.

(c) The Commission shall—

(1) identify best parenting practices for parents and caregiving of your children on topics including but not limited to brain stimulation, developing healthy attachments and social relationships, anger management and conflict resolution, character development, discipline, controlling access to television and other entertainment including computers, firearms safety, mental health, health care and nutrition including breastfeeding, encouraging reading and lifelong learning habits, and recognition and treatment of developmental and behavioral problems;

(2) identify best parenting practices of adolescents and pre-adolescents on topics including but not limited to methods of addressing peer pressure with respect to underage drinking, sexual relations, illegal drug use, and other negative behavior; developing healthy social and family relationships; exercising discipline; and controlling access to television and other entertainment including computers, video games, and movies; firearm safety; encouraging success in school; and other issues of concern to parents of adolescents;

(3) identify best parenting practices and resources available for parents and caregivers of children with special needs including fetal alcohol syndrome, fetal alcohol effect, mental illness, autism, retardation, learning disabilities, behavioral disorders, chronic illness, and physical disabilities; and

(4) review existing parenting support and education programs and the date evaluating them and make recommendations to the Secretary and the Congress on which are most effective and should receive federal support within 18 months of appointment.

(d) PUBLIC HEARINGS AND TESTIMONY.—The Commission shall conduct four public hearings, shall solicit and receive testimony from national experts and national organizations, shall conduct a comprehensive review of academic and other research literature, and shall seek information from the Governors on existing brain development and parenting programs which have been most successful.

(e) PUBLICATION OF MATERIALS.—If not otherwise available, the Commission shall prepare materials which may include written material, video, CDS, and other audio and visual material on best parenting practices and shall make them available for distribution to parents, caregivers, and others through state and local government programs, hospitals, maternity centers, and other health care providers, adoption agencies, schools, public housing units, child care centers, and social service providers. If such materials are already available, the Commission may print, reproduce, and distribute such materials.

(f) REPORTING REQUIREMENT.—The Commission shall prepare and submit a report of its findings and recommendations to the Secretary and the Congress no later than 18 months after appointment.

(g) AUTHORIZATION OF FUNDS.—There is authorized to be appropriated in fiscal year 2000 such sums as may be necessary to support the work of the Commission and to produce and distribute the materials described in subsection (e). Such sum shall remain available until expended. Any fund appropriated pursuant to this section shall remain available until expended.

SEC. 4. STATE AND LOCAL PARENTING SUPPORT AND EDUCATION GRANT PROGRAM.

(a) STATE ALLOTMENTS.—The Secretary shall make allotments to eligible States to support parenting support and training programs. Each state shall receive an amount that bears the same relationship to the amount appropriated as the total number of children in the State bears to the total number in all States, but no state shall receive less one-half of one percent of the state allocation. From the amounts provided to each state with Indian or Alaska Native populations exceeding two percent of its total statewide population, the Governor shall set aside two percent for Indian tribes as that term is defined in Section 4(e) of the Indian Self Determination and Education Assistance Act (P.L. 93–638, as amended; 25 U.S.C. 450b(e)) which shall be distributed based on the percentage of Indian children in each tribe except that with respect to Alaska, the funds shall be distributed to the non-profit entities described in section 419(4)(B) of the Social Security Act pursuant to section 103 of Public Law 104–193 (110 Stat. 2159, 2160; 42 U.S.C. 619(4)(B)) which shall be allocated based on the percentage of Alaska Native children in each region.

(b) STATE PARENTING SUPPORT AND EDUCATION COUNCIL.—To be eligible to receive federal funding, the Governor of each state shall appoint a State Parenting Support and Education Council (hereinafter referred to as the ''Council'') which shall include parent representatives, representatives of the State government, bipartisan representation from the State Legislature, representatives from local communities, and interested children's organizations, except that the Governor may designate an existing entity that includes such groups. The Council shall conduct a needs and resources assessment of parenting support and education programs in the State to determine where programs are lacking or inadequate and identify what additional programs are needed and which programs require additional resources. It shall consider the findings and recommendations of the Parenting Commission in making those determinations. Upon completion of the assessment, the Council may consider grant applications from the State to provide statewide programs, from local communities including schools, and from non-profit service providers including faith based organizations.

(c) Grants may be made for—

(1) Parenting support to promote early brain development and childhood development and education including—

(A) assistance to schools to offer classroom instruction on brain stimulation, child development, and early childhood education;

(B) distribution of materials developed by the Commission or another entity that reflect best parenting practices;

(C) development and distribution of referral information on programs and services available to children and families at the local level, including eligibility criteria;

(D) voluntary hospital visits for postpartum women and in home visits for families with infants, toddlers, or newly adopted children to provide hands on training and one on one instruction on brain stimulation, child development, and early childhood education;

(E) parenting education programs including training with respect to the best parenting practices identified in subsection (c);

(2) Parenting Support for Adolescents and Youth including—

(A) funds for services and support for parents and other caregivers of young people being served by a range of education, social service, mental health, health, runaway and homeless youth programs. Programs may include the Boys and Girls Club, YMCA and YWCA, after school programs, 4–H programs, or other community based organizations. Eligible activities may include parent-caregiver support groups, peer support groups, parent education classes, seminars or discussion groups on problems facing adolescents, advocates and mentors to help parents understand and work with schools, the courts, and various treatment programs.

(3) Parenting Support and Education Resource Centers including—

(A) development of parenting resource centers which may serve as a single point of contact for the provision of comprehensive services available to children and their families including federal, state, and local governmental and non-profit services available to children. Such services may include child care, respite care, pediatric care, child abuse prevention programs, nutrition programs, parent training, infant and child CPR and safety training programs, caregiver training and education, and other related programs.

(B) a national toll free anonymous parent hotline with 24 hour a day consultation and advice including referral to local community based services;

(C) respite care for parents with children with special needs, single mothers, and at-risk youth;

(d) REPORTING.—Each entity that receives a grant under this section shall submit a report every two years to the Council describing the program it has developed, the number of parents and children served, and the success of the program using specific performance measures.

(e) ADMINISTRATIVE COSTS.—Not more than 5 percent of the amounts received by a State may be used for the administrative expenses of the Council in implementing the grant program.

(f) SUPPLEMENT NOT SUPPLANT.—Fund appropriated pursuant to this section shall be used to supplement and not supplant other Federal, State, and local public funds expended for parenting support and education programs.

(g) AUTHORIZATION OF FUNDS.—There is authorized to be appropriated such sums as are necessary for fiscal year 2000 and subsequent fiscal years.

SEC. 5. GRANTS TO ADDRESS THE PROBLEM OF VIOLENCE RELATED STRESS TO PARENTS AND CHILDREN.

(a) FINDINGS.—The Congress finds that a child's brain is wired between the ages of 0–

3. A child's ability to learn, develop healthy family and social relationships, resist peer pressure, and control violent impulses depends on the quality and quantity of brain stimulation he receives. Research shows that children exposed to negative brain stimulation in the form of physical and sexual abuse and violence in the family or community causes the brain to be miswired making it difficult for the child to be successful in life. Intervention early in a child's life to correct the miswiring is much more successful than adult rehabilitation efforts.

(b) IN GENERAL.—The Secretary shall award grants, enter into contracts or cooperative agreements to public and non-profit private entities, as well as to Indian tribes, Native Hawaiians, and Alaska Native non-profit corporations to establish national and regional centers of excellence on psychological trauma response and to identify the best practices for treating psychiatric and behavioral disorders resulting from children witnessing or experiencing such stress.

(c) PRIORITIES.—In awarding grants, contracts or cooperative agreements under subsection (a) related to the identifying best practices for treating disorders associated with psychological trauma, the Secretary shall give priority to programs that work with children, adolescents, adults, and families who are survivors and witnesses of child abuse, domestic, school, and community violence, and disasters.

(d) GEOGRAPHICAL DISTRIBUTION.—The Secretary shall ensure that grants, contracts, or cooperative agreements under subsection (a) with respect to centers of excellence are distributed equitably among the regions of the country and among urban and rural areas.

(e) EVALUATION.—The Secretary shall require that each applicant for a grant, contract or cooperative agreement under subsection (a) submit a plan as part of his application for the rigorous evaluation of the activities funded under the grant, contract or agreement, including both process and outcomes evaluation, and the submission of an evaluation at the end of the project period.

(f) DURATION OF AWARDS.—With respect to a grant, contract or cooperative agreement under this section, the period during which payments under such an award will be made to the recipient may not be less than 3 years. Such grants, contract or agreement may be renewed.

(g) REPORT.—Not later than 1 year after the date of enactment of this section, the General Accounting Office shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Commerce of the House of Representatives a report concerning whether individuals are covered for post-traumatic stress disorders under public and private health plans, and the course of treatment, if any, that is covered.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as are necessary to carry out this section fiscal year 2000 and subsequent fiscal years.

WELLSTONE (AND OTHERS) AMENDMENT NO. 364

Mr. WELLSTONE (for himself, Mr. KENNEDY, Mrs. FEINSTEIN, Mr. FEINGOLD, and Mr. DURBIN) proposed an amendment to the bill S. 254, supra; as follows:

On page 129, strike lines 6 through 14, and insert the following:

''(24) address juvenile delinquency prevention efforts and system improvement efforts designed to reduce, without establishing or requiring numerical standards or quotas, the disproportionate number of juvenile members of racial minority groups who come into contact with the juvenile justice system.

McCONNELL AMENDMENT NO. 365

Mr. McCONNELL proposed an amendment to the bill S. 254, supra; as follows:

At the appropriate place, insert the following:

SEC. . PROHIBITION ON PROMOTING VIOLENCE ON FEDERAL PROPERTY.

(a) GENERAL RULE.—A Federal department or agency that—

(1) considers a request from an individual or entity for the use of any property, facility, equipment, or personnel of the department or agency, or for any other cooperation from the department or agency, to film a motion picture or television production for commercial purposes; and

(2) makes a determination as to whether granting a request described in paragraph (1) is consistent with—

(A) United States policy;

(B) the mission or interest of the department or agency; or

(C) the public interest;

shall not grant such a request without considering whether such motion picture or television production glorifies or endorses wanton and gratuitous violence.

(b) EXCEPTION.—Subsection (a) shall not apply to—

(1) any bona fide newsreel or news television production; or

(2) any public service announcement.

SMITH (AND JEFFORDS) AMENDMENT NO. 366

Mr. LOTT (for Mr. SMITH of Oregon for himself and Mr. JEFFORDS) proposed an amendment to the bill, S. 254 supra; as follows:

At the appropriate place, insert the following:

SEC. . PROVISIONS RELATING TO PAWN AND OTHER GUN TRANSACTIONS.

(a) Notwithstanding any other provision of this Act, the repeal of paragraph (1) and amendment of paragraph (2) made by subsection (c) with the heading ''Provision Relating to Pawn and Other Transactions'' of section 4 of the title with the heading ''General Firearms Provisions'' shall be null and void.

(b) COMPLIANCE—Except as to the State and local planing and zoning requirements for a licensed premises as provided in subparagraph (D), a special licensee shall be subject to all the provisions of this chapter applicable to dealers, including, but not limited to, the performance of an instant background check.

NOTICE OF HEARING

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 a full committee hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place on Thursday, May 27, 1999 at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to consider the nomination of David L. Goldwyn to be an Assistant Secretary for International Affairs at the Department of Energy.

For further information, please contact David Dye of the Committee staff at (202) 224–0624.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet Wednesday, May 19, 1999 beginning at 10 a.m. in room SH–215, to conduct a markup.

The PRESIDENT OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on Wednesday, May 19, 1999 at 9:30 a.m. to conduct a hearing on S. 613, that Indian Tribal Economic Development and Contract Encouragement Act of 1999, and S. 614, the Indian Tribal Regulatory Reform and Business Development Act of 1999. The hearing will be held in room 485 of the Russell Senate Office Building.

The PRESIDENT OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. HATCH. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, May 19, 1999 at 2 p.m. to hold a closed hearing on intelligence matters.

The PRESIDENT OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, May 19, for purposes of conducting a Full Committee business meeting which is scheduled to begin at 9:30 a.m. The purpose of this business meeting is to consider pending calendar business. (See Attached)

The PRESIDENT OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

PAYING TRIBUTE TO ALLAN ''BUD'' SELIG, COMMISSIONER OF MAJOR LEAGUE BASEBALL

• Mr. DODD. Mr. President, I rise to commend Mr. Allan ''Bud'' Selig for his tireless efforts to make the recent baseball series between the Cuban National Team and the Baltimore Orioles a reality. Not only did this series bring together teams from two nations with a great love of baseball, but it bridged a gap between two peoples who share a great deal in common.

Baseball is often called the ''American Pastime,'' and with good reason. Few events are greater harbingers of the coming of summer than the first pitches in ball parks around the country. Millions of parents across this nation carve time out of their days to teach their child how to throw a baseball or to coach a little league team. And millions of American children count their first baseball glove among their most treasured possessions.

Baseball, however, is not only an American tradition. Rather, it is treasured with equal fervor and excitement by Cubans less than 100 miles from our shore. There, too, baseball is the national pastime. Countless Cuban and American children play little league baseball with visions of a future in the major leagues. Just as Americans eagerly count down to opening day, Cubans anticipate the first pitch of a new season with a mix of anticipation and excitement.

Not only do Cubans and Americans share their deep love of baseball, they also both play the game with great skill. Indeed, some of America's finest players hail from Cuba.

In spite of this close connection, however, politics has kept American and Cuban teams from visiting each other's stadiums for nearly four decades. This artificial separation remained intact until this spring when the Cuban National Team hosted the Baltimore Orioles in Havana. That game marked the opening day, not just of a two game home-and-home series, but hopefully of a new season in the relationship between two of the world's greatest lovers of baseball.

The series, which continued in Baltimore this month, would never have come about if it were not for the courage and dedication of Bud Selig. His efforts succeeded where those of hundreds of diplomats and politicians have failed: he managed to bring the Cuban and American people together to celebrate the game they love so dearly.

I recognize that the process of arranging these two games was rarely easy. At times, it seemed that the opening pitch would remain forever out of reach. Yet, Mr. Selig persisted and brought the two teams closest to our capitals—and their fans—together for two historic games. Our nation should be proud of and grateful to Mr. Selig for his efforts and look forward to additional contact between the Cuban and American peoples, both on and off the baseball diamond.●

I LOVE AMERICA DAY

● Mr. BOND. Mr. President, I rise today in recognition of Fulton, Missouri's ''I Love America Day.'' Several years ago, the faculty of McIntire Elementary school became concerned that many of the students did not have a true sense of patriotism and national pride. What started out at one elementary school has spread to a communitywide celebration. Each year they highlight all levels of government and place special emphasis on pride in the flag. This year's celebration will include a presentation of the colors by the VFW flag team, a twenty-one gun salute, taps to honor those lost in service, presentations by the VFW, Mayor Craghead, and others, and a special demonstration by the Army's Golden Knights parachute team. As you can see, Mr. President, this event has grown into a wonderful day of activities that will enrich the sense of patriotism not only in our youth, but also in the entire community. I commend the organizers of ''I Love America Day'' for the wonderful example they set for Missouri and the entire country.●

HONORING FEDERAL RESERVE CHALLENGE WINNERS

● Mr. KOHL. Mr. President, I rise today to congratulate five outstanding High School students from University School at Milwaukee. Working as a team, these five students were recently named national champions of the 1999 Federal Reserve Challenge.

Mary Broydrick, Michelle Hill, Day Manoli, Nick Nielsen, all seniors, and Gus Fuldner, a junior, each received a $10,000 scholarship for their presentation on monetary policy. The team was coached by John Stephens, a teacher at University School for 41 years. In addition, the school received a $40,000 grant to develop an economics lab.

Their winning presentation included countless hours researching economic and monetary policy. Making recommendations based on their findings, the team was asked a series of grueling questions by Federal Reserve officials.

We are all extremely proud of our students from University School. They must be applauded for a job well done.●

TRIBUTE TO ILA MARIE GOODEY

● Mr. HATCH. Mr. President, I would just like to take a moment to pay tribute to Ila Marie Goodey of Logan, Utah. I have just learned that Ila passed away on Saturday.

Ila was a tireless and effective advocate for individuals with disabilities and served as an early and active member of my Utah Advisory Committee on Disability Policy. I have always appreciated her counsel on these issues.

In particular, she believed in independence and self-sufficiency, and she directed as much of her energy to assisting others to reach this goal as she did to helping herself. She served as the first chairperson of the Utah Assistive Technology Program Management and Implementation Board. This consumer-responsive, interagency program has been hailed nationwide as a model for other programs of its kind.

I know that her friends and colleagues at Utah State University and among the disability community in my state will mourn her loss. But, I also know that they, as I do, appreciate all that she has contributed. There can be no doubt that Ila has made a real difference.●

TRIBUTE TO STAFF SERGEANT ANDREW RAMIREZ

● Mrs. FEINSTEIN. Mr. President, I rise today to honor Staff Sergeant Andrew Ramirez who has served his country with bravery and valor. For Sergeant Ramirez, a resident of East Los Angeles, public service runs in the family—his brother is a detective with the Los Angeles Police Department.

On March 31, 1999, Sergeant Ramirez was taken as a prison of war by the Yugoslavia Army while he was serving as part of a U.S. Army detachment assigned to a U.N. monitoring force patrolling Yugoslavia's southern border. Sergeant Ramirez was part of the 4th Cavalry Regiment of the 1st Infantry Division based in Wurzburg, Germany. He had arrived in Macedonia in early March to relieve another contingent.

I cannot begin to imagine the terror experienced by Sergeant Ramirez and his fellow soldiers, Christopher J. Stone and Steven M. Gonzales, when they were surrounded, and under heavy fire, taken as prisoners of war.

Just a few days later, the soldiers were shown on Serbian television, battered and bruised. It is a picture that every mother hopes she will never see. It is a picture that every American hoped was not true. But, it was true, and these three men paid a dear price of over a month in captivity. They did not know what fate would befall them and if they were ever going to see their families again.

During the past weeks, Kosovo has witnessed carnage and bloodshed unseen in Europe for almost fifty years. These events are the culmination of a decade-long campaign of terror and bloodshed in the Balkans—and it has created a refugee crisis unparalleled in recent years.

Sergeant Ramirez was in Yugoslavia because his country asked him to go. He was there to protect our promise that the civilized world will never again do nothing in the face of genocide, ethnic cleansing, mass rape and rampant violence to thousands of innocent people. If the most powerful alliance in the world fails to stop ethnic cleansing, it will send a green light to every tyrant and dictator with similar intentions that they can do the same, and that the world community will be unable or unwilling to muster the resolve to stop it.

None of these words would mean anything without individuals like Sergeant Anthony Ramirez. He is the truest of patriots—the bravest of the brave. Our country is forever indebted to him, and there are not words nor deeds that could every repay his dedicated service—or that of his family. He is a testament to the human spirit that keeps the light of peace and human freedoms alive.

Sergeant Ramirez, we thank you, we honor you, and we are so very, very glad that you are home.●

MONTANA RAIL LINK

• Mr. BURNS. Mr. President, today an award ceremony for one of the nation's best and brightest short line railroads, was held to honor Montana Rail Link's safety record. Montana Rail Link, commonly referred to as MRL, offers essential and competitive freight service to a large number of customers along Montana's Southern rail line from Billings to Sandpoint, Idaho.

MRL was honored today by being awarded the E.H. Hariman Memorial award. This award is specifically designated to recognize railroad safety improvement. Working on the railroad is not like having a desk job. It's not a job for the timid—it's a job where hard work and plenty of sweat are part of everyday tasks.

Each year, it is tragically inevitable that railroad employees are involved in accidents which can result in serious injury or even death. With the reception of this award, it is very apparent that MRL places a significant value on the safety of their employees. As a Montanan, I am relieved to see that a Montana railroad is the recipient of this award. Montana railroads have a long and colorful history in the establishment of our state. And I have friends that work on the railroad.

Montanans are very dependent on this rail transportation. We are dependent on this competitive alternative. As many are aware, I have introduced legislation that will help to assure the nation's shippers of competitive rail access. It is my intent to not only create free-market competition in the rail industry, I would also like to improve service of the nation's Class 1 railroads.

I've heard from many Montanans about the importance of rail car availability and affordability. The nation's rail system is dominated by four large behemoths of railroads. In Montana, those railroads are the target of much criticism based on their pricing and contractual practices.

It is the short lines that help to balance out the public's perception of railroads. In Montana, MRL has been hailed as a very reliable transportation alternative. MRL has also been hailed with this award today.

You've all heard me make a reference to Montana's vast distances—from corner to corner, the distance from Alzaka to Yaak, Montana is equivalent to the distance from Washington, D.C. to Chicago, Illinois. I'm sure my colleagues will agree with me, especially when you consider the variance in terrain we are faced with in our state. Pulling a train over multiple mountain passes in the dead of winter can be a daunting task.

In Montana, we value good, honest, quality service. MRL is very much an example of what is best about Montana.•

TRIBUTE TO RUSSELL BERRIE and DR. ROBERT A. SCOTT

• Mr. LAUTENBERG. Mr. President, I rise today to pay tribute to Russell Berrie and Dr. Robert A. Scott, two of New Jersey's leaders in business and education, on the occasion of their third annual ''Making A Difference Awards'' program.

Mr. President, Russ and Robert have made tremendous philanthropic and humanitarian contributions to my state of New Jersey. In 1997, they joined together through the Russell Berrie Foundation to create the ''Making A Difference Awards,'' which honor unsung heroes of New Jersey for acts of unusual heroism, extraordinary community service or lifetime achievement.

Much like the award recipients, Russ Berrie has devoted a lifetime to helping others. Thirty-six years ago, he founded RUSS Berrie and Company, Incorporated, which develops and distributes more than 6,000 gift products to retailers worldwide. Its diverse range of products include stuffed animals, baby gifts, picture frames, candles, figurines, and home decor gifts. Russ' company, headquartered in Oakland, NJ, grosses annual sales of $270 million and has been listed on the New York Stock Exchange since 1984.

Recently, Fortune Magazine named Russ one of its ''Forty Most Generous Americans,'' and Russ has been recognized by many organizations for his strong commitment to education, health care and interreligious affairs. Russ' Foundation promotes his values, passions, and ideas through investment in innovative ideas and by supporting individuals who make a meaningful difference in the lives of others.

Robert also has made a positive impact on the world around him. He currently is the president of Ramapo College, New Jersey's leading liberal arts school, serving over 5,000 undergraduate and graduate students from over 20 states and 50 nations. Thanks to Robert, the college has named its soon-to-open center for performing and visual arts after Russ and his wife, Angelica. What an honor!

Mr. President, I am pleased today to honor my good friends Russ and Robert for their work in honoring the unsung heroes of New Jersey. We are indebted to them for their service. I am happy to join them in honoring this year's three winners of the ''Making A Difference Award''—Beverly Turner, of Irvington, who lives with muscular dystrophy, for devoting her time caring to children with special needs. James C. Joiner, founder of the Rescuing Inner Sity Kids (RISK), for dedicating his time, skill, and spirit to working with inner-city children to instill in them the desire to better themselves and the people around them. Finally, Frederick ''Freddie'' Hoffman, of River Edge, for dedicating the last ten years of his life to raising money for the Leukemia Foundation. I also would like to recognize the 14 finalists: Douglas A. Berrian, Mr. and Mrs. William Clutter, Sister June Favata, Kathleen Garcia, Adam and Blair Hornstine, Sylvia Jackson, Jeff Macaulay, Jim McCloskey, Eddie Mulrow, Thomas O'Leary, Barry Lee Petty, Michael Ricciardone, Richard J. Ward, and Dr. and Mrs. Robert Zufall.

Mr. President, I congratulate all of the honorees for unselfishly giving of themselves. They have proven to their family, to their friends, and to their communities that this honor is well-deserved.•

ADMIRAL BUD NANCE

• Ms. SNOWE. Mr. President, I rise today to pay tribute to Admiral Bud Nance, chief of staff of the Foreign Relations Committee, who passed away last week after many years of devoted service to the country he loved.

As a former member of the Foreign Relations Committee, and someone who had the privilege of knowing and working with Bud, I can honestly say I have not met a finer person. A man deeply devoted to the ideals for which this country stands, he conducted himself with honor and integrity in all that he did. And he had an uncommon humility and kindness that will be remembered by all those fortunate to have met him.

With 41 years in the Navy, service under both the Nixon and Reagan Administrations, and a direct role in SALT II talks, Bud had already achieved a lifetime of accomplishments even before he was urged by his longtime friend, Senator HELMS, to assume the role of chief of staff at the Foreign Relations Committee. As with everything else he did, Bud flourished in that position, bringing his invaluable years of experience and knowledge to the Senate. He was a sure and steady hand at the helm of the Committee, and his remarkable spirit has left an indelible mark on all of us.

Theodore Roosevelt once said that ''the credit belongs to the man who is actually in the arena—whose face is marred by dust and sweat and blood . . . a leader who knows the great enthusiams, the great devotions and spends himself in a worthy cause . . .'' Admiral Bud Nance was just such a man, and today our thoughts are with his wife, Mary, and Bud's entire family as they mourn the passing of their beloved husband, father, and grandfather. We are also thinking of Senator HELMS at this saddest of times, as he grieves for the loss of one of his oldest and dearest friends.

Again, I want express my profound sadness on the loss of this great American, who was a patriot in life and whose legacy will never be forgotten by a grateful nation.•

THE JEWISH COMMUNITY COUNCIL OF METROPOLITAN DETROIT

• Mr. LEVIN. Mr. President, I rise today to pay tribute to the Jewish

Community Council of Metropolitan Detroit, which is celebrating its 60th anniversary on May 23, 1999.

The Jewish Community Council brings together more than 200 Jewish community organizations under one umbrella, enabling the community to act in a unified way on issues of shared interest and concern. The Council's activities include building partnerships between people of different faiths and ethnic backgrounds, working to strengthen Metropolitan Detroit's Jewish community, and providing information to state and federal legislators about important issues.

The people of Metropolitan Detroit have always been able to count on the Jewish Community Council for assistance. The Council administers an annual food drive conducted by a broad-based coalition of community organizations, provides volunteers to an interfaith effort to revitalize economically distressed areas of the City of Detroit, and has fought to restore food stamps for legal immigrants.

One of the Council's most impressive achievements is its continuing effort to build bridges between people of different backgrounds. Some of the programs sponsored by the Council include the Detroit/Israel Student Exchange and Seeds of Peace program. The Detroit/Israel Student Exchange sends Detroit Public School students to Israel, and the students subsequently host Israeli teens at their homes in Detroit. Seeds of Peace is an innovative program which works to achieve lasting peace in the Middle East by bringing together Arab and Israeli teenagers at a summer camp in Maine with daily conflict-resolution sessions led by professional American, Arab and Israeli facilitators. The Council also works with other ethnic communities to welcome new immigrants to Michigan and to provide swearing-in ceremonies for new American citizens.

As I travel across America and too often see people disconnected from each other, I am more and more certain that the strong sense of community in the Jewish community is a pillar of our strength and an essential path to our well-being. The Jewish community comes together to educate our young, house our seniors, take care of immigrants, and provide culture and recreation. I watched this sense of community with wonder when I was a boy and I see it with great pride as a man. This deeply felt sense of community—of being part of something larger than our individual selves— is a vital part of who we are.

The Jewish Community Council serves as the ''public face'' of this extraordinary community and I know my colleagues will join me in offering congratulations on its 60th anniversary, and in wishing the Council continued success in the future.●

TRIBUTE TO ANDY MARTEL OF MANCHESTER, NEW HAMPSHIRE

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Andy Martel for leading the fight to save Catholic Medical Center in Manchester. His efforts have been inspirational and steadfast.

Andy was highly active in the preservation of Catholic Medical Center. There were plans to eliminate this important landmark in Manchester. The Center was having a difficult time preserving itself. Andy took it upon himself to save this acute-care hospital. He has tirelessly sought quality health care for the people of New Hampshire.

His efforts included organizing concerned citizens, raising funds, and heightening awareness about the plans to close the hospital. He became overwhelmingly cheerful and dedicated to the battle. The largest reason for the hospital's preservation was Andy's efforts.

Andy has been a valued member of the Manchester community for many years. He has volunteered in many political campaigns, been active in his church, and served in public office himself. He served as a State Representative in Ward 9 of Manchester. He has been committed to grassroots style representation and has been an asset to the legislation of New Hampshire.

As a fellow Catholic, I thank him for his dedication to our church. As a citizen of New Hampshire, I thank him for his public service and volunteerism. As a Senator, I thank him for all he has done to make New Hampshire a better State.

Once again, I commend Andy for his work on the Catholic Medical Center and for all his efforts. I wish him the best of luck in the future. It is an honor to represent him in the United States Senate.●

TRIBUTE TO MEG GREENFIELD

● Mr. FEINGOLD. Mr President, Washington recently lost something altogether too precious —a sharp intellect that put policy above politics and sound reasoning above political posturing. When Meg Greenfield passed away last week, the Nation lost a thoughtful and honest voice that cut through the tangle of Washington rhetoric, telling us what mattered, what didn't, and what was sometimes downright ridiculous about politics in the nation's capitol.

From her position as a masterful editor of the Post's editorial and opinion pages to her role as an unfailingly insightful columnist for Newsweek, Meg Greenfield offered us her keen mind, her sharp wit, and her knack for giving readers the straight story.

That kind of talent is rare, and more than that it is essential in a world where facts too often exist only to bolster a partisan argument, and where truth is a question of spin. Meg Greenfield helped us see past the spin to the story, and for that we are deeply grateful. She will be sorely missed.●

HONORING THE WESTPORT VOLUNTEER EMERGENCY MEDICAL SERVICE ON ITS 20TH ANNIVERSARY

Mr. DODD. Mr. President, for twenty years, the Westport Volunteer Emergency Medical Service has been a lifeline for thousands of people in need of emergency medical assistance in the state of Connecticut. Since 1979, the WVEMS has provided the residents of Westport and the surrounding communities with caring and professional medical services, and it gives me great pleasure to congratulate them on their 20th anniversary.

A division of the Westport Police Department, the WVEMS was created to respond to the increasing number of calls for emergency assistance in the area. This group of 140 dedicated volunteers serve as EMT's, crew chiefs, and support personnel who, in the last year alone, contributed over 23,000 hours of patient care. Their expertise and experience have helped thousands of people by providing medical training, safety coverage at town and athletic events, and offering public courses in areas such as first aid, CPR, blood pressure clinics, and safe driving classes.

It is remarkable to note that while providing efficient, quality care to the residents of Westport, the WVEMS relies solely on private donations and fundraising to purchase its equipment, supplies, emergency vehicles, uniforms, and protective clothing. Volunteers have taken on this additional responsibility and the extra hours to ensure that their services remain available to anyone in need. They have made reliable emergency medical response a standard in many communities and have proven that emergency care is a vital component of the safety of our cities and towns.

The ongoing success of the Westport Volunteer Emergency Medical Service is most evident in the nearly two dozen new students that receive training by the group's own personnel each year. Working in conjunction with area hospitals and local physicians, the WVEMS and its volunteers have earned the highest marks in state examinations while also having members serving on state and regional EMS councils. Moreover, volunteers have found their work so fulfilling that many have gone on to further their medical training and education as a full-time career.

What truly sets the Westport Volunteer Emergency Medical Service apart is the level of commitment and concern its members have shown for people in need. In situations that can often be emotional, chaotic, and dangerous, these men and women put the welfare of others first in order to calm fears and provide lifesaving care. Members are on standby twenty-four hours a day and, in many cases, are the first ones on the scene of an accident. It is

their quick thinking and skills that ultimately save lives.

The city of Westport and the state of Connecticut owe these selfless public servants many thanks for the lives that they save and the outstanding care that they provide. I hope that others across the country will take the time to acknowledge the tireless efforts of the men and women within their own communities who are available day and night to respond to their emergency medical needs.

Mr. President, at this time, I would like to recognize those members of the Westport Volunteer Emergency Medical Service who have volunteered countless hours for the past twenty years to provide outstanding emergency assistance and who continue to pass on their medical knowledge to future generations of caregivers: Edwin Audley, Elizabeth Audley, Patricia Audley, Sharon Barnett, Russell Blair, Susan DeWitt, Michael Feigin, Richard Frazier, Neil Harding, Thomas Keenan, Lynne Minsky, Kathleen Todd, Alan Yoder, Isabel Blair, Alan Stolz, Pasquale Salvo, William Carrick, Peter Ziehl, Jay Paretzky, Nancy Gale, Gerald Randy Monroe, Barbara Potter, and April Anne Yoder.●

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276d–276g, as amended, appoints the following Senators as members of the Senate Delegation to the Canada-U.S. Interparliamentary Group during the First Session of the 106 Congress, to be held in Quebec City, Canada, May 20–24, 1999:

The Senator from Iowa (Mr. GRASSLEY);

The Senator from Oklahoma (Mr. INHOFE);

The Senator from Ohio (Mr. DEWINE);

The Senator from Minnesota (Mr. GRAMS);

The Senator from Ohio (Mr. VOINOVICH); and

The Senator from Hawaii (Mr. AKAKA).

ORDERS FOR THURSDAY, MAY 20, 1999

Mr. NICKLES. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until 9:30 a.m. on Thursday, May 20. I further ask that on Thursday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day. I further ask that the Senate then immediately resume the juvenile justice bill under the previous consent order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. NICKLES. For the information of all Senators, the Senate will convene at 9:30 a.m. and immediately resume debate on the juvenile justice bill. Under the order, following 60 minutes of debate, the Senate will proceed to two consecutive votes. The first vote will be in relation to Senator SMITH's amendment on pawnshops, to be followed by a vote in relation to the Lautenberg amendment. Additional amendments are expected; therefore, votes will occur throughout the day and evening, with the expectation of completing the juvenile justice bill during Thursday's session. In addition, the Senate will consider the emergency supplemental appropriations conference report on Thursday; therefore, all Members can anticipate a vote with respect to that conference report on tomorrow as well.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. NICKLES. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

Thereupon, the Senate, at 10:13 p.m., adjourned until Thursday, May 20, 1999, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate May 19, 1999:

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 1552 AND 12203:

To be brigadier general

COL. EDWARD W. ROSENBAUM (RETIRED), 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. JOHN A. BRADLEY, 0000
BRIG. GEN. GERALD P. FITZGERALD, 0000
BRIG. GEN. EDWARD J. MECHENBIER, 0000
BRIG. GEN. ALLAN R. POULIN, 0000
BRIG. GEN. LARRY L. TWITCHELL, 0000

To be brigadier general

COL. THOMAS L. CARTER, 0000
COL. RICHARD C. COLLINS, 0000
COL. JOHN M. FABRY, 0000
COL. HUGH H. FORSYTHE, 0000
COL. MICHAEL F. GJEDE, 0000
COL. LEON A. JOHNSON, 0000
COL. HOWARD A. MCMAHAN, 0000
COL. DOUGLAS S. METCALF, 0000
COL. BERNARD J. PIECZYNSKI, 0000
COL. JOSE M. PORTELA, 0000
COL. PETER K. SULLIVAN, 0000
COL. DAVID H. WEBB, 0000

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. ARCHIE J. BERBERIAN II, 0000
BRIG. GEN. VERNA D. FAIRCHILD, 0000
BRIG. GEN. DANIEL J. GIBSON, 0000

To be brigadier general

COL. GEORGE C. ALLEN II, 0000
COL. ROGER E. COMBS, 0000
COL. MICHAEL A. CUSHMAN, 0000
COL. THOMAS N. EDMONDS, 0000
COL. JARED P. KENNISH, 0000
COL. PAUL S. KIMMEL, 0000
COL. VIRGIL W. LLOYD, 0000
COL. ALEXANDER T. MAHON, 0000
COL. MARVIN S. MAYES, 0000
COL. DAVID E. MCCUTCHIN, 0000
COL. CALVIN L. MORELAND, 0000
COL. MARK R. MUSICK, 0000
COL. JOHN D. RICE, 0000
COL. ROBERT O. SEIFERT, 0000
COL. LAWRENCE A. SITTIG, 0000
COL. JAMES M. SKIFF, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY 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 L. KERRICK, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY 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. CHARLES S. MAHAN, JR., 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. JAMES M. COLLINS, JR., 0000
BRIG. GEN. ROBERT W. SMITH III, 0000

To be brigadier general

COL. DENNIS J. LAICH, 0000
COL. ROBERT B. OSTENBERG, 0000
COL. RONALD D. SILVERMAN, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

ROBERT E. ARMBRUSTER, JR., 0000
RAYMOND D. BARRETT, JR., 0000
JOSEPH L. BERGANTZ, 0000
WILLIAM L. BOND, 0000
COLBY M. BROADWATER III, 0000
RICHARD A. CODY, 0000
JOHN M. CURRAN, 0000
DELL L. DAILEY, 0000
JOHN J. DEYERMOND, 0000
LARRY J. DODGEN, 0000
JAMES M. DUBIK, 0000
JAMES J. GRAZIOPLENE, 0000
RICHARD A. HACK, 0000
RUSSEL L. HONORE, 0000
RODERICK J. ISLER, 0000
TERRY E. JUSKOWIAK, 0000
GEOFFREY C. LAMBERT, 0000
JAMES J. LOVELACE, JR., 0000
WADE H. MCMANUS, JR., 0000
WILLIAM H. RUSS, 0000
WALTER L. SHARP, 0000
TONEY STRICKLIN, 0000
JOHN R. VINES, 0000
ROBERT W. WAGNER, 0000
CRAIG B. WHELDEN, 0000
R. STEVEN WHITCOMB, 0000
ROBERT WILSON, 0000
JOSEPH L. YAKOVAC, JR., 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS (MC), MEDICAL SERVICE CORPS (MS), AND NURSE CORPS (AN) AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 531, 624, 628, AND 3064:

To be lieutenant colonel

MICHAEL R. COLLYER, 0000 MS
*WAYNE T. FRANK, 0000 MC
*SONJA M. THOMPSON, 0000 MC

To be major

EVELYN M. DINGLE, 0000 MS
KEITH D. KIZZIE, 0000 MS
DAVID P. O'DONNELL, 0000 MC
RENEE M. PONCE, 0000 AN

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS 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. CARLTON W. FULFORD, JR., 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be admiral

VICE ADM. VERNON E. CLARK, 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 captain

THEODORE H. BROWN, 0000

EXTENSIONS OF REMARKS

THE COURTS THWART THE EPA'S POWER GRAB

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1999

Mr. OXLEY. Mr. Speaker, many of us voiced serious concern when the U.S. Environmental Protection Agency approved strict new NAAQs standards affecting ozone and particulate matter levels. We warned that EPA was not basing the standards on good science, and indeed questioned whether the agency was running amok. This issue was of particular importance in my home state of Ohio, which faced billions of dollars in compliance costs with little prospect of any real benefit to human health and the environment. In a vindication, these rules have now been overturned by an appeals court. I commend the following Wall Street Journal article to the attention of my colleagues.

THE COURTS THWART THE EPA'S POWER GRAB

(By C. Boyden Gray and Alan Charles Raul)

Last week a three-judge panel of the U.S. Court of Appeals for the District of Columbia threw out the Environmental Protection Agency's sweeping ozone and particulate-matter rules. Citing a doctrine known as ''nondelegation,'' the judges held that the EPA was exercising too much power, effectively making rather than enforcing the law. The decision could have far-reaching implications for all government rulemaking, but it should not have come as a shock. The EPA's usurpation of legislative power has provoked significant controversy in recent years, and the only surprise is how long it took for the courts to bring it under control.

Contrary to much prevailing opinion among both journalists and lawyers, the nondelegation doctrine is not some arcane, obscure and benighted legal relic of the pre-New Deal era. The doctrine has been alive and well, serving primarily as a canon of judicial construction to save otherwise overly broad statutory grants or agency claims of legislative authority from being held unconstitutional.

The most important regulatory example of the doctrine's use was in the Supreme Court's 1980 decision Industrial Union Department v. American Petroleum Institute, which involved the Occupational Safety and Health Administration's regulation of benzene. The court was faced with a claim that OSHA has untrammeled discretion to choose any regulatory policy in the spectrum between not regulating at all and imposing rules so stringent that they take an industry to the brink of economic ruin. The justices used the nondelegation doctrine essentially to rewrite the statute, limiting OSHA to regulation of ''significant'' risks. A decade later, the D.C. Circuit, in the so-called ''lock-out, tag-out'' decisions written by Judge Stephen Williams (who wrote last week's EPA decision as well), invoked the doctrine and the benzene decision to place additional limits on OSHA.

An accident of timing allowed the EPA to escape these constraints for nearly two decades and retain its license to choose between doing nothing at all and shutting down an industry. The governing case (Lead Industries Association v. EPA) gave the EPA this broad power because it was issued by the D.C. Circuit five days before the Supreme Court's benzene decision, and thus was unaffected by the latter ruling. But it was only a matter of time before the EPA's power would collide with the Supreme Court's limitations.

For those subject to the EPA's unchecked authority, the day of reckoning came none too soon. EPA issued these rules in July 1997 despite:

Its science advisory board's admonition that the new ozone rule did not deal with any new significant risk not already addressed by the rule it replaced.

The board's inability to identify any proper level of fine particulate matter to regulate.

Universal recognition that extensive research was necessary to develop any implementing regulations for particulate matter.

Unrebutted evidence that the ozone rule could cause more public health harm than good.

Unconstrained by any coherent principle, the rules were the ultimate example of legislative horse trading. The EPA declared that in order to defuse some political opposition, it was going to exempt or favor its political allies, such as farmers, certain small business, and that section of the country (the Northeast) that provided political support for the rules. ''The new rules do not reflect the inescapable result of the available science, but simply the judgment of a political appointee,'' said Rep. John Dingell (D., Mich.), one of the principal architects of the Clean Air Act.

The D.C. Circuit's decision to overturn these rules is not inherently antienvironmental. It leaves the EPA with considerable power to decide how much environmental protection the country needs. The court simply said the EPA is not omnipotent. Its power must be limited by ''intelligible principles'' that Congress incorporated into the Clean Air Act. The representatives who face the voters' music must call the agency's tune.

This decision does nothing to impair the EPA's implementation of Congress's explicit directives in the 1990 amendments to the Clean Air Act, such as its recent auto and gasoline rules. The real question is whether future policy will be set by Congress or the unelected managers of the EPA. At present, EPA has presented no reason for going beyond the provisions of the 1990 Clean Air Act Amendments, which the agency has not yet fully implemented. EPA's backdoor efforts to regulate green-house gases will also come in for closer constitutional scrutiny. Without express congressional authorization to address ''global warming,'' the agency should not be deciding for itself how to do so.

The dissenting opinion in the D.C. Circuit decision closed with the observation that if the states had difficulty implementing the new EPA standards, they could go back to Congress and ask for repeal. But this formulation turns the Constitution on its head. It's not Congress's job to review EPA initiatives, but rather the EPA's job to carry out congressional initiatives. And it's the courts' role to keep the other players honest.

CONGRATULATING THE MEN'S VOLLEYBALL TEAM OF BYU

HON. CHRIS CANNON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1999

Mr. CANNON. Mr. Speaker, on May 8, 1999 in Los Angeles, Brigham Young University won its first-ever NCAA men's volleyball title in their first-ever NCAA Tournament appearance. They finished the season with a record of 30–1, suffering their only loss to Long Beach State whom they beat in the finals. Joining Penn State, BYU became the second non-California team to win the Championship.

BYU men's volleyball program began NCAA competition in 1990, headed by current coach Carl McGown. Initially struggling through some difficult seasons, they quickly rose to ardently compete with traditionally strong California teams. They deftly handled big name schools like UCLA, USC, Pepperdine, and UCSB.

I congratulate the fine athletes, coaches, and trainers who comprise the BYU men's volleyball program. Their dedication, endurance, and commitment are examples to all who seek lofty, worthwhile goals.

CONGRATULATIONS TO THE MUSIC DEPARTMENT OF OTTAWA TOWNSHIP HIGH SCHOOL

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1999

Mr. WELLER. Mr. Speaker, I rise today to offer congratulations to the Music Department of Ottawa Township High School of Ottawa, IL, for the remarkable achievement of winning the Illinois State Championship in Music competition for the third consecutive year.

For nearly the past two decades, the Ottawa Township High School Music Department has dominated the Illinois High School Association music competition by finishing in the top three places fourteen times and never lower than ninth place. On only four occasions in the history of the music competition have schools compiled more than 1,000 points. Two of these four 1,000-plus point finishes belong to Ottawa Township High School. The Ottawa Township High School Music Department also holds the State record for most points earned in the Illinois High School Association Solo and Ensemble contest.

Clearly, Ottawa Township High School offers its students and community many outstanding music education opportunities. Currently, 270 students take advantage of these opportunities by participating in Concert Choir, Treble Choir, Freshman Girls Choir, Symphonic Band, Jazz Choir, and Jazz Band.

Special congratulations must be offered to Mr. Roger Amm, Vocal Music Director, and to Ms. Sarah Reckmeyer, Director of Bands.

Their hard work, commitment, and leadership have undoubtedly played a major role in building the statewide dominance of Ottawa Township High School's Music Department.

In closing, Mr. Speaker, I am proud and pleased to be able to offer to my colleagues in the U.S. House of Representatives the example of Ottawa Township High School as an educational institution where excellence in the fine arts is strongly encouraged. From its outstanding music program to its incredible, multi-million-dollar collection of artwork on display throughout the school building to its vibrant 25 year old annual music festival, Ottawa Township High School provides its fortunate students with an all too rare appreciation of the fine arts.

REEMPLOYMENT RIGHTS OF OUR SELECTED RESERVISTS

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1999

Mr. EVANS. Mr. Speaker, the activation and deployment of uniformed service members to the Balkans area has generated numerous inquiries about the reemployment rights of members of the National Guard and Reserves who are required to leave a position of employment to answer a call to duty.

I hope the following explanation will provide all of my colleagues some basic information on the law that provides these rights and guidance on what a constituent who might contact you concerning this issue can do to receive more information and assistance.

The job entitlements of our citizen-soldiers are provided by the Uniformed Services Employment and Reemployment Rights Act (USERRA) of 1994, at 38 U.S. Code, Section 4310–4333. The Veterans' Employment and Training Service (VETS) of the Department of Labor administers and enforces USERRA.

USERRA provides that a person be promptly reemployed following completion of qualifying military service. The position to which the person is entitled is essentially the position he or she would have attained had the military absence not occurred. To be eligible for reemployment rights, the person must generally give the employer prior notice of the military duty and the employee must have received a discharge from the military that is not punitive in nature. For example, an honorable discharge would qualify, but not a dishonorable or bad conduct discharge. There is a cumulative 5-year limit of military service after which an employer is not obliged to reemploy a returning service member. There are important exceptions to the 5-year limit, including voluntary duty in support of an emergency situation or war, involuntary callups for operational missions or contingencies, and required training of National Guard and Reserve members.

Mr. Speaker, the Department of Labor's Veterans Employment and Training Service (VETS) maintains a website on the Internet that contains USERRA information designed to help protected persons and employers understand the law. The ''USERRA Advisor'' can be found on the VETS home page at *www.dol.gov/dol/vets.* VETS also has offices in each of the States that can provide information and assistance for your constituents as well as your District office staff members. VETS offices are listed in the Blue Pages of local telephone directories under the U.S. Department of Labor.

CONGRATULATING THE ANNAPOLIS (MD) CAPITAL FOR BEING NAMED ''NEWSPAPER OF THE YEAR''

HON. WAYNE T. GILCHREST

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1999

Mr. GILCHREST. Mr. Speaker, I rise today to recognize one of Maryland's finest newspapers, the Annapolis Capital. The Capital was recently named ''Newspaper of the Year'' by the Maryland-Delaware-D.C. Press Association. This prestigious award goes to the newspaper which has received the most awards for any newspaper in its category, and this year, Mr. Speaker, the Capital was honored with 22 separate awards for outstanding work.

Under the leadership of their executive editor, Edward D. Casey, the staff at the Capital collected 21 awards for photos, articles, page designs, and graphics published in 1998. These awards are given by their peers, Mr. Speaker, and the message this year was loud and clear: The Capital consistently delivers a quality product with outstanding coverage of its community.

Among the award winners was Eric Smith, the Capital's own talented editorial cartoonist. He won first place for an editorial cartoon which I am happy to report, Mr. Speaker, was not about me. Mr. Smith spent a day with me in Washington several years ago to find out what members of Congress do on a daily basis, and I'm happy to report, has not given up his day job yet. Mr. Smith also won second place for a column he wrote.

David Brown won first place for spot news for a story he wrote on a Navy flier from Annapolis who was killed on an aircraft carrier. Nicole Gaudiano won second place for spot news for a story on a shooting death. Christopher Munsey captured second place for general news for his story on a body police could not identify.

The staff as a whole won second place for continuing coverage on the Whitbread Race, the prestigious yacht race which came to Annapolis last year. Staff members that shared that award included: Bill Wagner, Jeff Nelson, Scott Haring, Christopher Munsey, Denise Murray, Kristin Hussey, Gerry Jackson, David Trozza, George N. Lundskow, Bob Gilbert, Mark M. Odell, and Christopher B. Corder.

Reporter Jeff Nelson won first place for investigative reporting for his story on bonuses given to county employees. Sara Marsh won second place in this category for her probe of the legal problems of an election candidate.

Mary Allen won first place in state government reporting for her story on the law that allowed the marriage of a 13-year-old girl. Theresa Winslow won second place in the public service category for her consumer story on the cost of funerals.

In the photography category, the Capital has consistently delivered its readers some of the most beautiful photographs capturing incredible joy sorrow and every moment in between. Bob Gilbert won second place for a photo series of a heart transplant operation. David Trozzo won first place for general news photo with a photo depicting a tribute to a shooting victim. Christopher B. Corder won first place for sports photo with a photo of a baseball play.

John McNamara won second place for a sports column, and Mary Grace Gallagher won first place for a medical/science story on a heart transplant. She also captured second place for business/economic news for a story on choosing new employees.

The staff won first place for Page One design for a Sunday Capital layout of a heart transplant patient. That award was shared by Scott and Loretta Haring, Denise Murray, Bob Gilbert, and Mary Grace Gallagher. Scott Haring also won first place for feature/news page design for his layout of the Naval Academy graduation.

Andra Baumgardt won second place for feature/news page design for her layout of an Entertainment cover featuring the Annapolis Symphony Orchestra. And Denise Murray won second place for information graphics/general for her graphic on Inner West Street.

And finally, Mr. Speaker, The Capital was awarded the first-ever ''Freedom of Information Award'' by the Maryland-Delaware-D.C. Press Association. This award was given to the newspaper for its diligence and persistence in seeking the truth. The Capital, with the leadership of Managing Editor Tom Marquardt, has a long history of holding public officials accountable to the voters they represent, and it's a tradition I respect. Newspapers have an obligation to inform the public of the activities of their public officials, and I'm glad the Capital takes its obligation seriously.

Mr. Speaker, I am proud to represent the great city of Annapolis in Congress, and I am equally proud that my Congressional District is served so well by an outstanding newspaper that has received overdue recognition from its peers. I ask my colleagues to join me in congratulating The Annapolis Capital on being named the 1998 Newspaper of the Year by the Maryland-Delaware-D.C. Press Association.

THE 1999 POLICE UNITY TOUR, COUNTY OF MORRIS, NEW JERSEY TO WASHINGTON, DC

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1999

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to commend the participants of the 1999 Policy Unity Tour on the successful completion of their tour and for their donation of close to $54,000 to the National Law Enforcement Officers Memorial this year.

On Saturday, May 8th I had the pleasure of participating in the ceremonies to send off the 55 participants as they began the long bicycle journey from Madison, New Jersey to the National Law Enforcement Officers Memorial in Washington, DC in an effort to raise funds for the memorial. The memorial was established by an Act of Congress in October, 1984.

The Police Unity Tour was the brainchild of two Madison and Florham Park police officers who organized the first bike tour three years

ago: Frank Wulff and Patrick Montuore. Mr. Speaker, I would like to list each of the participants for the official record.

Frank Wulff	Michael Francis
Ed Lincoln	Dave Barber
Jane Recktenwald	Pat Montuore
Paul Kosakowski	Brian Rabbitt
Steve Carpenter	Carmine DeCaro
Charlie Bryant	Lenny George
Jerry Mantone	Mark Meehan
Constantine Sedares	Dave Tyms
Bill Yirce	Rich Schultz
Steve Ambrose	Mark Stallone
Steve Donnelly	Phil Crosson
Lenny Gigantino	Paul Bogert
Paul Boegershausen	Bill Pollock
Paul Kay	Fred Freem
Rick Staeger	John Sria
John Carter	Bob Barr
Hernandez Thomas	Harry Phillips
Tom Barbella	Ed Mitchko
Tommy Downs	Debbie Baker
Karen Sullivan	Brian Markt
Emma Swearingen	Lou DeMeo
Paul Fortunanto	Marc Hecht
Bob Cimino	Jimmy Waldron
Lee Scarano	Scott Smarsh
Pete Egan	Robert Fortunato
Pete Nienstdat	Bobby Montuore

Two support drivers, Patti Wulff and Jennifer Montuore assisted these riders.

I was present at the Law Enforcement Officers Memorial on Tuesday, May 11, when the participants reached their destination and were greeted by friends and family. Participants hailed from police forces in Madison, Chatham, Millburn, Livingston, Fair Lawn, West Orange, Union, Woodbridge, Maplewood, Denville, Margate, Florham Park, Morristown, Berkeley Heights, Franklin Township, Newark, Caldwell, NJIT, the NJ State Police, and the Essex County Prosecutors Office.

Mr. Speaker, over the last three years, the Police Unity Tour has raised over $122,000 for the memorial, making it the top sponsor in the Nation. The effort of these men and women who rode their bikes from New Jersey to Washington, DC to raise money for the National Law Enforcement Officers Memorial pays tribute to those who put their lives on the line everyday—and those who have paid with their lives—so that our streets are safer, and our families more secure. I ask my colleagues to join me in congratulating them on their dedication and in wishing them success for many years to come.

A WORRIED GRANDFATHER

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1999

Mr. UPTON. Mr. Speaker, I recently had the pleasure of introducing one of my constituents, Dr. Fred Mathews, at a hearing of the Subcommittee on Labor, Health and Human Services, and Education Appropriations. Dr. Mathews had been invited to speak on behalf of the Neurofibromatosis Foundation in support of increased funding for this often devastating disease.

It is a privilege to know Dr. Mathews and count him as a friend. In addition to his 47 years of practicing optometry in Dowagiac, MI, he has devoted his talents and energy to improving the quality of life in his community and expanding education opportunities and excellence in our state. When he learned that his lovely young granddaughter, Allison, was afflicted with neruofibromatosis, he took on the most important fight of his life—the fight for a cure for this disease for Allison and for the at least 100,000 others who have this neurological disorder. His testimony before the subcommittee was eloquent, and I would like today to submit it to the CONGRESSIONAL RECORD so that others may see the urgency of the need to find a cure. Dr. Mathews' testimony follows:

A WORRIED GRANDFATHER

Thank you Congressman Upton and thank you Mr. Chairman and members of the Committee for allowing me to testify. I am Fred Mathews, a constituent of Congressman Upton from Southwestern Michigan.

I am here today because my beautiful granddaughter Allison has Neurofibromatosis, a not so rare and devastating genetic disorder. In 1994 Allison was four years old when I first asked her parents about some spots on her skin. I had assumed these were simple birthmarks. This was the first time her parents shared with me that she had Neurofibromatosis, or abbreviated called NF. Up until then we had been shielded from the terrible truth.

I am an optometrist in a small town in southwest Michigan. I have practiced there for 47 years. Even though I am not a medical doctor I have better than a layman's knowledge of general medical problems. However, I had never heard of NF.

Immediately I began to research NF. I called research centers. I called the National Institutes of Health. I linked up with the National Neurofibromatosis Foundation. My testimony today has the blessing of that fine organization.

There is no way to describe the despair and hopelessness that families experience when faced with the fact that a child or grandchild has an incurable disease. My research left my wife and me panic-stricken. Here is a short version of what my research revealed.

NF is the most common neurological disorder caused by a single gene. At least 100,000 Americans have NF. This makes NF more prevalent than Cystic Fibrosis, hereditary muscular dystrophy, Huntington's Disease and Tay Sachs combined.

NF causes tumors to grow anywhere on or in the body. NF can lead to disfigurement, blindness, deafness, skeletal abnormalities, dermal, brain and spinal tumors, loss of limbs, malignancies and learning disabilities. The terrible disfigurement is why NF has erroneously been confused with the so called ''elephant man'' disease.

NF affects both genders, all races and ethnic groups equally. NF research in 1994 (when I first learned of my granddaughter's problem) had begun about 9 years earlier by the National NF Foundation. The gene causing NF had just been discovered.

My personal research did reveal some good news for my family and me. My granddaughter has the NF1 gene rather than the NF2 gene. With the NF2 gene the tumors and other bizarre disorders can start soon after birth. NF1 however, which my granddaughter has, sometimes does not manifest serious problems until puberty or beyond.

I also learned from Peter Bellermann, President of the National NF Foundation, and the world's greatest crusader to find a cure for NF, that researchers were hopeful of finding a cure in 10–15 years. Simple mathematics told me that this might be too late for my granddaughter and thousands of kids like her who were living with this time bomb.

I also learned that researchers believed that the projected time for a cure could possibly be cut in half if more research dollars were available.

I am grateful that this Committee and the Congress did respond to our plea and did appropriate significant new funds for NF research. In 1995 Chairman Porter also added language to the Appropriations Bill which expressed to NIH the commitment of this Committee for accelerated NF research.

Because of this Committee, the Congress, the NIH, the National NF Foundation and many dedicated researchers, our Allison who is now 9 years old, has a chance to avoid the ravages of NF. We are thankful and hopeful but still very apprehensive. The time clock is still running rapidly. Research has been extremely successful but has a long way to go to find a cure.

The National NF Foundation and I urge that the language which has been in the Appropriations Bill for the past four years, expressing this Committee's commitment to NF research, be in the FY 2000 bill.

I am grateful for the courtesy members of this committee and other members of congress and their staffs have shown Peter Bellermann and me these past few years. Some of you have my granddaughter's picture in your office.

In my opinion, no expenditure by the Federal Government is more rewarding, more needed, and more appropriate than research for dread diseases including NF. As a grandfather of a little girl with one of these dread diseases, I feel anxiety, frustration but also hope knowing that the timetable for a cure of NF and other diseases is almost solely dependent on the willingness of the Congress to recognize medical research as its #1 priority. That is why Mr. Chairman we strongly support a significant increase in funding for the National Institutes of Health medical research. With the NIH as the quarterback, the greatest hope we have for finding a cure for NF and all other dread diseases, lies with this Committee and the NIH.

Since my allotted time is up Mr. Chairman, I respectfully request permission to extend my remarks in the written testimony I will leave with the Committee.

Mr. Chairman and Members of the Committee, on behalf of the National Neurofibromatosis Foundation, as well as the thousands of children and adults with NF, I thank you and my Allison thanks you.

EXTENDED TESTIMONY OF DR. FRED L. MATHEWS

APRIL 29, 1999

I am pleased and proud that NF research has been pointed out to be a model for ''Managing Science.'' It represents an effective partnership between public agencies, most notably the U.S. Congress and the National Institutes of Health, private organizations and the National Neurofibromatosis Foundation and scientists and clinical researchers in the field who have achieved their progress by consensus and by collaborating to a remarkable degree. To use the vernacular, NF research has given a ''good bang for the buck'' to all who have invested in it.

NF research has significant potential for other very large patient populations. Since the NF genes have been implicated in the signaling process that determines cell growth and cell differentiation, NF research also has great promise for the tens of millions of Americans with malignancies.

NF also causes learning disabilities at about five to six times the frequency found in the general population. Work in that aspect of NF research therefore has considerable potential for the estimated 30 million Americans who are learning disabled.

Given the wide variety of symptoms of NF, I understand that you Mr. Chairman and the

Committee have urged those involved in NF research to foster collaborative efforts between and among the various initiatives at the NIH under whose purview these manifestations fall. Peter Bellermann, President of the National NF Foundation has informed me that these efforts are taking place and that ''Cross-Institute'' activities are a reality.

NF has the attention at the highest level of the NIH beginning with the Director Dr. Varmus. It extends to the Institute heads, especially Dr. Gerald Fischbach at NINDS and to Dr. Richard Klausner at the National Cancer Institute. These progressive officers work at continuing the cross-institute efforts, participate in scientific meetings of NF, and advise other funding agencies to avoid duplication of funding.

NF has been a success story for research for all who have invested in it. True success will, however, come only when a cure is found and real people like my granddaughter can look forward to happy lives, free of NF's terrible consequences. We now have to go the next hard miles. Researchers now stand ready to translate basic scientific knowledge into clinical application. The next agenda includes continued work in basic research, starting comprehensive natural history studies for NF and beginning the all important process of clinical trials with innovative approaches. We all pray that this will lead to an effective treatment for NF.

In closing, I would be remiss if I did not thank my Congressman Fred Upton and his staff person Jane Williams for their very special help and support. We are also very appreciative of the longtime support Congressman Murtha has given NF funding. And a special thanks to you, Chairman Porter, who in 1995 took time from your busy schedule to meet personally with Peter Bellermann and me so that we could tell you of the urgent need for accelerated NF funding. Your ongoing support since then has been tremendously helpful. To the members of this Committee who have supported us in this critical effort, we also offer another thank you.

COMMENDING BRIGHAM YOUNG UNIVERSITY

HON. CHRIS CANNON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1999

Mr. CANNON. Mr. Speaker, I rise to commend the efforts of Brigham Young University in Provo, Utah, in their unending journey to better relations around the world, Brigham Young University in Provo, UT sends various groups from their Performing Arts department throughout the world to better the University's ties, which in turn improves U.S. foreign relations.

On May 18th, BYU's Young Ambassadors, Ballroom Dance team, and Folk Dance Ensemble returned from a tour of the South Pacific commemorating the 20th anniversary of their first visit to China.

Throughout the past twenty years, BYU has established a name for itself in China and is currently very well regarded by its people. I am very proud to represent the students and faculty members of BYU. They are a model to us all as we work to create a global society of culture, heritage and peace.

INTRODUCTION OF THE PUBLIC APPEALS PARITY ACT

HON. JAMES V. HANSEN

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1999

Mr. HANSEN. Mr. Speaker, I am very pleased to introduce the Public Appeals Parity Act of 1999. This Act is needed so that the general public, who have legitimate interests in federal land management decisions, has an avenue to appeal certain decisions made by the National Park Service and the United States Fish and Wildlife Service. Currently, no such appeals system exists within these two federal agencies and the public's only recourse for relief is through the court system.

The idea of an internal agency appeal system is not new. Right now, two other primary federal land management agencies, the United States Forest Service and the Bureau of Land Management have an administrative process whereby the public can appeal certain decisions in regard to land management decisions made by these agencies. This Act would initiate a similar administrative appeal process for the public in regard to decisions made by the National Park Service and the Untied States Fish and Wildlife Service. The Secretary of the Interior would be directed to establish procedures for an appeals process for the Park Service and the Fish and Wildlife Service which will afford the public, prior to the implementation of the project, activity, or plan, an opportunity to appeal decisions made by these agencies in regard to land and resource management decisions which occur in accordance with the National Environmental Policy Act.

The regulations developed by the Secretary of the Interior per this Act would mirror those already established for the U.S. Forest Service and would include such things as the type of decisions that may be appealed, who may appeal decisions, the procedures that apply to appealing the decision, and other important steps which the public could follow.

This Act is fair, is not precedent setting, and levels the playing field so that the public has an avenue to appeal decisions made by federal agencies rather than to take them to court. I urge my colleagues to cosponsor and support the Public Appeals Parity Act of 1999.

BRETT SHARPE NAMED ALL-AMERICAN SCHOLAR AND UNITED STATES NATIONAL AWARD IN LEADERSHIP AND SERVICE

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1999

Mr. SCHAFFER. Mr. Speaker, today I rise to commend an outstanding Colorado high school student and leader. This Spring, Brett Sharpe of Haxtun High School in Haxtun, Colorado, was named an All-American Scholar and a United States National Award in Leadership and Service.

The United States Achievement Academy presents the All-American Scholar Award to those students demonstrating exceptional academic discipline. Scholars must receive a grade-point average of 3.3 or higher and be selected by a school instructor or counselor.

The National Award in Leadership and Service is presented only to a select group of students nationwide. Recipients must demonstrate outstanding scholastics, leadership and student service throughout their high school years.

Mr. Speaker, it is my privilege to congratulate Brett Sharpe for his truly remarkable scholastic, service, and leadership abilities. With confidence, I look forward to his future contributions in America.

A TRIBUTE TO MEMBERS OF THE GREENPORT FIRE DEPARTMENT FOR 50 YEARS OF SERVICE

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1999

Mr. FORBES. Mr. Speaker, I rise today in this hallowed chamber to pay tribute to three members of the Star Hose Co. #3 of the Greenport Fire Department and to join the volunteer firefighters, emergency medical personnel and grateful people of this Long Island community as they celebrate these brave men for their 50 years of volunteer service.

I would like to tell my colleagues about Greenport, a special place where neighbors look out for neighbors and every resident possesses a special pride in their hometown. In a service that exemplifies selfless heroism, the men and women of the Greenport Fire Department perform above and beyond the call of duty each and every day. Compensated only by the satisfaction that their efforts save lives and protect property, these volunteers have answered every alarm for over 50 years. I am proud and honored to count these brave firefighters among my friends and neighbors.

Moreover, I am proud to join with the Greenport Fire Department in honoring these members for their faithful service. These men have answered the siren's call whenever a fire or other peril threatened a member of the Greenport community. Henry Clarke, Jr. has served for 58 years as 2nd Lt., 1st Lt. and Captain from April 1952 to March 1952. Nelson Beebe has served for 52 years as 2nd Lt., 1st Lt. and Captain from April 1978 to March 1980. Jake Sherwood has served for 50 years as 2nd Lt., 1st Lt. and Captain from April 1958 to March 1960. Time and again these brave men joined their comrades as they hastened to the scene, placing themselves in harm's way to aid another human being in danger, regardless of whether it be a friend, neighbor or stranger.

Demonstrating that true heroes are created over a lifetime of selfless acts and service to their God, family and country, these brave men of the Greenport Fire Department are perfect role models for every volunteer firefighter who will come after them. They truly reflect the outstanding work of the Greenport Fire Department and its commitment to training and service that keep their neighbors, friends and even their own children safe and secure. That is why, Mr. Speaker, I ask my colleagues in the House of Representatives to join me in saluting the courageous, devoted volunteers of the Greenport Fire Department.

May God keep them safe as they have worked to keep safe the Greenport community.

TRIBUTE TO RETIRING MICHIGAN STATE TROOPER CHARLIE GROSS

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1999

Mr. STUPAK. Mr. Speaker, I like to pay special tribute today to Detective Sergeant Charlie Gross, who is retiring after a career of law enforcement with the Michigan State Police.

As you may know, Mr. Speaker, I served as a law enforcement officer. In point of fact, I served with Charlie in a variety of posts, while our careers seem to follow a parallel track.

In one sense, my own law enforcement career ended when I was injured in the line of duty and retired in 1984. In a deeper sense, I however, the friendships that form among law enforcement officers are bonds that survive changes in careers and changes in address. In that regard, when I founded the Law Enforcement Caucus in my freshman year in Congress, I was not only giving my many comrades in law enforcement a voice in Washington, but I was also giving myself a professional reason to maintain these strong ties to many good friends and providing myself with an opportunity to forge new friendships with dedicated people in law enforcement.

Now, one of these old friends is retiring after a 27 year career. The unit D/Sgt. Gross will actually leave is a Michigan State Police tactical drug unit, the Upper Peninsula Substance Enforcement Team, known as UPSET.

Charlie was one of the first troopers I met on the road in 1974, and we seemed to stay on the same career road. When I was transferred to Lansing, Charlie was in Lansing. When I went back to the Upper Peninsula, Charlie went to the Upper Peninsula. As he gained knowledge and experience, Charlie demonstrated a wide array of skills, including sharing his knowledge with other troopers by teaching traffic safety, the proper use of the Breathalyzer, and other investigative subjects.

Last week here in Washington we spotlighted U.S. law enforcement in a number of ways. We paid special tribute to fallen officers, and we celebrated funding 100,000 new police officers under the Community Policing program.

This Saturday, the co-workers of Charlie Gross will celebrate one man's career in law enforcement. I ask you and my House colleagues to join me in wishing the best in retirement for this dedicated public servant.

THE KOSOVO EMERGENCY SUPPLEMENTAL APPROPRIATION

HON. DARLENE HOOLEY

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1999

Ms. HOOLEY of Oregon. Mr. Speaker, I rise today to address last night's vote on the so-called ''emergency'' supplemental appropriations bill, H.R. 1141.

As a member of the budget committee, and concerned member of this body, I am appalled not only at the amount of pork crammed into the bill, but especially by the anti-environmental riders placed on the bill.

One of these riders is specifically targeted at helping the mining industry and will delay strengthening of regulations that would safeguard against mining companies walking away from the cleanup costs associated with mining.

Yet another special interest rider prevents the Minerals Management Service from issuing rules on the value of crude oil.

This will allow major oil companies to underpay royalties from drilling on public lands—estimated to cost taxpayers between $66 to $100 million per year.

Yet another rider would weaken the already egregious 1872 mining law, allowing a previously denied waiver for the development of the ''Crown Jewel'' mine in my neighboring state of Washington.

For these reasons, I encourage the President to veto this environmentally destructive bill, sending a message to this body and the American people that our precious natural resources will not take a back seat to pork and special interests groups.

IN RECOGNITION OF JOSEPH R. QUINN

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1999

Mr. ACKERMAN. Mr. Speaker, on May 20, 1999, family and friends will gather to honor and pay tribute to Joseph R. Quinn, who served as the Chairman of the Smithtown Democratic Committee for 22 years, until his retirement last September.

Joe Quinn, known for his wit, incredible memory for names, love of Irish music, his wonderful family and loyalty to friends, has distinguished himself throughout his private and political life.

In 1959, the then-younger, dark-haired, father of five, Joseph R. Quinn, joined the Suffolk County Democratic Committee and began his sojourn into local politics. At the same time, this Iona College graduate began his career as a teacher in the Middle Country School District, where he went on to become the principal of the unique school without walls, New Lane Elementary School. Joe retired from the Middle Country School District in 1988 after 28 years of outstanding career in education.

Joe Quinn's dedication and loyalty to the Democratic Party is unsurpassed. Joe often boasts of the 22 officials that were elected under his leadership, ''one for every year as leader.'' He should take pride in that accomplishment, as those victories symbolized his commitment to the ideals of the Democratic Party and of our Nation.

Mr. Speaker, on May 20, the Suffolk County Democratic Committee will honor and pay tribute to Joseph Quinn at a gala dinner. I call on all my colleagues in the House of Representatives to join me now as we recognize and acclaim Joseph R. Quinn for his outstanding leadership and commitment to the Smithtown Democratic Committee, and to the people of Smithtown, of Suffolk County, and of New York State.

INTRODUCTION OF THE DEPARTMENT OF DEFENSE HOUSE RESOLUTION

HON. JAMES V. HANSEN

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1999

Mr. HANSEN. Mr. Speaker, I am happy to introduce this House resolution which will effectively help our National Park System and all those who visit and enjoy these parks. Over the past few years the National Park Service has repeatedly reported a backlog of projects necessary to maintain structures, roads, and infrastructure in many of our national parks. In fact, the National Park Service has asserted that the cost of these projects will be about 6 billion dollars. This resolution would urge the National Park Service to take advantage of support services offered by the Department of Defense, which has the authority to provide support and services to Federal entities, including the National Park Service.

A program called the Civil-Military Department of Defense Innovative Readiness Training Program offers real world training opportunities to meet the readiness requirements of military units and individuals while benefiting local communities. This service, provided by the Department of Defense, includes equipment and other assistance which has the potential to greatly reduce the backlog of projects identified by the National Park Service. In short, this resolution will direct one federal department to help another and will benefit the American taxpayer who has been picking up the tab.

This is a good idea and a worthy resolution and I urge all my colleagues to support this House resolution.

TRIBUTE TO NATIONAL PRINCIPAL LEADERSHIP AWARD WINNER

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1999

Mr. SCHAFFER. Mr. Speaker, today I rise to commend an outstanding Colorado high school student and leader. This Spring, Leah Nein of Julesburg High School, in Julesberg, Colorado, received the National Principal Leadership Award.

Each year, the National Association of Secondary School Principals and Herff Jones Inc. presents the National Principal Leadership Award to 150 students nationwide. Recipients must demonstrate outstanding scholastics, leadership and student service throughout their high school years. As an added bonus, a $1,000 college scholarship is provided to help these students achieve their higher education goals.

Among some of her accomplishments, Leah was class president three out of her four high school years, captained the volleyball team, and a Girls State Delegate. She has also received the Colorado School of Mines ''Medal of Accomplishment in Math and Science'' and the University of Colorado ''Outstanding Junior Award.'' This Fall, Leah plans to attend Colorado State University and major in Accounting.

Mr. Speaker, it is my privilege to congratulate Leah Nein and all Principal Leadership

Award winners. With confidence, I look forward to their leadership in America.

TRIBUTE TO RETIRING MICHIGAN STATE TROOPER ROBERT KRAFFT

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1999

Mr. STUPAK. Mr. Speaker, I like to pay special tribute today to 1st Lieutenant Robert Krafft, who is retiring after a career of law enforcement with Michigan State Police.

As you know, Mr. Speaker, I served as a law enforcement officer. In point of fact, I first served with Bob Krafft early in my own career with the Michigan State Police.

In one sense, my own law enforcement career ended when I was injured in the line of duty and retired in 1984. In a deeper sense, however, the friendships that form among law enforcement officers are bonds that survive changes in careers and changes in address. In that regard, when I founded the Law Enforcement Caucus in my freshman year in Congress, I was not only giving my many comrades in law enforcement a voice in Washington, but I was also giving myself a professional reason to maintain these strong ties to many good friends and providing myself with an opportunity to forge new friendships with dedicated people in law enforcement.

Now, one of these old friends, Bob Krafft, is retiring after a 26-year career.

I recall moving into this neighborhood, where he took me under his wing. My recollections of those first years of our friendship remain vivid, as he took me deer hunting, as I met his wife Sue and watched their daughter grow. Even though our law enforcement work carried us in different directions, the bond we formed as friends, neighbors and law enforcement officers has always dissolved the distance that geography put between us.

Last week here in Washington we spotlighted U.S. law enforcement in a number of ways. We paid special tribute to fallen officers, and we celebrated funding 100,000 new police officers under the Community Policing program.

This Friday, May 21, the co-workers of Bob Krafft will celebrate one man's career in law enforcement. I ask you and my House colleagues to join me in wishing the best in retirement for this dedicated public servant.

A TRIBUTE TO THE ASSOCIATION FOR THE HELP OF RETARDED CHILDREN ON ITS 50TH ANNIVERSARY

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1999

Mr. FORBES. Mr. Speaker, I rise today to pay tribute to Suffolk Association for the Help of Retarded Children, Suffolk County's largest voluntary agency celebrating its 50th anniversary of service to our community. For the past half century the Association for the Help of Retarded Children has lived up to the spirit of community by providing various educational, vocational training, and habilitative services for residents of Eastern Long Island with special needs.

Through the chapter's Vocational Education Program, adults mature, achieve self-fulfillment and self esteem. Major Long Island corporations use this program's participants for packaging and assembling jobs. These contracts offer 800 clients opportunities to learn vocational skills that can ultimately lead to competitive employment. In the Supported Work Program, individuals successfully make the transition to the job market with the help of job coaches who provide on the job training at the employer's work site, including follow along care.

The Association for the Help of Retarded Children's Sagtikos Education Center is a very special school. More than 100 infants, preschoolers and school-age children through age 21 receive Individualized Education Plans that foster their mental and physical development. School age children attend this school because their disabilities are so severe that they cannot be accommodated within the special education programs of the local school districts. This service allows a parent more free time to maintain both emotional and economic family stability. Other children attend the school's Early Intervention and pre-school programs. These services often diminish, if not eliminate, the need for costly special services for a lifetime.

For lower functioning adults, the Association for the Help of Retarded Children offers a Day Treatment Program that provides habilitative training that fosters greater independence through the acquisition of daily living skills. Their Senior Day Hab Program offers habilitative training through age appropriate activities for senior citizens. Sixteen community residences located throughout Suffolk are each home to up to 10 adults, operating as a family unit under the guidance of a house parenting team. Residents interact with their communities as any typical family does: shopping, banking, visiting the library and even going to work.

After 50 years of operation, the Suffolk chapter is known for its fiscal integrity. It is so well managed by a voluntary Board of Directors and its Executive Director that it consistently rates ''exceptional'' in Federal, State and County adults, and is granted three year operating certificates rather than the usual one year.

That is why I ask my colleagues in the U.S. House of Representatives to join me in saluting the Association for the Help of Retarded Children on its 50th anniversary. For half a century, the Association for the Help of Retarded Children has done more than just help neighbors who need it, or provide opportunities for their children. The Association for the Help of Retarded Children has also provided our community the opportunity to express their strong love for their community by getting involved and by helping their neighbors.

IN MEMORIAM: DEDICATION OF THE GARDEN GROVE POLICE DEPARTMENT ''CALL TO DUTY'' POLICE MEMORIAL, MAY 20, 1999

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1999

Ms. SANCHEZ. Mr. Speaker, today I rise to pay tribute to the officers of the Garden Grove Police Department who died in the line of duty and who will be commemorated in the dedication of the Garden Grove Police Memorial, ''Call To Duty'' on this twentieth day of May, 1999.

There are few words that adequately express the deep sorrow and grief of a family whose loved one has been killed in the line of duty. We can remember their bravery and courage through dedication and memorial. President Abraham Lincoln perhaps described the terrible emptiness and regret that we, the living, feel for those who have given their lives to protect others. In the famous Gettysburg address, Lincoln summarizes these feelings in a most profound way:

> It is for the living, rather, to be dedicated here to the unfinished work which they who fought here have thus far so nobly advanced. It is rather for us to be here dedicated to the great task remaining before us—that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion—that we here highly resolve that these dead shall not have died in vain . . .''

Let us pay tribute to the five brave men who gave their ''last full measure of devotion'' to the community that they were protecting: Myron Trapp, October 6, 1959; Andy Reese, May 30, 1970; Donald Reed, June 7, 1980; Michael Rainford, November 7, 1980; and Howard Dallies, Jr., March 9, 1993. Let us not forget their heroism, their loyalty, and their dedication to duty.

COLUMBIA DEERING HOSPITAL CELEBRATES SENIOR FRIENDS AND FITNESS DAY

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1999

Ms. ROS-LEHTINEN. Mr. Speaker, senior citizens have always served as the cornerstone of our country's population and as America's aging generation continues to rapidly increase, the health and well being of our nation's elderly becomes more and more important.

The Senior Friends Chapter at Columbia Deering Hospital has recognized the importance of fitness among the senior population and are taking the initiative of spearheading Senior Health and Fitness Day in Miami-Dade County, Florida.

Exercise has been clinically proven to help fight many ailments that affect seniors, such

as osteoporosis, heart disease, and arthritis, and is highly recommended to improve the overall quality of life at any age. On May 26, the Senior Friends Chapter at Deering Hospital will host activities such as fitness walks, exercise demonstrations, health screenings, and health information workshops to educate Miami's seniors about the many benefits of fitness and to encourage their participation in a more active lifestyle.

I ask my colleagues to join me in paying tribute to The Senior Friends Chapter for their focus on senior's health.

DEFENSE INDUSTRIAL SUPPLY CENTER TO BE DISESTABLISHED

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1999

Mr. BORSKI. Mr. Speaker, I rise today to announce that the Defense Industrial Supply Center (DISC) in my district will be disestablished in a fitting ceremony on July 2, 1999. In accordance with the Base Realignment and Closure Commission, DISC and its hard working employees will continue their mission as a part of a new organization, the Defense Supply Center Philadelphia.

Established as a field activity of the Defense Logistics Agency on April 1, 1962, DISC has for over three decades combined professional personnel talent with modern management techniques to provide its military customers throughout the world with responsive logistic support.

DISC items were used by all the services in support of their multimillion dollar weapon systems, such as, the Trident, Patriot and Minuteman III missiles; the Black Hawk and Apache helicopters; the Abrams tank; the Eagle, Hornet and Harrier aircraft; the *Ohio* and *Los Angeles* Class submarines; the AEGIS Class cruisers; and the *Nimitz* Class aircraft carriers, as well as certain NASA space programs. In addition to supplying vital parts to our Armed Forces, DISC also provided emergency support in times of disaster.

From its headquarters in Northeast Philadelphia, DISC military and civilian personnel maintained a constant flow of critical items 24 hours a day, 7 days a week, to satisfy the supply needs of the military services. The Center was responsible for the wholesale support of industrial and commercial type items to the military services. These items included plumbing, wood products, material handling and facilities maintenance supplies, marine safety and fire fighting equipment, food service equipment, imaging and information supplies, as well as bearings, rope, cable and fittings, fasteners, hardware, packing and gasket materials, springs and rings, metal bars, sheets and shapes, electrical wire and cable, as well as certain ores, minerals and precious metals.

Active in Philadelphia community affairs, DISC employees participated in numerous civic activities in and around the Delaware Valley. Many employees have earned wide recognition for their volunteer work in personal one-to-one relationships with the young, the old, and the needy through such programs as Project Reachout and Project Give. The employees are also key members and leaders in a host of other community groups and associations, such as Boy and Girl Scouts; Little League; United Way; and in church, veterans and civic organizations where they participate in many activities of benefit to the greater Philadelphia area.

DISC has earned the privilege to fly the Minuteman flag each year of its existence through U.S. Saving Bonds participation. This is a unique record unequaled by any other major Federal Activity.

As the Defense Industrial Supply Center Colors are lowered for the last time, I personally extend my sincere praise and appreciation to Nicholas J. Ranalli, DISC's Administrator, and to all military and civilian employees, past and present, who have been providing dedicated service to our military personnel around the world since 1962.

The people of Philadelphia and the Nation can take justifiable pride in a fine job well done and to look forward to the continuation of DISC's vital role in the defense efforts of our country when the mission of the Defense Industrial Supply Center conjoins its operation with the Defense Supply Center Philadelphia.

TRIBUTE TO BEN TOM ROBERTS

HON. SONNY CALLAHAN

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1999

Mr. CALLAHAN. Mr. Speaker, I rise today to honor a friend and an important constituent from the First District of Alabama who will be in my office Thursday on the occasion of his 50th birthday.

Ben Tom Roberts is the current president of the Alabama Association of Realtors (AAR). In addition, he is a principle in Roberts Brothers, Inc., a family-owned business that for more than 53 years has been serving the real estate needs of generations of south Alabamians.

Ben Tom's motivation and inherent knowledge of the real estate industry has propelled him to one of the foremost leaders in his field. Not only is he co-owner of Mobile's largest real estate firm, he has also served as president of the Mobile Area Association of Realtors as well as state president of the Real Estate Securities and Syndication Institute. Clearly, real estate is in Ben Tom's blood and the real estate industry in Alabama is truly benefitting from his leadership, as well as his considerable experiences.

In addition to Ben Tom's service to the industry, he is actively involved in the life of our community. From the American Cancer Society to the United Way, Ben Tom's philanthropy has truly spanned the alphabet. It is fair to say he has given generously of his time and talents in the service of his fellow man.

In recent years, Ben Tom has held numerous leadership posts, serving as vice chairman of the Mobile Chamber of Commerce and past president of the Country Club of Mobile, the Chandler YMCA and the Metropolitan YMCA. In addition, he serves on many boards, including Southtrust Bank, the Old Overton Club and the Alabama Golf Association.

Ben Tom, and his lovely wife Gale, are active members of St. Ignatius Catholic Church in Mobile, where he is serving as chairman of the Stephen Ministries. Mr. Speaker, as 50 candles light Ben Tom's birthday cake, I ask you to join me in congratulating him on his outstanding achievements in the real estate arena, and his support of charitable causes and community organizations in Mobile and throughout the state of Alabama.

INTRODUCTION OF THE PUBLIC HEARING STANDARDIZATION ACT

HON. JAMES V. HANSEN

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1999

Mr. HANSEN. Mr. Speaker, it is with pleasure that I am introducing the Public Hearing Standardization Act of 1999. This Act is needed so that the general public can meaningfully contribute to the process used by federal agencies to obtain public input. Currently, public hearings provide a process to the general public so that their comments and input can become part of the official record. However, because many of the public's questions remain unanswered by federal agencies, this process has been disappointing for many who attend these hearings. Public hearings should also provide a forum for the public to ask questions of the federal agencies and for the public to receive from the federal agencies meaningful responses to questions as part of the official record.

Presently, public hearings conducted by federal agencies do not have any standard format nor parameters as to how they are conducted. As a result, federal agencies have total discretion in setting rules for public hearings. Unfortunately, these rules frequently do not require the federal agencies to respond to legitimate questions asked by the public. This bill intends, therefore, to standardize the procedures used by federal agencies for public hearings so that the public understands the rules in conducting such public hearings and can respond appropriately. It will also give the public a chance to ask relevant questions and also a reasonable expectation of receiving an honest answer from federal agencies.

This is a long-overdue bill which will give the public beneficial information in regard to federal agency land management. The public deserves to have questions answered by federal agencies in a public forum and this bill, among other things, will make sure that the public has this chance. I urge all my colleagues to support and co-sponsor the Public Hearing Standardization Act of 1999.

HONORING THE VICTORIA HIGH SCHOOL VICTORIADORES, VICTORIA, TX

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1999

Mr. PAUL. Mr. Speaker, I rise today to pay honor to the best drill team in the nation and in the world: the Victoria High School Victoriadores from Victoria, Texas. Under the exemplary leadership of D.J. Jaynes, Victoriadore Director, assisted by Laura Klimist, Choreographer, this outstanding group of ladies and gentlemen won many national honors at the marching Auxiliaries/Seaworld

National Championship Competition. Their awards include the Choreography Award for all dances—jazz, high kick, military, lyrical and show production; Winner's Circle (all dances scored 95 or above from all judges); named Best in Class for having the highest overall scores in the competition; and the National Champion Jacket Winners for earning the highest score from all categories and all dances.

After this impressive victory, the Victoriadores aimed for the championship at the Miss Dance/Drill Team USA Pageant and Competition. They easily took first place in military, high kick and show production and second place in lyrical, and they earned the Producers Award for the best overall presentation.

The taste of victory was so sweet, the Victoriadores decided to take the International Championship, competing against Japan, Australia, New Zealand, Channel Islands, Mexico and South America. The team won first and second place in Military and High Kick, with New Zealand placing third.

This group of students deserves the honors it has earned. I commend each one of them to you:

Brooke Adams
Chelsea Akin
Andrea Alvarez
Jennifer Alvarez
Pia Arifiles
Iza Arifiles
Rachel Barber
Samantha Bernal
April Blackwell
Liz Boldt
Meredyth Bryant
Lisa Buckler
Monica Canchola
Misty Cavazos
Stephanie Cernosek
Krysta Chacon
Melissa Chavez
Cody Cole
Kyra Coleman
Cari Collett
Kristin Creech
Carrie Dahlstrom
Nichol Dally
Katie Dayoc
D'Lisa DeLuna
Joey Dominquez
Cash Donahoe
Wendy Dry
Carly Dunnam
Jamie Dybala
Dyann Erwin
Bianca Estrada
Nicole Garcia
Michelle Garcia
Mandy Gaskamp
Clarisa Gonzales
Valarie Gonzales
Amber Grunewald
Lacey Hall
Erin Hanzelka
Megan Hearn
Theresa Hernandez
Brandy Hill
Blair Hunt
Amy Innocenti
Melissa Jecker
Laura Jecker
Eric Jentsch
Ida Jimenez
Kelly Johnson
Allison Jones
Morgan Kallus
Jill Kauffman
Lindsey Klein
Hilary Koenig
Emily Loeb
Amanda Lott
Aimee Lovik
Waverly Lynch
Tara Marek
Kelly Martin
Ashley Martin
Erin Martin
Nina Martinez
Stacy McCants
Sarah McKay
Taysha McKibbon
Tyler Meador
Valerie Medina
Corie Meinke
Garrett Middleton
James Miller
Lori Monclova
Tammy Newbern
Jamie O'Quinn
Jennifer Padilla
Dusty Patek
Aaron Pearson
Matina Pflaum
Sara Quitta
Melissa Ragsdale
Katie Reimann
Natalie Ricks
Brandi Roth
Jennifer Salinas
Brianne Schmidt
Penny Schumacher
Sara Schweke
Jamie Sedlacek
Tenille Shafer
Loren Shafer
Heather Shannon
Justin Sheppard
Brett Shoemaker
Amanda Stewart
Stacey Talley
Juli Teeters
Bianca Tilley
Amanda Trevino
Lauren Tuso
Elane Urbano
Pam Urbish
Jessica Vaughan
Whitney Wilkinson
Lindsey Williams
Laura Windwehen
Melanie Winston

D.J. Jaynes, Victoriadore Director/Choreographer
Laura Klimist, Choreographer

I am proud to have these national and international championships in the 14th Congressional District of Texas. I am proud of the commitment to excellence and perserverance shown by each student which was necessary to reach these goals. I am proud of the support shown by the parents and guardians of these students which helped them reach their goals.

I trust all my colleagues join me in congratulating the Victoria High School Victoriadores on these impressive achievements.

HONORING THE ''BLUE RIBBON SCHOOLS'' OF CALIFORNIA'S 51ST DISTRICT

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1999

Mr. CUNNINGHAM. Mr. Speaker, I am proud to rise today to recognize that three schools in my 51st Congressional District of California are now being honored as National Blue Ribbon Schools for 1999.

In alphabetical order, these schools are:

La Costa Heights Elementary School, Carlsbad, California. The principal is Deborah Blow, and the superintendent of the Encinitas Union School District is Douglas DeVore.

Magnolia Elementary School, Carlsbad, California. The principal is James Boone, and the superintendent of the Carlsbad School District is Cheryl Ernst.

Solana Vista School, Solana Beach, California. The principal is Stephen Ludwiczak, and the superintendent of the Solana Beach School District is Ellie Topolovac.

Just this morning, I was honored to call each of these superintendents myself, to give them the good news and send my warmest congratulations.

The National Blue Ribbon Schools program evaluates schools based upon their effectiveness in meeting local, state and national educational goals. In 1999, 266 elementary schools are recognized as National Blue Ribbon Schools, including the three above in California's 51st District, five in San Diego County, and 41 in the State of California. Blue Ribbon status is awarded to schools that have strong leadership, clear vision and mission, excellent teaching and curriculum, policies and practices that keep the schools safe for learning, expanded involvement of families, evidence that the school helps all students achieve high standards, and a commitment to share best practices with other schools.

I am immensely proud of the men and women whose outstanding and tireless work in the interest of better education has now been recognized through the National Blue Ribbon Schools program. This is particularly close to my heart, because, as a former teacher and coach, and as a father, one of my passions is improving education so that every American can have a fighting chance to achieve the American Dream.

And while these three schools in my district have now been recognized as National Blue Ribbon Schools, the real winners are all of the children, parents, teachers and citizens who have all been challenged through this recognition to successfully improve education in all of their local communities.

As part of the National Blue Ribbon Schools honor, representatives from each of these schools will be invited to awards events in Washington, D.C., this October.

Mr. Speaker, I ask that the permanent RECORD of the Congress of the United States note the excellence of these three Blue Ribbon Schools in California's 51st District, by including summaries of these three schools' superior work for my colleagues and all of America to read and review.

LA COSTA HEIGHTS ELEMENTARY SCHOOL

La Costa Heights Elementary School located in Carlsbad, California, is a school community committed to our motto, ''La Costa Heights Where Learning Reaches New Heights.'' Our mission is to foster confident students who celebrate learning as a lifelong experience. Through the collaborative efforts of our many parents, community members, and teachers we prepare successful decision makers for a diverse, every-changing world. The students at La Costa Heights are educated in a positive and caring environment that promotes the achievement of their personal best, both academically and socially.

Our primary goal for the students of La Coast Heights is to prepare them to be lifelong learners and productive members of society. They are provided a curriculum, which encourages collaboration, problem solving, and responsibility for individual learning. The entire staff and parent community are involved and committed to providing a learning environment that will allow each student to achieve these goals.

It is the vision of our school community that we be a school the puts children first. As a school community of teacher leaders, we are well on our way to achieving this vision. All staff members take responsibility for meeting the needs to every child. We focus on enhancing each student's learning and giving them the skills to problem solve and make choices. Our students learn to appreciate diversity in people through the instruction of life skills incorporating honesty, teamwork, perservance, and self-reliance.

Our school staff is composed of teachers with expertise in a variety of areas. These professional willingly share their knowledge and experiences with all members of our staff creating a challenging, yet nurturing environment for our students. As leaders, the staff has worked together over the past several years as strong grade level teams, drawing upon each other's strengths to create programs that challenge yet nurture all students. Teachers at La Costa Heights are very helping and welcoming. They are eager to share ideas, materials, and endearing moments, because they believe that our strength comes from our collaboration.

Located in Carlsbad, California, La Costa Heights School is pat of the Encinitas Union School District which serves students kindergarten through 6th grade. Opened in April 1987, it currently supports approximately 720 students. The school's strong reputation for providing a nurturing yet challenging learning environment draws new families into the community. Due to this reputation, the school draws several families from outside our immediate attendance area on inter and intra district transfers. The school serves a commuter community of middle to upper class families in the northern coastal region of San Diego County. Families from several ethnic backgrounds make up a portion of our community although only 2% of our population represents English Language Learners. La Costa Heights is also home to a regional special day class for severely handicapped students. Due to the stability of the

community and school enrollment, the majority of our students attend our school from kindergarten through sixth grade. Since the school's opening in 1987, we have experienced slow, but steady growth. In the past year, this growth has accelerated due to new housing developments in the area. As a school that was prepared for this growth, we have been able to provide a very welcoming atmosphere for our new families, allowing them to quickly assimilate into our school family.

Boasting a strong tradition of volunteerism, one cannot enter the school without finding several parent and community volunteers working in some capacity to assist in student learning. A spirit of collaboration and innovation pervades the school as teachers and parents work together to create solutions to challenges and to create programs and instruction that have been replicated at other schools in the district.

La Costa Heights Elementary School serves as the hub of the community in which it resides. It is a school truly dedicated to its community and its students. Having formed several business partnerships, we work together to both provide for our students, and in turn teach our students to give back to their community. Service learning is a major focus of our curriculum. Teaching an integrated curriculum that also provides a service to the community has become a strength at our school. We work as a community to use our existing resources and respond quickly to new challenges in support of the families and residents of our community. The most powerful example of this occurred when a fire struck the La Costa community in October 1996. The school became the gathering place for the community as a luncheon was served by staff members. From this tragedy grew a tremendous service learning project which was begun just one month after the fire. Utilizing our business partners and working closely with the city of Carlsbad, a local park was restored and an educational native plant trail created. From this beginning, several other service learning projects have evolved as students experience their curriculum in a ''hands on''environment which is relevant to their lives.

In preparing our students for the future, La Costa Heights has placed a strong emphasis on bringing technology into our classrooms. The staff is aggressive about utilizing existing technologies while finding ways to acquire new hardware and software applications. We have tapped a variety of resources to update our existing computers and acquire new ones. Students can be found using technology applications in meaningful ways on a daily basis at our school.

The students at La Costa Heights are our stars. Through the many experiential learning activities in which they have participated, they have learned to give back to their community. Our students have also developed a strong sense of compassion due to their work with the special needs students. This is a unique opportunity which we have embraced.

La Costa Heights' staff and parents believe that our collaborative spirit is our greatest strength. We all work together to create an environment for each child where his/her learning can reach new heights.

MAGNOLIA ELEMENTARY SCHOOL

Magnolia Elementary School in Carlsbad, California is one of seven elementary schools in the Carlsbad Unified School District, and is in its 42nd year of operation. We are a K–6 grade school with a current population of 701 students including 56 students enrolled in our regional program for the Deaf and Hard of Hearing. (We provide the Deaf and Hard of Hearing program for 14 school districts comprising the North Coastal Consortium for Special Education.) Also located at Magnolia are two District Special Day classes providing individualized services for special needs students within Carlsbad Unified School District. All special needs students at Magnolia have full access to regular education programs and are mainstreamed in regular education classes, in some cases, for the entire day. Our growing Hispanic population (155) is taught to speak and read English with the assistance of our ESL teacher. It's exciting to see non-English speaking students become fully bilingual in a three or 4 year span. Many of our Spanish speaking students are tri-lingual by 6th grade. They have mastered English and become fluent in sign language as well. Parents of students at Magnolia range from unskilled field laborers, to highly skilled professionals (physicians, attorneys, dentists, biomedical research, scientists, etc.)

Magnolia's parents and teachers hold the common belief that challenge in education is important and essential. Our parents want to see their children challenged and achieve. They demonstrate their commitment to education by supporting our highly active and involved PTA with volunteer time and donated money to support our arts and physical education programs that augment our academic curriculum. Our teachers work diligently to provide students with a variety of educational experiences thoughtfully designed, implemented and evaluated to ensure skill acquisition in all subjects and the opportunity to demonstrate those skills through problem solving activities involving application and synthesis of acquired knowledge.

Our single story facility is located on a 10.53 acre parcel of land adjacent to Valley Middle School and one block away from Carlsbad High School. Fourteen (14) relocatable classrooms have been added to our facility over the last 12 years to provide space for two District special day classes, a computer lab, and to accommodate class size reduction in grades 1 through 3. There are 47 certificated and 27 support personnel at Magnolia.

A large athletic field, basketball, volleyball, handball and tetherball courts are available for physical education and recreational use. A 5000 square foot garden with 32 raised planting beds and a butterfly enclosure is also located on our campus for instructional use. The Strategic Planning process we have incorporated has helped to focus our instructional program through the development of a comprehensive School Site Plan. Parents, teachers, students, and administrators developed the 5 year plan (1995–2000) designed to meet the educational needs of our diverse student population.

Magnolia Elementary School's MISSION STATEMENT was developed in the Spring of 1995 by a team of 19 individuals representing parents, teachers, students, classified employees, and the school administration. Our Mission reflects the vision we hold for every student enrolled at Magnolia and we ensure its implementation by always being our own best critic.

SOLANA VISTA SCHOOL

Solana Vista is located in Solana Beach, California. As the only K–3 school of five elementary schools in the Solana Beach School District, we focus on meeting the developmental needs of children aged five to eight. Our diverse population of 400 students includes English speaking students, English learners of Hispanic, Asian and European background, and a high percentage of special needs students. The academic, social, and economic needs of our students were considered when we developed our Mission Statement to express our commitment to developing successful, creative, inquisitive, respectful and responsible students. We accomplish this through student-centered instruction, ongoing assessment, support programs, parent involvement, and community partnerships. Solana Vista was recognized as a Blue Ribbon School in 1990 and as a California Distinguished School in 1998. Our current school self-assessment shows how our educational programs and effectiveness as a primary school have evolved and improved dramatically since our last Blue Ribbon award, nearly ten years ago.

At Solana Vista, student-centered instruction is exemplified by effective teaching practices and ongoing, multiple assessment measures. All 21 classrooms participate in California's 20:1 student-teacher class size reduction program, which allows our teachers to focus closely on each student's specific behavioral, emotional and academic needs. Professional development and growth is a priority. Teachers remain abreast of the latest research by participating in conferences and workshops each year. We have created heterogeneous, balanced classes with small clusters of children receiving resource services in certain classes. Teachers use differential instruction and flexible-skills groupings to meet all students' needs. Students targeted for the gifted and talented program benefit from our Talents Unlimited curriculum, used with all students to foster critical thinking skills. Last year, our Gifted and Talented Education Program was rated exemplary. Approximately 60% of our school staff are bilingual and provide students alternative instructional delivery systems, such as Specially Designed Academic Instruction in English (SDAIE) and sheltered English instruction.

Our comprehensive curriculum and assessment are aligned with rigorous District and State Content Standards. Curriculum is integrated, using hands-on, investigative learning activities to increase student motivation and engage students in the exploration of new concepts. Technology such as CD–ROMs and laser disks support our curriculum. We employ a four-year cycle for curriculum renewal, spearheaded by our School Site Council. Committees within the District are involved when the District adopts new, state-approved materials. Selected teachers pilot new programs, read current educational research, and review feedback provided by teachers, administrators and parents to assist them in the decision-making process.

Students' academic needs are assessed regularly to ensure the teaching practices used in the classroom are effective. Assessment is achieved through a balance of authentic and standardized data that includes district math and language arts tests, student work samples, anecdotal notes, standardized test results, and running records. Our Student Success Team identifies and assists students who are not successful within the regular classroom structure. In addition, the bilingual resource teacher tracks oral language development among English Learners and conducts Student Appraisal Team (SAT) meetings involving the principal, resource and classroom teachers, parents, and support service personnel to discuss students' progress.

Support programs are in place to provide for children's physical, emotional and academic needs. We have a counseling program maintained by our bilingual school psychologist and guidance counselor. The psycologist works with interns from a local college to create individual behavior modification plans, while the guidance counselor works

with small clusters of students on social skills and conflict resolution. Our behavior program called PALS—Positive Attitude toward Learning and School—gives students a consistent school-wide behavior plan that focuses on rewards and recognition while de-emphasizing negative consequences. Reading intervention programs include our new Miller Unruh Reading Specialist who works with small groups of children with reading difficulties, and the Rolling Readers Program that utilizes community volunteers to tutor children one-on-one. Our Study Buddy Program pairs students with high school buddies to assist them with schoolwork, and provide friendship, and positive role models.

Our parents demonstrate a commitment to meeting the needs of our school through donations and active participation. Over 10,300 volunteer hours were logged at our school last year, including volunteers assisting with programs such as the Rolling Readers, Books & Beyond, and Super Star Math. Parents also serve as decisionmakers with representatives sitting on the Solana Beach Board of Education, School Site Council, District Advisory Forum, and the Foundation for Learning.

We offer parents support to meet their children's needs. On-site before- and after-school childcare is available. Scholarships are available for all after-school enrichment activities. Newsletters and Web sites involve parents with classroom learning and homework assignments. We give extended opportunities for learning such as the Books & Beyond, and Math, Science and Beyond programs. The bilingual resource teacher, community liaison, and school nurse make home visits as needed for our Spanish-speaking families. Parent education sessions are held for Spanish-speaking parents on such topics as ''Reading with Your Child'' and ''Child Nutrition.''

Our community partnerships include businesses, community volunteers, and surrounding educational institutions. We collaborate to create a facility that will meet the community's needs. For six years, Mission Federal Credit Union has provided funds for earthquake preparedness, our garden project, and our weather station. Their employees dedicate many volunteer hours as reading tutors. Local restaurants and stores provide student awards for the Books & Beyond recreational reading program. The Solana Beach Foundation for Learning, a group of parent and community volunteers, are committed to raising funds for enrichment programs. Their Annual Pledge Drive raises thousands of dollars each year. We work closely with local high schools, colleges and universities to strengthen our students' educational experience, and to provide our teachers with support and continuing professional development.

The Solana Vista School facility was built in 1971 and has grown from the eleven original classrooms to the current 21, reflecting the growth in the community. We have a technology center, science laboratory and on-site childcare center. Traditions such as our third grade play, art fair, monthly school sings and community/town meetings are held in the popular Kiva meeting center that adjoins the media center/library. The community uses our extensive grass fields seven days a week for recreation. We have collaborative agreements with the Solana Beach Little League, Solana Beach Soccer Association, and the City of Solana Beach. The minimal rate of vandalism and maximum community use speaks highly of the respect our community has for the facility and programs offered at Solana Vista.

The journey to academic excellence begins at Solana Vista for our K-3 students. Their educational progression continues at the Blue Ribbon Schools of Skyline Elementary for grades 4–6, Earl Warren Junior High School and Torrey Pines High School (honored in 1988, 1992, and 1987, 93, and 98 respectively). Solana Vista and its counterparts consistently demonstrate quality service to children and their families that results in superior education, recognition of individual efforts and a 97% college attendance rate for current high school graduates.

IN MEMORY OF THE HONORABLE JOSE T. QUINATA

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1999

Mr. UNDERWOOD. Mr. Speaker, it is with a great sense of sadness that I acknowledge the passing of one of Guam's great municipal leaders. The Honorable Jose T. Quinata, former mayor of the historical southern village of Humatac, passed away on April 29, 1999, at the age of seventy one.

Born on February 16, 1928, to Antonio and Anastacia Quinata, J.T. or Tun Jose, as he was popularly known, was committed to serve and protect the village of Humatak and the island of Guam. Barely in his teens during the Japanese occupation of Guam, Tun Jose enlisted in the Guam Militia and later in the Guam Combat Patrol. Having been part of the defense of the island against Japanese occupiers in 1941, he assisted the United States Marine Corps in seeking out Japanese soldiers immediately after the liberation of Guam in 1944.

In 1949, Tun Jose gained employment in the Naval Government's Police Department as a guard. This began a law enforcement career that spanned twenty-six years. As a police officer, he earned the respect of colleagues and community members for his strength, fortitude, and compassion. Upon his retirement from the police force, his love for the land and southern traditions carried over through his success as a farmer. All this time, Tun Jose was deeply dedicated to the Catholic faith having served as a parish council member for many years. He also contributed his time and efforts to worthwhile civic, community and religious organizations such as the Boy Scouts of America, the Humatak Parksh Council, the Parents-Teachers Association and the Holy Name Society.

To be of further service to the village he so loved, Tun Jose ran, was elected and served as mayor of Humatac from 1992 to 1996. He worked tirelessly towards projects and activities that improved upon the quality of lives for the people of Humatac. During his tenure, Tun Jose used the annual festival commemorating Ferdinand Magellan's landing on Guam in 1521 to foster goodwill between his village and the various U.S. military commands under the Sister Village/Command Program. As mayor, he was often sought after to give guidance and leadership to villagers. Known for his amicability, he commanded great respect—often being called upon to work as the intermediary between political parties.

Tun Jose was a close personal friend of mine. He and his lovely wife Tan Ana were always there to be of service to the people of Humatak and to demonstrate that village's hospitality. I will miss him. The people of Humatak will miss him. Adios Tun Jose.

HONORING JAMES J. DRADDY

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1999

Mr. ENGEL. Mr. Speaker, there are people who accomplish so much that even when viewed over the course of a lifetime, it seems larger than life.

Jim Draddy is such a person. He left Manhattan College in 1942 and joined the war effort, serving in the Army Signal Corps doing cryptanalysis on German and Japanese codes.

He left the service in 1946 and went into the music business at Columbia Records. There, in 1954, he rose to become National Director of Promotion. Between 1956 and 1975 he served as Sales Manager for Philco, Magnavox, Motorola and Packard Bell and for the next six years he was Vice President of Liberty Music.

He then moved from bringing music to peoples' ears to using his golden tongue as Director of Public Relations for the New York Medical School from 1981 to 1984 and then brought his talent to Our Lady of Mercy Medical Center as Director of Public Affairs from 1984 to 1996. He then served for two more years as Consultant for Public Affairs.

But Jim did not limit himself to mere work. He was Chairman of the Board of Directors of Daytop Village, a member of the Bronx Chamber of Commerce, a member of Community Board #12, a Board Member of the Dominican Sisters in Ossining, and, of course, a member of the Friendly Sons of St. Patrick of Westchester.

He and his wife Patricia have seven children and nine grandchildren. Jim has been a great and dear friend of mine for many years. A retirement party is usually joyous, but for me, and all Jim's colleagues, our joy in knowing him is tempered by his leaving. We can only wish him well.

CONFERENCE REPORT ON H.R. 1141, 1999 EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT

SPEECH OF

HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1999

Ms. DEGETTE. Mr. Speaker, I rise today to express my support for the true emergency spending contained in this conference agreement: Adequate funding for the North Atlantic Treaty Organization's (NATO) military actions in Kosovo; support for operating loans for America's farms and farm workers, who are trying to provide food for our tables without going bankrupt; relief for our Central American neighbors who were devastated by Hurricanes Mitch and Georges; and relief for our Oklahoma and Kansas residents who were the victims of terrible tornadoes. These are emergencies that I believe Congress should be acting on in an expeditious manner.

But Mr. Speaker, I cannot support the $15 billion funding package proposed in this Conference Agreement for H.R. 1141, because of the non-emergency items that are attached to

it. There were plenty of non-emergency items attached by the House; and there were plenty of non-emergency items attached by the other body; but finally, there were even more non-emergency items attached by the conferees we sent to the conference table.

For example, the President asked for $6 billion in emergency funding for Kosovo-related military and humanitarian needs; the House doubled that amount to $12 billion; and our conferees somehow wrestled that up to $15 billion. It's almost as if we think the longer we wait the more ''late penalties'' we have to pay. Given even more delay, I'm afraid this Conference Agreement would become the supplemental that ate the surplus.

Were our colleagues saving their so-called emergencies for a rainy day? On this rainy day, Mr. Speaker, it's raining money, which this provision is siphoning out of the Social Security trust fund. And I cannot support that misuse of power and abuse of the public's trust.

EQUAL ACCESS TO REPRODUCTIVE HEALTH CARE

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1999

Ms. SANCHEZ. Mr. Speaker, I rise today to report to my colleagues the actions of the House Armed Services Committee. I want to commend the committee for the important step it has made toward providing equal access to reproductive health care for U.S. servicewomen and dependents.

During the committee's debate of the FY 2000 Department of Defense Authorization bill, I was proud to continue the work of my friend and our former colleague Congresswoman Jane Harman. I know my fellow Members join me in recognition of her efforts in this area.

The bill endorsed today by the committee safeguards abortion services for those whose pregnancies are due to rape and incest. This is good news for American soldiers and dependents, and it's good news for our armed forces.

I am disappointed that the committee chose to reverse the Personnel Subcommittee's bipartisan endorsement of my amendment to reverse the ban on privately funded abortions at U.S. military facilities overseas. Nevertheless, our fighting men and women—and their families—will benefit from the committee's decision today.

I look forward to working with my colleagues on the house floor to ensure that we make life safer and healthier for our military women and dependents, because that makes for a better prepared, more able fighting force. This is indeed a major victory for our servicewomen and military families.

HONORING GORDON SOUTH

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1999

Mr. UDALL of Colorado. Mr. Speaker, I rise today to honor a gifted and compassionate constituent of mine, Gordon South. Gordon has made a difference by volunteering his time and efforts to help protect and support the environment.

Throughout his life, Gordon has demonstrated his unswerving dedication to the earth and its inhabitants. Since the time he was eight years old, Gordon has committed his summers to helping Dr. Laura de Ghetaldi with her orphaned fawn and injured deer rehabilitation program south of Boulder. This has not always been an easy task. He has bottle fed injured deer, tracked down poachers who have shot re-released deer, and he has grieved when some of the deer died after valiant attempts to save their lives. Such was the case this year when a black bear mauled and killed all of the fawns and adult deer in the rehabilitation program.

In addition to his rehabilitation work, Gordon has participated in the Boulder County Junior Ranger Program committing long hours to repairing and building trailheads. He also volunteers in the surgical unit and the Foster Program at the Humane Society of Boulder County.

On top of his volunteerism, Gordon is a solid student at Fairview High School where he competes on the track and cross-country teams. After graduation this year, he plans to attend Colorado State University and one day become a veterinarian.

Mr. Speaker, as our nation is engaged in a dialogue about our youth and the causes of youth violence, we must not forget about those youngsters who are making worthy contributions to our communities. I take great pride in honoring Gordon South and his achievements, his passion for the earth its wildlife, and his future endeavors. His is a lesson we all can learn from.

TRIBUTE TO ROBERT MITCHELL LOWE

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1999

Mr. BERRY. Mr. Speaker, I rise today to pay tribute to a dear friend, business associate, mentor, and father-in-law, Mr. Robert Mitchell Lowe.

Mr. Bob, as he was known in his home town of Gillett, AR, was born, raised, and lived the life of a gentleman by any and all definitions. He was a superb father and incomparable grandfather, caring and adoring husband. He defined southern gentleman.

He taught by example, he loved unselfishly, and he was never envious of others.

He loved his family unconditionally, just because they were his. His great joy in life was doing for his family, especially his grandchildren. He established a place in Gillett, AR that will be known to his family forever as ''home.'' A safe haven, where you are always welcome, loved, cared for and safe.

I took care of Mr. Bob's business for almost thirty-five years, and made some monumental mistakes, but he never once criticized me or offered a critical word.

His great love for his church, farm, friends and neighbors is what makes rural America the great place it is. He was never boastful, proud, rude, or self-seeking. He was not easily angered, kept no record of wrongs, always protected, trusted, hoped, and persevered. He was happiest on festive occasions, with holiday meals and a lap full of adoring grandchildren. He ended all his visits with his grandchildren with ''grand daddy loves you'' and none ever doubted that he did.

If as some say, that your children are a true measure of a man, then Mr. Bob was very successful. His daughters Carolyn and Martha and grandchildren Ann, Rebecca, Mitchell and Catherine would make any man proud, and are a true legacy.

The world is a better place for his having lived. All who knew him are enriched by his kind ways and charm. I was privileged to have been associated with Mr. Bob.

BEST WISHES TO PRESIDENT LEE TENG-HUI

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1999

Mr. UNDERWOOD. Mr. Speaker, the Republic of China on Taiwan is a modern country led by President Lee Teng-hui, who believes that Taiwan's future lies in a strong democracy with a free enterprise system. Taiwan's democracy is highly renowned in much of the developing world. Three years ago, Taiwan citizens freely elected Mr. Lee as their president. This was the first democratically-held election for the people of Taiwan. Moreover, Taiwan's free enterprise system has produced a strong and vibrant economy in addition to a high standard of living for its people.

On the third anniversary of Taiwan's free elections, it is important to realize that Taiwan appreciates its relationship with the United States. I wish to pay tribute to President Lee Teng-hui, Vice President Lien Chan, and Foreign Minister Jason Hu for their outstanding leadership. Their leadership has assured that Taiwan fulfills its potential to become a full-fledged developed economy. The United States values their friendship and stands in support of their work. May their continued leadership allow Taiwan to forever shine as a beacon of freedom in the Far East. Our very best to you President Lee Teng-hui, Vice President Lien Chan, and Foreign Minister Jason Hu.

HONORING EDNA SKEETE MITCHELL

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1999

Mr. ENGEL. Mr. Speaker, today I rise to honor Edna Skeete Mitchell, a marvelous lady from Barbados, who is celebrating her 100th birthday.

She was born October 10, 1898, the second of seven children born to Gertrude and Charles Skeete. She came to the United States in 1922 and soon after met and married K. Claude Mitchell. They had two children, both of whom have enjoyed professional success.

Mrs. Mitchell acquired from her grandmother a recognition that a good education is a necessity. She and her siblings were all educated and her children continued that fine tradition here in the United States. Her son Claude, Jr. received his MSW from City University and her daughter Joan is active in the Alumnae chapter of Delta Sigma Theta.

After her husband died, she raised her children while working at New York Cornell Hospital as a dietitian assistant.

At her family birthday party in October of last year, family members came from as far away as Barbados, Canada, Massachusetts and Virginia as well as the tri-state area to celebrate her centenary. One nephew from Barbados, who is Consul to Sweden, brought her a gold heart as a symbol of the kind heartedness she showed him and others of the family. Another, a Dean at Howard University, served as emcee.

Mrs. Mitchell still is a member of St. Ambrose Episcopal Church. She epitomizes what immigrants have done for America. Giving all and raising children who, with every generation, contribute still more. We are fortunate that she came to us and I congratulate her on this special birthday.

INTRODUCTION OF THE INTERSTATE CLASS ACTION JURISDICTION ACT

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1999

Mr. GOODLATTE. Mr. Speaker, today I rise on behalf on my colleagues Mr. BOUCHER, Mr. BRYANT and Mr. MORAN of Virginia to introduce important bipartisan legislation to correct a serious flaw in our federal jurisdiction statutes. In recent years, the number of class action filings has risen dramatically and the large majority of these cases are brought in state courts. A 1999 survey indicates that the number of state court class actions pending against surveyed companies has increased by 1,042 percent over the ten-year period 1988–1998. This increase in class action filings has been accompanied by a number of abuses of our judicial system.

Interstate class actions are flooding into certain state courts because those courts tend to favor local lawyers in cases against out-of-state companies; however, state courts are often ill-equipped to handle such cases. Many state courts don't have either the support staff and other resources or the complex litigation experience to handle interstate class actions, which often involve thousands (and sometimes millions) of purported class members.

In addition to forum-shopping, lawyers frequently exploit major loopholes in federal jurisdiction statutes to block the removal of class actions that belong in federal court. For example, plaintiffs' counsel may name parties that are not really relevant to the class claims in an effort to destroy diversity. In other cases, counsel may waive federal law claims or shave the amount of damages claimed to ensure that the action will remain in state court.

Some state courts use very lax class certification criteria, making virtually any controversy subject to class action treatment and allowing state courts to hear purely interstate class actions. The result is that state courts are increasingly deciding out-of-state residents' claims against out-of-state companies under other states' laws. When state courts preside over class actions involving claims of residents of more than one state (especially nationwide class actions), they end up dictating the substantive laws of other states, sometimes over the protests of those other states.

At present, our federal diversity jurisdiction statutes essentially provide that interstate disputes involving significant sums of money may be heard in a federal court. But because class actions (as we now know them) did not exist when those statutes were initially framed, class actions were omitted, leading to outrageous results. For example, under current law, a citizen of one state usually may bring in a federal court a simple $75,001 slip-and-fall action against a party from another state. But if a class of 25 million product owners living in all 50 states bring claims collectively worth $15 billion against the product manufacturer, that lawsuit usually must be heard in a state court.

Our legislation offers a solution to class action abuse by making it easier for plaintiff class members and defendants to remove class actions to federal court, where cases involving multiple state laws are more appropriately heard.

This legislation does not limit the ability of anyone to file a class action lawsuit. It does not change anybody's rights to recovery. It merely closes the loophole, allowing federal courts to hear big lawsuits involving truly interstate issues, while ensuring that purely local controversies remain in state courts. This is exactly what the framers of the Constitution had in mind when they established federal diversity jurisdiction.

I urge my colleagues to support this important legislation.

RECOGNIZING STUDENTS WHO CARE

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1999

Mr. PORTER. Mr. Speaker, it is often said that the youth of America are indifferent. We hear that they simply do not care about the issues at all, except those narrow issues that affect them personally. With so many repeating this view, I am pleased to highlight the efforts of young people in Illinois' 10th District that contradict this stereotype.

I recently received a package of letters from David Hirsch, a teacher in the Deerfield High School English Department. His sophomore English class had used the issues in my annual constituent survey for a policy debate unit, and as part of this unit, each student wrote a letter to me detailing their opinions on some of these issues. The 56 letters that I received from these young constituents were not only impressive in that they were well-thought out and well-written, but equally impressive in the genuine concern that these young men and women showed for issues ranging from the protection of the Earth from pollution to the protection of children from guns. These students also expressed concern about people in other nations, and our relationships with other countries like Russia and Iraq. Clearly, these young people are interested in more than just their personal agendas. Sophomores, they may be, but they are hardly sophomoric.

If I may, Mr. Speaker, I'd like to enter into the record the names of these students to recognize their efforts. They are: Josh Baker, Katherine Bolton, Jon Chester, Greg Cole, Jenny Eck, Julie Fiocchi, Jay Gustafson, Lexi Hayes, Janna Hoffman, Sari Hirsch, Bridgette Jung, Sandi Kaplan, Nancy Keene, Chris Krakowski, Stephanie Laouras, Kerry Lee, Elliott Levy, Elaine London, Andrew Mast, Steve Meisinger, Muhammed Mekki, Rob Pantle, Mary Patchell, Michael Posternack, Jeanette Schaller, Jeremy Silver, James Sinkovitz, Matthew Spraker, Melissa Spreckman, Jori Swift, Karli Tracey, Tracy Watson, Zachary Weiner, Lara Weinstein, and Mara Weisman. I want to commend all of them for showing interest in the issues that affect our district, country, and our world, and I am very happy to represent them in the Congress.

COMMEMORATING THE 19TH ANNIVERSARY OF THE WISCONSIN INSTITUTE FOR TORAH STUDY

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1999

Mr. KLECZKA. Mr. Speaker, I rise today to recognize a nationally acclaimed Jewish residential high school, the Wisconsin Institute for Torah Study, on its 19th anniversary.

The school, or Yeshiva, was founded in 1980 to provide a unique high school and post-high school experience. Its programs attract students from major cities across the country. The high school program offers a comprehensive Torah study curriculum and, simultaneously, an intensive college-preparatory general studies program. The Bais Medrash is the advanced, post high school program.

As a testament to its growth and strength, the institute will expand due to steadily increasing enrollment. When completed, the expanded facility will house a new Bais Medrash, labs and classrooms.

The Wisconsin Institute for Torah Study also honors this year its twin pillars of strength in the community: Armin and Hollie Nankin. Armin, past president of the Jewish Community Center and former board member of the Milwaukee Jewish Federation, and his wife Hollie have seen the school through some very difficult moments, and have served humbly and with dignity as a beacon of light and a source of strength. They have been actively involved with many other organizations, including Hillel Academy and Congregations Beth Israel and Lake Park Synagogue. They are the single most generous donors to the expansion campaign of the Wisconsin Institute for Torah Study, and through their encouragement have caused others to lend support.

The involvement of Armin and Hollie Nankin is summed up in three phrases: Quick minds, for their keen insight to the community's needs. Strong feelings, for their deep concern for the people in their lives and the community. And, deep impacts for an array of causes and institutions which are better today for their involvement.

In Hebrew, Torah literally means teachings or learning. By their involvement the Nankins have taught us the meaning of devotion and generosity.

Mr. Speaker it is with immense pride and gratitude that I commend Armin and Hollie Nankin for their service to the community, and it is with great happiness and best wishes for continued success that I congratulate the Wisconsin Institute for Torah Study on its 19th anniversary.

HONORING BERNARD CEDARBAUM

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1999

Mrs. LOWEY. Mr. Speaker, the Scarsdale Bowl Award, Scarsdale's highest civic honor, has been given annually since 1943 to honor ''one who has given unselfishly of time, energy, and effort to serve the civic welfare of the community.'' Today, I would like to recognize a resident of my district who, through nearly three decades of tireless community service, perfectly embodies the spirit of this award.

Since moving to Scarsdale 28 years ago, Bernard Cedarbaum has chaired or served on no fewer than ten of Scarsdale's boards, councils and committees. He is one of a very small group of residents to have served on both the board of education (1979–85) and the village board of trustees (1993–98). A natural leader and common sense decision-maker, Mr. Cedarbaum has presided over the Town Club, Scarsdale Foundation, Environmental Advisory Council and Greenacres Association. Those who have served with Mr. Cedarbaum admire his intelligence, sense of fairness, reasonable approach to problem-solving, and his quick sense of humor.

Mr. Cedarbaum's commitment to a successful professional career has always been balanced with an unyielding dedication to volunteerism. Remarkably, Mr. Cedarbaum dedicated countless hours to the town of Scarsdale while he worked as a partner at the law firm of Carter, Ledyard & Milburn, presided over the New York State Bar Association's Corporation and Business Law Section, and participated on various committees of the New York City Association of the Bar.

The Scarsdale Bowl Award marks Mr. Cedarbaum's fulfillment of his goal, to make a valuable contribution to the community in which he lives. I join with the residents of Scarsdale in applauding Mr. Cedarbaum's commitment to our community and I am proud to officially recognize this remarkable civic leader for his many years of service.

HONORING GUAM SUPREME COURT JUSTICE JANET HEALY WEEKS

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1999

Mr. UNDERWOOD. Mr. Speaker, ''Justice'' is often represented by a blindfolded lady bearing scales on one hand and a sword and book on the other. The blindfold symbolizes equality for all under the law; the scales—balance; the sword—strength; and the book—intellect.

In my opinion, Guam Supreme Court Justice Janet Healy Weeks is the absolute personification of this mythical figure. After having been personally acquainted with this dynamic lady for so many years, I have to give her my deepest respect and admiration. As Micronesia's first woman lawyer and first woman judge, Justice Weeks' niche in the annals of the Guam judicial system had long been secured.

A native of Quincy, Massachusetts, Justice Weeks received a degree in Chemistry from Emmanuel College in Boston in 1955. She holds an L.L.D. from Boston College Law School and an honorary L.L.D. from the University of Guam. Upon her graduation from law school in 1958, she was selected for the Attorney General's Honor Graduate Program. She served under that capacity with the Department of Justice in Washington, D.C., until 1961. Having been admitted to practice law in the District Court of Guam, the Supreme Judicial Court of Massachusetts, the U.S. Court of Military Appeals, the U.S. Courts of Appeals for the Ninth Circuit, and the Supreme Court of the United States, Justice Weeks became an associate in the law firm of Trapp and Gayle in 1971. In 1973, she was made a partner in the law firm of Trapp, Gayle, Teker, Weeks & Friedman.

Appointed to the Superior Court of Guam in 1975, she went on to serve as a Superior Court Judge until 1996 when she was appointed to the newly created Supreme Court of Guam. She also sat in the Supreme Court of the Federated States of Micronesia from 1982 through 1988. From 1977 to 1993 and again from 1996 until April of this year, Justice Weeks was designated a judge at the U.S. District Court of Guam. In 1993, she was appointed Associate Justice in the Supreme Court of the Republic of Palau, a position she holds to this day.

Justice Weeks holds memberships with the American Bar Association, the Federal Bar Association, the Guam Bar Association, the American Trial Lawyers Association, the American Judges Association and the National Association of Women Judges. In addition, she has also been involved with the Guam Law Revision Commission, the National Conference of Trial Judges, the Territorial Law Library and the Territorial Crime Commission, Task Force on Courts, Prosecution and Defense. In 1973, she was a member of the Catholic School Board of Guam.

As a jurist, Justice Weeks is beyond reproach. While on the bench, she always endeavored to dispense equal justice to all. Favoritism and preferential treatment has no place in her courtroom. This fact is the source of my undying respect for her.

Justice Weeks' devotion to the island of Guam, its people, and the judicial system is her utmost legacy. While on Guam, Justice Weeks lived through some personal misfortunes enough to overcome and embitter the best among us. For over a quarter of a century, she has chosen to stay on Guam and weather every storm that came her way. Through it all she maintained her grace and dignity—another reason why I have looked up to her all these years.

Last April, Justice Weeks has decided to step down and retire from the bench. Although a welcome boon to family and friends, her retirement has surely left a great void within the island's judiciary. The decades of service she dedicated to the people of Guam has truly earned her a place in our hearts. Her husband, retired Navy Commander George H. Weeks, and their children, Susan and George, certainly have every right to celebrate and be proud of this esteemed lady, dedicated jurist, and fellow public servant. On behalf of the people of Guam, I say, ''Si Yu'os Ma'ase'' to a distinguished community leader for having been such an exemplary role model and for her invaluable services to the island of Guam.

HONORING JOHN PETER CALVELLI

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1999

Mr. ENGEL. Mr. Speaker, just over forty years ago a young man came to our country who, like so many before him, was seeking a better life. And like so many before him, he not only found that better life but made our country better for his coming here. John Peter Calvelli is one of those individuals.

John was born in Vico, Aprigliano in the province of Cosenza, Italy. On January 24th, 1958 he married his wife Rose and they were blessed with two children, Louis and John. Upon his arrival in the United States in August of 1958, John began working for G.A.L., an elevator company currently located in the Bronx and in 1971 joined the New York City Transit Authority as a car inspector, where he received many commendations for his job performance. During his spare time he devoted many hours to the betterment of our local community through his active involvement in many worthwhile charitable organizations. He is an active member and Past President of the San Fili Fraternity Club, an organization dedicated to promoting the Italian heritage organization as well as providing needed funds to students to help defray the increasing cost of higher education. His active participation as a lay leader for the Salesian Cooperators has served as a source of religious, spiritual and financial support for the students and faculty of Salesian High School. This spirit of community concern is manifested in his children: Louis serves as the Vice President for Development of Salesian High School and John serves as my Administrative Assistant.

On the evening of Friday, May 14, 1999 members and friends of the NYC Transit Authority will be hosting a dinner to celebrate a new chapter in John's life: his retirement. I am confident that he will spend the coming years to continue his work on behalf of our community and spend time with his new grandchild, John Domenico. I salute him and thank him for his work on behalf of the entire community and look forward to sharing many special events in the coming years with him and the entire Calvelli family.

BUSINESS MEAL DEDUCTION LEGISLATION

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1999

Mr. COLLINS. Mr. Speaker, I rise today to introduce legislation which provides much needed tax relief to working Americans who travel extensively for a living and are subject to the hours of service limitations of the Department of Transportation. The Taxpayer Relief Act of 1997 included a provision which phased in over ten years an increase in the deductibility of business meal expenses from 50 percent to 80 percent for these individuals. However, that phase in is simply too long. My legislation is very straightforward. It will accelerate the timetable and make the 80 percent deduction effective for tax years beginning after December 31, 1999. Like current law, the acceleration is applicable to individuals subject to Department of Transportation hours of service limitations.

This measure is important because the Federal government requires thousands of workers to spend many nights away from home. As a result, these individuals spend funds on meals that would otherwise not be expended. These expenses are not made on elaborate, expensive business meals. These purchases are more typically made at roadside facilities when travelers must stop for the night in order to comply with Federal regulations. However, the consistency of these required purchases ensure even frugal meal purchases add up to significant amounts annually.

Mr. Speaker, I strongly urge my colleagues to join me in the effort to provide a modest tax reduction for the working men and women of this country who travel the highways for a living.

COMMENDING THE GARY, INDIANA NAACP

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1999

Mr. VISCLOSKY. Mr. Speaker, it is my distinct pleasure to commend the members of the Gary, Indiana, branch of the National Association for the Advancement of Colored People (NAACP). On Friday, May 21, 1999, the Gary NAACP will hold its 36th Annual Life Membership Banquet and Scholarship Dinner at the St. Timothy Community Church in Gary, Indiana.

This annual event is a major fundraiser for the Gary branch of the NAACP. The funds generated through this activity, and others like it, go directly to the organization's needed programs and advocacy efforts. In addition, the dinner serves to update and keep the community aware of the activities, accomplishments, and accolades of the local and national chapters of the NAACP on an annual basis.

The featured speaker at this gala event will be South Carolina's Congressman James E. Clyburn. Representative Clyburn represents the 6th Congressional District of South Carolina and was first elected to Congress in November of 1992. He currently serves as the Chairman of the Congressional Black Caucus and is a Life Member of the NAACP.

This year the Gary NAACP will honor five outstanding leaders for their efforts to further equality in society. Joining more than five hundred outstanding civil, community, and religious leaders of the region, the following distinguished individuals will be inducted as life members of the Gary NAACP: Louise Lee, Foster Stephens, and Father Pat Gaza of Gary, Indiana; James Sudlek of Hammond, Indiana; and Joyce Washington of Calumet City, Illinois.

The Gary NAACP was organized in 1915 by a group of residents that felt there was a need for an organization that would monitor and defend the rights of African-Americans in Northwest Indiana. The national organization, of which the Gary branch is a member, focuses on providing better and more positive ways of addressing the important issues facing minorities in social and job-related settings. Like the national organization, the Gary branch of the NAACP serves its community by combating injustice, discrimination, and unfair treatment in our society.

Mr. Speaker, I ask you and my other distinguished colleagues to join me in paying tribute to Louise Lee, Foster Stephens, James Sudlek, Father Pat Gaza, and Joyce Washington, as well as the other members of the Gary NAACP for the efforts, activities, and leadership that these outstanding men and women have utilized to improve the quality of life for all residents of Indiana's First Congressional District.

INTRODUCTION OF THE STALKING PREVENTION AND VICTIM PROTECTION ACT OF 1999

HON. SUE W. KELLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1999

Mrs. KELLY. Mr. Speaker, I rise today for the purpose of introducing the Stalking Prevention and Victim Protection Act of 1999. This legislation addresses a problem of increasing prevalence in our nation. While stalking is perhaps most popularly regarded as a crime only to be dealt with by celebrities with bodyguards and fortress-like estates, this is simply not the case. According to statistics released by the Justice Department, over 1,000,000 women and 370,000 men are victimized by stalkers every year. These estimates greatly exceed previous estimates, and clearly indicate a need for legislative redress. For this reason, I am reintroducing legislation that will provide greater protection to stalking victims.

This legislation builds on an important anti-stalking law enacted in 1996. The Interstate Stalking Punishment and Prevention Act, which was introduced by my colleague Congressman Royce, marked a significant stride in the effort to stop and prevent stalking, as it established for the first time federal penalties for interstate stalking. My bill seeks to enhance the ability of law enforcement to arrest and prosecute stalkers by broadening the definition of stalking to include interstate communications such as mail and e-mail. Furthermore, by criminalizing ''threatening behavior'' as opposed to ''the demonstration of specific threats,'' this bill closes a loophole commonly used by accused stalkers to avoid conviction. The bill also include bail restrictions and enhanced sentencing provisions for repeat-offenders, along with the requirement that a mandatory protection order be issued for the victim.

I've seen first-hand the horrible effects wrought on the lives of innocent people by stalkers. I've met people who face each day with an overwhelming fear for their safety, people whose spirits have been worn down by a undaunted menace. Congress must do more to protect these people, and I see this legislation as an important step in that direction. I certainly hope that my colleagues will agree with me.

INTRODUCTION OF H.R. 1835, NORTH KOREA THREAT REDUCTION ACT OF 1999

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1999

Mr. GILMAN. Mr. Speaker, I am pleased to announce the introduction of the North Korea Threat Reduction Act of 1999, H.R. 1835. I am joined in introducing this legislation by a very distinguished bipartisan list of cosponsors, including Congressmen SHERROD BROWN and MARK SANFORD of our Committee on International Relations, CHRIS COX, chairman of our House Republican Policy Committee, JOHN KASICH, chairman of our Committee on the Budget, JOE KNOLLENBERG of our Committee on Appropriations, and DAVID MCINTOSH of our Committee on Government Reform and Oversight.

This legislation seeks to improve U.S. policy toward North Korea by weaving together the various elements of our policy into a comprehensive whole, and redirecting our policy in ways that will better advance our national interest.

It has long been obvious that U.S. policy toward North Korea is in need of an overhaul. That is why the Administration agreed last year to appoint a Special Policy Coordinator for North Korea, Dr. William Perry, to review the policy and make recommendations for restructuring it.

The legislation that we are introducing today is designed to complement and reinforce Dr. Perry's efforts to rationalize U.S. policy toward North Korea. Our new policy must be: comprehensive; integrated and coordinated with our Japanese and South Korean allies; backed by strengthened conventional military deterrence and theater missile defense; engender a willingness to undertake tough measures in the name of national security; and be founded on a step-by-step program of conditional reciprocity.

There remains a great deal of skepticism in the Congress about the 1994 Agreed Framework between the United States and North Korea, under which North Korea has become the largest recipient of U.S. foreign assistance in East Asia. The underground facility at Kumchang-ri may indicate that North Korea continues to pursue a nuclear weapons program notwithstanding the Agreed Framework. Other press reports suggest that North Korea may be building a parallel, uranium-based nuclear program.

Despite the skepticism of many of us in Congress, H.R. 1835 does not seek to terminate U.S. support for the Agreed Framework. To the contrary, our legislation would, for the first time ever, authorize the Administration's full request for U.S. assistance to the Korean Peninsula Energy Development Organization in FY 2000. The Administration's request of $55 million includes a $20 million increase over this year's funding level, and we have not taken issue with this increase.

We have, however, insisted on strict adherence by North Korea to its obligations under the Agreed Framework before these funds can be released. Our conditions are, with one exception, based on those contained in current law, and therefore should be acceptable to the Administration.

The one exception is a new requirement we have added for a certification by the President that North Korea is not seeking to develop or acquire the capability to enrich uranium. This requirement is intended to draw attention to the fact that it would make no sense for the United States to proceed with the Agreed Framework—which fundamentally is intended to deny North Korea plutonium that it could use to build nuclear bombs—if North Korea is developing the capability to enrich uranium as an alternative source of fissile material.

Our legislation also insists on strict compliance by North Korea with its obligations under the Agreed Framework before key U.S. nuclear components can be transferred to North Korea in connection with the construction there of two light water nuclear reactors. The Agreed Framework's most important requirements in this respect are that the International Atomic Energy Agency (IAEA) must be fully satisfied that North Korea is not cheating on its obligations under the Nuclear Non-Proliferation Treaty, and that North Korea must allow the IAEA to carry out whatever inspections it deems necessary to verify that North Korea is not cheating. Under our legislation, key U.S. nuclear reactor components cannot be transferred to North Korea unless the President certifies that these requirements of the Agreed Framework have been met, and Congress has approved legislation concurring in the President's certification.

Our legislation addresses the North Korean missile threat by conditioning any relaxation of the current U.S. trade embargo of North Korea on progress in eliminating that threat. Specifically, our legislation requires North Korea to accept the Administration's current demands that North Korea institute a total ban on missile exports, and terminate its long-range missile program.

Finally, our legislation addresses a number of other elements of our North Korea policy. The legislation requires effective monitoring of U.S. food shipments to North Korea to ensure that the assistance is not being diverted to the North Korean military. It authorizes $10 million to begin to set up a joint early warning system in the Asia-Pacific region to continuously share information on missile launches detected by governments participating in the system. It authorizes $30 million to assist North Korean refugees in China and to support the resettlement of such refugees in South Korea and other neighboring countries.

We do not anticipate moving H.R. 1835 forward through the legislative process until we have received Dr. Perry's recommendations regarding U.S. policy toward North Korea. As Dr. Perry completes his final deliberations later this month, it is imperative that his policy recommendations address the issues identified in H.R. 1835 if the Administration hopes to garner the support of Congress and the American people. We are confident that Dr. Perry's recommendations will address these issues, and that the upshot will be a convergence between Congress and the Administration over policy toward North Korea.

H.R. 1835

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 ''North Korea Threat Reduction Act of 1999''.

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) Under the Agreed Framework of October 21, 1994, the Democratic People's Republic of Korea (North Korea) committed to freeze and eventually dismantle its nuclear program, in exchange for annual deliveries of 500,000 tons of heavy fuel oil, and the construction of two 1,000 megawatt light water nuclear power reactors costing approximately $5,000,000,000.

(2) The discovery of an apparent underground nuclear-related facility at Kumchang-ri, North Korea brought into question North Korea's commitment to abide by the conditions of the 1994 Geneva Agreed Framework.

(3) North Korea's ongoing development, production, testing, deployment, and proliferation of ballistic missiles presents a clear and present danger to forward-deployed United States Armed Forces in Asia, United States friends and allies, and the United States.

(4) North Korea has become the largest recipient of United States foreign assistance in East Asia, valued at over $225,000,000 in 1998 alone.

(5) North Korea is a major producer of opium and increasingly is involved in illicit narcotics trafficking.

SEC. 3. ASSISTANCE FOR THE KOREAN PENINSULA ENERGY DEVELOPMENT ORGANIZATION.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated for fiscal year 2000 $55,000,000 for assistance to the Korean Peninsula Energy Development Organization (KEDO).

(2) ADDITIONAL REQUIREMENT—Assistance under paragraph (1) may be provided notwithstanding any other provision of law (other than subsections (b), (c), (d), and (e) of this section).

(b) PROHIBITION ON ASSISTANCE TO NUCLEAR REACTOR CONSTRUCTION.—Notwithstanding any other provision of law, none of the funds authorized to be appropriated by subsection (a), or made available under any other provision of law, may be used to assist the construction of nuclear reactors in North Korea.

(c) CONDITIONS FOR RELEASE OF FUNDS.—Notwithstanding any other provision of law, none of the funds authorized to be appropriated by subsection (a), or made available under any other provision of law, may be made available to KEDO, or for assistance to North Korea for purposes related to the Agreed Framework, until the President determines and reports to the Committees on International Relations and Appropriations of the House of Representatives and the Committees on Foreign Relations and Appropriations of the Senate that—

(1) the parties to the Agreed Framework have taken and continue to take demonstrable steps to implement the Joint Declaration on Denuclearization in which the Government of North Korea has committed not to test, manufacture, produce, receive, possess, store, deploy, or use nuclear weapons, and not to possess nuclear reprocessing or uranium enrichment facilities;

(2) the parties to the Agreed Framework have taken and continue to take demonstrable steps to pursue the North-South dialogue;

(3) North Korea is complying with all provisions of the Agreed Framework;

(4) the effort to can and safely store all spent fuel from North Korea's graphite-moderated nuclear reactors has been successfully concluded;

(5) North Korea has not diverted assistance provided by the United States for purposes for which it was not intended;

(6) the United States has reached agreement with North Korea satisfying United States concerns regarding suspect underground construction, and North Korea has complied with its obligations under that agreement;

(7) North Korea is not seeking to develop or acquire the capability to enrich uranium, or any additional capability to reprocess spent nuclear fuel; and

(8) the United States has made and is continuing to make significant progress on eliminating the North Korean ballistic missile threat, including its ballistic missile exports.

(d) WITHHOLDING OF FUNDS PENDING SOLICITATION OF ALL POTENTIAL DONOR GOVERNMENTS TO KEDO.—Amounts appropriated in excess of $35,000,000 pursuant to the authorization of appropriations under subsection (a) may not be made available to KEDO until the President determines and reports to the Committees on International Relations and Appropriations of the House of Representatives and the Committees on Foreign Relations and Appropriations of the Senate that—

(1) the United States has asked all potential donor governments, including Taiwan, to contribute to KEDO;

(2) no contributions offered unconditionally by such governments to KEDO have been declined; and

(3) even after such contributions are received, KEDO will have financial requirements in fiscal year 2000 that can only be met by the provision of more than $35,000,000 in assistance from the United States.

(e) LIMITATION ON USE OF SPECIAL AUTHORITIES.—The authority of section 614 of the Foreign Assistance Act of 1961 (22 U.S.C. 2364) may not be used to authorize the provision of assistance that cannot be provided due to any prohibition, restriction, or condition on release of funds that is contained in subsection (b), (c), or (d).

SEC. 4. FOOD ASSISTANCE TO NORTH KOREA.

Notwithstanding any other provision of law, none of the funds authorized to be appropriated by section 3(a), or made available under any other provision of law, may be made available for food assistance for North Korea until the President determines and reports to the Committees on International Relations and Appropriations of the House of Representatives and the Committees on Foreign Relations and Appropriations of the Senate that—

(1) the Government of the Republic of Korea concurs in the delivery and procedures for delivery of United States food assistance to North Korea;

(2) previous United States food assistance to North Korea has not been significantly diverted to military use;

(3) North Korean military stocks have been expended to respond to unmet food aid needs in North Korea.

(4) the United Nations World Food Program or other private voluntary organizations registered with the United States

Agency for International Development have been permitted to take and have taken all reasonable steps to ensure that food deliveries will not be diverted from intended recipients, including unannounced, unscheduled, and unsupervised visits to recipient institutions and farmers' markets by Korean-speaking monitors affiliated with the United Nations World Food Program or other private voluntary organizations registered with the United States Agency for International Development; and

(5) the United States Government has directly, and indirectly through appropriate international organizations, encouraged North Korea to initiate fundamental structural reforms of its agricultural sector.

SEC. 5. RESTRICTIONS ON NUCLEAR COOPERATION WITH NORTH KOREA.

(a) IN GENERAL.—Notwithstanding any other provision of law or any international agreement, no agreement for cooperation (as defined in sec. 11 b. of the Atomic Energy Act of 1954 (42 U.S.C. 2014 b.)) between the United States and North Korea may become effective, no license may be issued for export directly or indirectly to North Korea of any nuclear material, facilities, components, or other goods, services, or technology that would be subject to such agreement, and no approval may be given for the transfer or retransfer directly or indirectly to North Korea of any nuclear material, facilities, components, or other goods, services, or technology that would be subject to such agreement, until—

(1) the President determines and reports to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate that—

(A) North Korea has come into full compliance with its safeguards agreement with the IAEA (INFCIRC/403), and has taken all steps that have been deemed necessary by the IAEA in this regard;

(B) North Korea has permitted the IAEA full access to all additional sites and all information (including historical records) deemed necessary by the IAEA to verify the accuracy and completeness of North Korea's initial report of May 4, 1992, to the IAEA on all nuclear sites and material in North Korea.

(C) North Korea is in full compliance with its obligations under the Agreed Framework;

(D) North Korea is in full compliance with its obligations under the Joint Declaration on Denuclearization;

(E) North Korea does not have the capability to enrich uranium, and is not seeking to acquire or develop such capability, or any additional capability to reprocess spent nuclear fuel;

(F) North Korea has terminated its nuclear weapons program, including all efforts to acquire, develop, test, produce, or deploy such weapons; and

(G) the transfer to North Korea of key nuclear components, under the proposed agreement for cooperation with North Korea and in accordance with the Agreed Framework, is in the national interest of the United States; and

(2) there is enacted a joint resolution stating in substance that the Congress concurs in the determination and report of the President submitted pursuant to paragraph (1).

(b) CONSTRUCTION.—The restrictions contained in subsection (a) shall apply in addition to all other applicable procedures, requirements, and restrictions contained in the Atomic Energy Act of 1954 and other laws.

SEC. 6. CONTINUATION OF RESTRICTIONS ON TRANSACTIONS WITH NORTH KOREA PENDING PROGRESS ON BALLISTIC MISSILE ISSUES.

(a) CONTINUATION OF RESTRICTIONS.—

(1) CONTINUATION OF RESTRICTIONS.—All prohibitions and restrictions on transactions and activities with North Korea imposed under section 5(b) of the Trading with the Enemy Act (as in effect on July 1, 1977), as set forth in part 500 of title 31, Code of Federal Regulations as in effect on April 1, 1999, shall remain in effect until the President submits the determination and report described in subsection (b), and—

(A) the authority of section 501.803 of title 31, Code of Federal Regulations (relating to the authority to modify chapter V of title 31, Code of Federal Regulations) and other provisions of law may not be used to modify such prohibitions and restrictions, as in effect on such date, and

(B) no prohibition or restriction on transactions or activities set forth in subpart B of part 500 of title 31, Code of Federal Regulations, as in effect on April 1, 1999, may be authorized after that date, other than those transactions and activities specifically authorized under subpart E of such part,

until such determination and report are so submitted.

(2) REVOCATION OF PRIOR MODIFICATIONS AND AUTHORIZATIONS.—Any modification otherwise prohibited under paragraph (1)(A) that is made after April 1, 1999, and before the date of enactment of this Act, and any authorization granted after April 1, 1999, and before the date of enactment of this Act, for a transaction or activity otherwise prohibited under paragraph (1)(B), shall be revoked as of such date of enactment.

(b) TERMINATION OF RESTRICTIONS.—The determination and report referred to in subsection (a) is a determination by the President, reported to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate, that—

(1) North Korea has agreed to institute a total ban on exports of missiles, missile components, and missile technology;

(2) there is no credible evidence that North Korea has, during the 1-year period prior to the date of the President's determination, exported missiles, missile components, or missile technology;

(3) North Korea has terminated its long-range missile program, including all efforts to acquire, develop, test, produce, or deploy such missiles;

(4) North Korea is in full compliance with its obligations under the Agreed Framework;

(5) North Korea is in full compliance with its obligations under the Joint Declaration on Denuclearization;

(6) North Korea does not have the capability to enrich uranium, and is not seeking to acquire or develop such capability, or any additional capability to reprocess spent nuclear fuel; and

(7) North Korea has terminated its nuclear weapons program, including all efforts to acquire, develop, test, produce, or deploy such weapons; and

(c) REIMPOSITION OF RESTRICTIONS.—Should the President become aware of information establishing that North Korea—

(1) has exported missiles, missile components, or missile technology,

(2) is seeking to acquire, develop, test, produce, or deploy long-range missiles,

(3) is not in full compliance with its obligations under the Agreed Framework or the Joint Declaration on Denuclearization,

(4) has the capability to enrich uranium or is seeking to acquire or develop such capability or additional capability to reprocess spent nuclear fuel, or

(5) is seeking to acquire, develop, test, produce, or deploy nuclear weapons,

then the requirements of subsection (a) shall be reimposed notwithstanding any determination and report submitted under subsection (b).

SEC. 7. BALLISTIC MISSILE DEFENSE IN THE ASIA-PACIFIC REGION.

(a) POLICY OF THE UNITED STATES.—It shall be the policy of the United States to work with friendly governments in the Asia-Pacific region to develop and deploy ballistic missile defense capable of countering ballistic missile threats in the region.

(b) JOINT EARLY WARNING SYSTEM.—Of the funds appropriated to carry out the provisions of section 23 of the Arms Export Control for fiscal year 2000, up to $10,000,000 is authorized to be made available to support the establishment of a joint early warning system in the Asia-Pacific region. Such system shall have as its purpose the continuous sharing of information on missile launches detected by the governments participating in the system, and may include the establishment by such governments of a joint early warning center.

SEC. 8. REFUGEES FROM NORTH KOREA.

(a) POLICY OF THE UNITED STATES.—It shall be the policy of the United States to oppose the involuntary return of the North Korean refugees to North Korea, to support the provision of international assistance to such refugees in the People's Republic of China and other countries of asylum, and to facilitate the resettlement of such refugees in South Korea and other neighboring countries.

(b) AUTHORIZATION OF ASSISTANCE FOR REFUGEES FROM NORTH KOREA.—Of the funds appropriated for ''Migration and Refugee Assistance'' for fiscal year 2000, up to $30,000,000 is authorized to be made available for assistance to North Korean refugees in the People's Republic of China and other countries of asylum, and to support the resettlement of such refugees in South Korea and other neighboring countries.

SEC. 9. REPORT TO CONGRESS ON THE AGREED FRAMEWORK.

Not later than 90 days after the date of enactment of this Act, the President shall submit to the Committees on International Relations and Appropriations of the House of Representatives and the Committees on Foreign Relations and Appropriations of the Senate a report on the following:

(1) The projected total cost of the two 1000 MW(e) light water nuclear reactors that are to be constructed in North Korea pursuant to the Agreed Framework, the portion of this total cost that South Korea and Japan have committed to pay, the potential sources of funding for the portion of this total cost that South Korea and Japan have not committed to pay, and the maximum portion of this total cost, if any, that the President anticipates will be paid by the United States.

(2) Of the projected total cost identified in response to paragraph (1), the portion of this cost that North Korea will be obligated to repay, the likely terms upon which such repayment will be required, and the possible sources of revenue from which such repayment will be made.

(3) The degree to which North Korea's electrical power distribution network will have to be upgraded in order to distribute the electrical power that will be generated by the two 1000 MW(e) light water nuclear reactors that are to be constructed in North Korea pursuant to the Agreed Framework, the projected cost of such upgrades, and the possible sources of funding for such upgrades.

(4) The advantages to North Korea of building non-nuclear power plants rather than light water nuclear power plants, including—

(A) the cost saving that could be realized by building non-nuclear electric power plants with a total generation capacity of

2000 MW(e) rather than two light water nuclear power plants with that same capacity;

(B) the projected date by which non-nuclear electric power plants with a total generation capacity of 2000 MW(e) could be completed, compared with the projected date by which two light water nuclear power plants with that same capacity will be completed; and

(C) the advantages for electric power distribution that could be realized by building a number of non-nuclear electric power plants with a total generation capacity of 2000 MW(e) rather than two light water nuclear power plants with that same capacity.

SEC. 10. DEFINITIONS.

In this Act:

(1) AGREED FRAMEWORK.—The term ''Agreed Framework'' means the ''Agreed Framework Between the United States of America and the Democratic People's Republic of Korea'', signed in Geneva on October 21, 1994, and the Confidential Minute to that Agreement.

(2) IAEA.—The term ''IAEA'' means the International Atomic Energy Agency.

(3) KEDO.—The term ''KEDO'' means the Korean Peninsula Energy Development Organization.

(4) NORTH KOREA.—The term ''North Korea'' means the Democratic People's Republic of Korea.

(5) LONG RANGE MISSILE.—The term ''long range missile'' means a missile with a range of 1000 kilometers or more.

(6) JOINT DECLARATION ON DENUCLEARIZATION.—The term ''Joint Declaration on Denuclearization'' means the Joint Declaration on the Denuclearization of the Korean Peninsula, signed by the Republic of Korea and the Democratic People's Republic of Korea on January 1, 1992.

SENIORS SAFETY ACT OF 1999

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1999

Mr. CONYERS. Mr. Speaker, crimes and abuses against senors have become an increasing problem in America. From physical assault to health care fraud and telemarketing scams, which cost Americans approximately $40 billion per year, our seniors are being abused physically and financially. Such abuses take place intentionally, but also in the form of neglect. For example, seniors in nursing homes often fail to receive the care and medications they need—an alarming occurrence considering that some experts estimate that over 40 percent of seniors will need some form of nursing care.

This is why I, along with Representatives UDALL and HOEFFEL, am introducing the Seniors Safety Act of 1999. This bill represents a comprehensive solution to the problems I've just described. It takes a two-pronged approach—prevention and punishment—to crimes against seniors, including health care fraud, injury, telemarketing scams, nursing home neglect.

In addressing prevention, the bill directs the Attorney General to conduct a study of what crimes are committed, what the risk factors are, and what strategies can prevent future occurrences. From that information, we can create real solutions to this ever-increasing problem. The bill also directs the Sentencing Commission to determine whether enhanced punishments would deter such crimes from recurring.

We are facing a crisis in this country—a crisis of abuse and neglect of America's seniors. With this legislation, we can work in a bipartisan manner with our colleagues in the House and Senate to ensure that they are not taken advantage of anymore.

CONGRATULATIONS TO THE PRESIDENT OF TAIWAN, THE HONORABLE LEE TENG-HUI

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1999

Mr. FALEOMAVAEGA. Mr. Speaker, on behalf of our colleagues in the United States Congress and our great Nation, I want to take this opportunity to extend to the President of Taiwan, the Honorable Lee Teng-Hui, our deepest congratulations on his third anniversary in office, which shall be celebrated tomorrow, May 20th.

Mr. Speaker, President Lee is to be commended for his astute leadership of the affairs of Taiwan, which is reflected by Taiwan's enviable position of prosperity and stability as it prepared to enter the 21st century.

While much of the Asia-Pacific region is still mired in the turbulent winds of the Asian financial crisis. Taiwan's economy has weathered the storm remarkably well. In the last three years, President Lee's policies have directly contributed to steady economic growth in Taiwan.

Mr. Speaker, President Lee is to be further commended for expending Taiwan's substantive relations with countries in the international community. Taiwan is too important of an economic force to be relegated into political isolation. to that effect, President Lee must be credited with recently establishing diplomatic ties with the nation of Macedonia.

I am also encouraged, Mr. Speaker, that President Lee has acknowledged the critical importance of Maintaining positive relations with the People's Republic of China. In recognition of that vital goal, President Lee has strongly supported continuing the Cross-Strait Dialogue with the PRC. This dialogue is crucial for resolving misunderstandings between Beijing and Taipei and Washington, and is of fundamental importance in maintaining peace and stability in the Taiwan Strait and for all of Asia.

Mr. Speaker, the people of the United States have been and will always be close friends of the good people of Taiwan. At this auspicious time celebrating the third anniversary of President Lee's tenure in office, let us all join in wishing President Lee and the people of Taiwan continued good health, peace and prosperity in the years ahead.

INDIAN DEFENSE MINISTER'S STATEMENT SHOWS THAT INDIA IS ANTI-AMERICAN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1999

Mr. TOWNS. Mr. Speaker, we knew that India was a repressive tyranny. Now they have shown us how anti-American they are. I was offended by an article in the May 18 issue of the Indian Express, which Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, shared with me. In the article, the Indian Defense Minister, a man named George Fernandes, describes the United States as ''vulgarly arrogant'' and accused the United States and NATO of ''aggression against Yugoslavia.''

The meeting he was addressing, which was called by India, was also attended by representatives from China, Cuba, Yugoslavia, Russia, Libya, and Iraq, which leads me to wonder where the North Koreans were. They belong in this motley collection of America-bashers as much as any of these other countries.

The article says that everyone at the meeting agreed that ''We have to stop the U.S. It started with Iraq, now Yugoslavia. We don't know who's next.'' The Russian Ambassador asked ''India and China to join us in stopping U.S. attempts to dominate the world.''

I would like to remind my colleagues that India is one of the largest recipients of American foreign aid. Does this sound to you like a country we should be supporting with the tax dollars of the American people? It doesn't sound like that kind of country to me.

Remember that it was India that started the nuclear arms race in South Asia by setting off five nuclear devices. It is India that refuses to sign the Comprehensive Test Ban Treaty. India has attacked Pakistan twice and invaded Sri Lanka once.

Whether or not one agrees with President Clinton's policy in Kosovo, we went there to stop the ''ethnic cleansing'' of the Kosovars by the Serbian government. Yet we have averted our glance from a similar campaign throughout India, a situation the Indian Supreme Court described as ''worse than a genocide.'' This ethnic cleansing has taken the lives of over 250,000 Sikhs since 1984, over 200,000 Christians in Nagaland since 1947, over 60,000 Muslims in Kashmir since 1988, and thousands upon thousands of Dalits, Assamese, Manipuris, Tamils, and other minority peoples. India claims that it is democratic, but there is not democracy for these and other minorities. Currently, there are 17 independence movements in the nations under Indian control. Now India is joining with some of the world's most tyrannical police states in a joint effort to ''stop the U.S.'' Not only that, but the so-called ''world's largest democracy'' organized the meeting.

We must stop funneling American money to countries that are repressive and are conspiring with our enemies against this country. We should place stringent economic sanctions on India to stop the repression and the anti-American activities, and we should apply every kind of peaceful pressure that we can to secure for the minority peoples and nations of South Asia the right to determine their own futures democratically in a free and fair vote, not by the force of Indian bayonets. This is our duty to the people of the world. We must begin today.

I would like my colleagues to read the Indian Express article, which is alarming, so I would like to submit it for the RECORD.

GEORGE LEADS ENVOYS IN BASHING 'A VULGARLY ARROGANT US'

New Delhi, May 17: Yugoslavia, Iraq, Cuba, Libya, Russia, China—and India. That these

countries produce the world's finest boxers probably had something to do with a session of US-bashing inside stuffy, old Sapru House in Delhi today. And also that each one of them have had a diplomatic disagreement with the US some time or the other. Defence Minister George Fernandes' Samata Party had organised the meeting ''to denounce the US-led NATO's aggression on Yugoslavia''. Fernandes, typically led from the front against a ''much stronger and a vulgarly arrogant United States'' since the days of the Vietnam war. Envoys from the other six countries to India added a long list of adjectives in the same vein.

''We have to stop the US,'' agreed everyone, ''It started with Iraq, now Yugoslavia. We don't know who's next.'' In their anxiety, and in their furious speeches, there were subtle messages being put across. Like Yugoslav Ambassador Cedomir Strbac's statement that Belgrade was ready to ''guarantee all Kosovars substantial autonomy'' in accordance with international standards.

''But only if NATO stops its air strikes and a political dialogue is initiated in accordance with Gandhinan principles. We are ready to accept a solution which respects our freedom, sovereignty and territorial integrity,'' he said.

Others said the Cold War may be over, and the USSR may have disintegrated, but watch out for a new world order. ''They (the US) are showing Russia and others what they can do. We want India and China to join us in stopping US attempts to dominate the world. The equation is: To be, or not to be,'' said Russian Ambassador Albert S. Tchernshyev.

''The forthcoming 21st century should not witness a unipolar world,'' added China's political counsellor Liu Jenfeng, venting China's anger over NATO's bombing the Chinese embassy in Belgrade which left three dead and 20 injured.

The ambassadors from Cuba, Libya and Iraq narrated their stories to express support for ''Yugoslavia's resilience''. ''How can they pretend to solve a conflict by using destructive weapons themselves. For 38 years, they have held us to ransom with embargos,'' said Cuban Ambassador Olga Chamero Trias. ''We have been called terrorists and law-breakers all these years. Now who is breaking the law?'' said Libyan Ambassador Nuri Al-Fituri El-Madani. ''People in Kosovo are becoming refugees because they are fleeing from the bombing, not because there is ethnic cleansing. We in Iraq know what it means to live in the middle of bombs exploding all around,'' said Iraqi ambassador Salah Al-Mukhtar.

George Fernandes agreed, and summarised. He said the US has run away from all norms set by the United Nations. ''The UN hardly has a say these days, America merely wished its way to doing what it's doing. Therefore, we (referring to Russia, China, India, Libya, Cuba, Iraq and Libya) who represent more than half the world's population must get together to stop the US-led NATO hegemony.''

He pointed out that the new doctrine adopted by NATO on its 50th anniversary on April 23, when Yugoslav towns were being bombed, made it clear that the military alliance was free to attack any sovereign country if it ''thought that country was doing or was likely to do anything against the interests of any NATO country''. Fernandes added: ''That the United States is the author of this doctrine does not need to be emphasised here.''

At the end of it all, inside the stuffy, old auditorium, an emotional Yugoslav ambassador Strbac stood up and said ''Jai Hind''.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, May 20, 1999 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 24

1 p.m.
Aging
To hold hearings to examine Health Care Financing Administration assessment's of home health care access.
SD–366

1:30 p.m.
Appropriations
Defense Subcommittee
Business meeting to markup proposed legislation making appropriations for fiscal year 2000 for the Department of Defense.
SD–192

MAY 25

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings on S.798, to promote electronic commerce by encouraging and facilitating the use of encryption in interstate commerce consistent with the protection of national security.
SR–253

Health, Education, Labor, and Pensions
Business meeting to consider the Health Information Confidentiality Act; S.Con.Res.28, urging the Congress and the President to increase funding for the Pell Grant Program and existing Campus-Based Aid Programs; the nomination of James Roger Angel, of Arizona, to be a Member of the Board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation; and the nomination of Zalmay Khalilzad, of Maryland, to be a Member of the Board of Directors of the United States Institute of Peace.
SD–628

Year 2000 Technology Problem
To hold hearings to explore individual and community Y2K preparedness, and the media's role in providing Y2K information.
SH–216

Energy and Natural Resources
To hold oversight hearings on state progress in retail electricity competition.
SD–366

10 a.m.
Environment and Public Works
To hold hearings on proposed legislation authorizing funds for programs of the Comprehensive Environmental Response, Liability, and Compensation Act of 1980 (Superfund).
SD–406

Foreign Relations
Near Eastern and South Asian Affairs Subcommittee
To hold hearings on political and military developments in India.
SD–562

Finance
To resume oversight hearings on the enforcement activities of the United States Customs Service, focusing on commercial operations.
SD–215

Judiciary
To hold hearings to review the Library of Congress' Copyright Office report on distance education in the digital environment.
SD–226

Small Business
To hold hearings relating to education and business success.
SR–428A

2:15 p.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings on proposed legislation authorizing funds for research and development programs for the Federal Aviation Administration, Department of Transportation.
SR–253

Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold hearings on S.140, to establish the Thomas Cole National Historic Site in the State of New York as an affiliated area of the National Park System; S.734, entitled the ''National Discovery Trails Act of 1999''; S.762, to direct the Secretary of the Interior to conduct a feasibility study on the inclusion of the Miami Circle in Biscayne National Park; S.938, to eliminate restrictions on the acquisition of certain land contiguous to Hawaii Volcanoes National Park; S.939, to correct spelling errors in the statutory designations of Hawaiian National Parks; S.946, to authorize the Secretary of the Interior to transfer administrative jurisdiction over land within the boundaries of the Home of Franklin D. Roosevelt National Historic Site to the Archivist of the United States for the construction of a visitor center; and S.955, to allow the National Park Service to acquire certain land for addition to the Wilderness Battlefied in Virginia, as previously authorized by law, by purchase or exchange as well as by donation.
SD–366

MAY 26

9:30 a.m.
Environment and Public Works
To hold hearings on proposed legislation authorizing funds for programs of the Comprehensive Environmental Response, Liability, and Compensation Act of 1980 (Superfund).
SD–406

Health, Education, Labor, and Pensions
Employment, Safety and Training Subcommittee
To hold hearings to examine mine safety and health issues.
SD–628

Indian Affairs
To hold oversight hearings on Native American Youth Activities and Initiatives.
SR–485

10 a.m.
Judiciary
Immigration Subcommittee
To hold hearings to examine immigrant contributions to the United States Armed Forces.
SD–226

Foreign Relations
To hold hearings to examine a protocol to reconstitute the Anti-Ballistic Missile (ABM) Treaty with four new partners.
SD–562

2 p.m.
Commerce, Science, and Transportation
To hold oversight hearings on activities of the Federal Communications Commission.
SR–253

Intelligence
To hold closed hearings on pending intelligence matters.
SH–219

2:30 p.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold hearings on S.510, 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.
SD–366

MAY 27

9:30 a.m.
Energy and Natural Resources
To hold hearings on the nomination of David L. Goldwyn, of the District of Columbia to be an Assistant Secretary of Energy (International Affairs).
SD–366

10 a.m.
Commerce, Science, and Transportation
To hold hearings on S.761, to regulate interstate commerce by electronic means by permitting and encouraging the continued expansion of electronic commerce through the operation of free market forces.
SR–253

Foreign Relations
East Asian and Pacific Affairs Subcommittee
To hold hearings to examine the Chinese Embassy bombing and its effects on United States-China relations.
SD–562

Health, Education, Labor, and Pensions
To hold hearings on proposed legislation authorizing funds for the National Endowment for the Arts.
SD–628

2 p.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold hearings on S.623, to amend Public Law 89-108 to increase authorization levels for State and Indian tribal, municipal, rural, and industrial water supplies, to meet current and future water quantity and quality needs of the Red River Valley, to deauthorize certain project features and irrigation service areas, to enhance natural resources and fish and wildlife habitat; S.244, to authorize the construction of the Lewis and Clark Rural Water System and to authorize assistance to the Lewis and

Clark Rural Water System, Inc., a nonprofit corporation, for the planning and construction of the water supply system; S.769, to provide a final settlement on certain debt owed by the city of Dickinson, North Dakota, for the construction of the bascule gates on the Dickinson Dam; and S.1027, to reauthorize the participation of the Bureau of Reclamation in the Deschutes Resources Conservancy.

SD–366

Foreign Relations

To hold hearings on the nomination of David B. Sandalow, of the District of Columbia, to be Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs.

SD–562

2:30 p.m.

Health, Education, Labor, and Pensions

Aging Subcommittee

To resume hearings on issues relating to the Older Americans Act.

SD–628

JUNE 9

9:30 a.m.

Environment and Public Works

Transportation and Infrastructure Subcommittee

To resume hearings on the implementation of the Transportation Equity Act for the 21st century.

SD–406

2 p.m.

Energy and Natural Resources

Water and Power Subcommittee

To hold oversight hearings on the process to determine the future of the four lower Snake River dams and conduct oversight on the Northwest Power Planning Council's Framework Process.

SD–366

JUNE 17

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings on mergers and consolidations in the communications industry.

SR–253

Environment and Public Works

To hold hearings on S.533, to amend the Solid Waste Disposal Act to authorize local governments and Governors to restrict receipt of out-of-State municipal solid waste; and S.872, to impose certain limits on the receipt of out-of-State municipal solid waste, to authorize State and local controls over the flow of municipal solid waste.

SD–406

SEPTEMBER 28

9:30 a.m.

Veterans Affairs

To hold joint hearings with the House Committee on Veterans Affairs to review the legislative recommendations of the American Legion.

345 Cannon Building

Wednesday, May 19, 1999

Daily Digest

HIGHLIGHTS

House Committees ordered reported 18 sundry measures, including the Agriculture, Rural Development, FDA, and Related Agencies appropriation for Fiscal Year 2000 and the National Defense Authorization Act for Fiscal Years 2000 and 2001.

Senate

Chamber Action

Routine Proceedings, pages S5507–S5632

Measures Introduced: Twelve bills were introduced, as follows: S. 1074–1085. **Pages S5586–87**

Juvenile Justice: Senate continued consideration of S. 254, to reduce violent juvenile crime, promote accountability by rehabilitation of juvenile criminals, and punish and deter violent gang crime, taking action on the following amendments proposed thereto: **Pages S5507–83**

Adopted:

By 56 yeas to 43 nays (Vote No. 127), Sessions/Inhofe Amendment No. 357, relating to the placement of a disclaimer on materials produced, procured or disseminated as a result of funds made available under this Act. **Pages S5522–23, S5527–28**

By 81 yeas to 17 nays (Vote No. 129), Hatch (for Santorum) Amendment No. 360, to encourage States to incarcerate individuals convicted of murder, rape, or child molestation. **Pages S5525–29**

Ashcroft Amendment No. 361, to provide for school safety and violence prevention and teacher liability protection measures. **Pages S5524–25, S5529**

Hatch/Leahy Amendment No. 363, to make certain additions and modifications to the bill, including the establishment of a School Security Technology Center to provide resources to local educational agencies for school security assessments, security technology development, technology availability and implementation, and technical assistance relating to improving school security, and to provide funding for school security programs and to address drug, gang, and youth violence problems. **Pages S5549–59**

By 66 yeas to 34 nays (Vote No. 131), McConnell Amendment No. 365, to discourage the promotion of violence in motion pictures and television productions. **Pages S5574–78, S5582**

Rejected:

Wellstone Modified Amendment No. 358, to provide for additional mental health and student service providers. (By 61 yeas to 38 nays (Vote No. 128), Senate tabled the amendment.) **Pages S5523–24, S5528**

Wellstone/Kennedy Amendment No. 364, to provide for juvenile delinquency prevention efforts and system improvement efforts designed to reduce, without establishing or requiring numerical standards or quotas, the disproportionate number of juvenile members of racial minority groups who come into contact with the juvenile justice system. (By 52 yeas to 48 nays (Vote No. 130), Senate tabled the amendment.) **Pages S5559–74, S5582**

Boxer Amendment No. 319, to reduce both juvenile crime and the risk that youth will become victims of crime and to improve academic and social outcomes for students by providing productive activities during after school hours. (By 53 yeas to 47 nays (Vote No. 132), Senate tabled the amendment.) **Pages S5578–82**

Pending:

Frist Amendment No. 355, to amend the Individuals with Disabilities Education Act and the Gun-Free Schools Act of 1994 to authorize schools to apply appropriate discipline measures in cases where students have firearms. **Pages S5529–49**

Wellstone Amendment No. 356, to improve the juvenile delinquency prevention challenge grant program. **Page S5507**

Lautenberg/Kerrey Amendment No. 362, to regulate the sale of firearms at gun shows. **Pages S5508–22**

Lott (for Smith (of Oregon)/Jeffords) Amendment No. 366, to reverse provisions relating to pawn and other gun transactions. **Page S5583**

A unanimous-consent agreement was reached providing for further consideration of the bill and certain pending amendments, on Thursday, May 20, 1999, with votes to occur on Amendment Nos. 362 and 366. **Page S5583**

Appointment:

Canada-U.S. Interparliamentary Group: The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276d-276g, as amended, appointed the following Senators as members of the Senate Delegation to the Canada-U.S. Interparliamentary Group during the First Session of the 106th Congress, to be held in Quebec City, Canada, May 20–24, 1999: Senators Grassley, Inhofe, DeWine, Grams, Voinovich, and Akaka. **Page S5632**

Nominations Received: Senate received the following nominations:

37 Air Force nominations in the rank of general.

35 Army nominations in the rank of general.

1 Marine Corps nomination in the rank of general.

1 Navy nomination in the rank of admiral.

Routine lists in the Army and Navy. **Page S5632**

Communications: **Pages S5584–86**

Statements on Introduced Bills: **Pages S5587–S5605**

Additional Cosponsors: **Pages S5605–06**

Amendments Submitted: **Pages S5606–28**

Notices of Hearings: **Page S5628**

Authority for Committees: **Page S5628**

Additional Statements: **Pages S5628–32**

Record Votes: Six record votes were taken today. (Total—132) **Pages S5527–29, S5581–82**

Adjournment: Senate convened at 10 a.m., and adjourned at 10:13 p.m., until 9:30 a.m., on Thursday, May 20, 1999. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S5632.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS—DEFENSE

Committee on Appropriations: Subcommittee on Defense concluded hearings on proposed budget estimates for fiscal year 2000 for the Department of Defense, focusing on the budget and posture of the United States Army, after receiving testimony from Louis Caldera, Secretary of the Army; and Gen. Dennis J. Reimer, USA, Chief of Staff.

APPROPRIATIONS—FOREIGN ASSISTANCE PROGRAMS

Committee on Appropriations: Subcommittee on Foreign Operations held hearings on proposed budget estimates for fiscal year 2000 for foreign assistance programs, receiving testimony from Robert E. Rubin, Secretary of the Treasury.

Subcommittee will meet again tomorrow.

BUSINESS MEETING

Committee on Energy and Natural Resources: Committee ordered favorably reported the following business items:

S. 109, to improve protection and management of the Chattahoochee River National Recreation Area in the State of Georgia, with an amendment;

S. 323, to redesignate the Black Canyon of the Gunnison National Monument as a national park and establish the Gunnison National Conservation Area, with an amendment in the nature of a substitute;

S. 415, to protect the permanent trust funds of the State of Arizona from erosion due to inflation and modify the basis on which distributions are made from those funds;

S. 416, to direct the Secretary of Agriculture to convey the city of Sisters, Oregon, a certain parcel of land for use in connection with a sewage treatment facility, with an amendment;

S. 441, to amend the National Trails System Act to designate the route of the War of 1812 British invasion of Maryland and Washington, District of Columbia, and the route of the American defense, for study for potential addition to the national trails system, with an amendment;

S. 548, to establish the Fallen Timbers Battlefield and Fort Miamis National Historical Site in the State of Ohio, with an amendment in the nature of a substitute;

S. 607, to reauthorize and amend the National Geologic Mapping Act of 1992;

S. 698, to review the suitability and feasibility of recovering costs of high altitude rescues at Denali National Park and Preserve in the State of Alaska;

S. 700, to amend the National Trails System Act to designate the Ala Kahakai Trail as a National Historic Trail, with an amendment;

S. 744, to provide for the continuation of higher education through the conveyance of certain public lands in the State of Alaska to the University of Alaska, with an amendment;

S. 748, to improve Native hiring and contracting by the Federal Government within the State of Alaska, with an amendment;

S. 776, to authorize the National Park Service to conduct a feasibility study for the preservation of the Loess Hills in western Iowa, with an amendment;

H.R. 154, to provide for the collection of fees for the making of motion pictures, television productions, and sound tracks in National Park System and National Wildlife Refuge System units, with an amendment in the nature of a substitute; and

H.R. 449, to authorize the Gateway Visitor Center at Independence National Historical Park.

Also, Committee began mark up of S. 608, to amend the Nuclear Waste Policy Act of 1982, but did not complete consideration thereon, and recessed subject to call.

YOUTH CONSERVATION CORPS

Committee on Energy and Natural Resources: Subcommittee on National Parks, Historic Preservation, and Recreation concluded oversight hearings on the status of the Youth Conservation Corps and other service and job training programs conducted by the National Park Service, Bureau of Land Management, Forest Service, and the U.S. Fish and Wildlife Service, after receiving testimony from Robert G. Stanton, Director, National Park Service, Department of the Interior; Mike Dombeck, Chief, Forest Service, Department of Agriculture; Dale M. Penny, Arlington, Virginia, and Katorra C. Wright, Washington, D.C., both on behalf of the Student Conservation Association; Andrew O. Moore, National Association of Service and Conservation Corps, Washington, D.C.; and Dwayne Lefthand, Rocky Mountain Youth Corps, Ranchos de Taos, New Mexico.

BUSINESS MEETING

Committee on Finance: Committee met in closed and open session and ordered favorably reported an original bill, The Affordable Education Act of 1999.

INDIAN ECONOMIC DEVELOPMENT

Committee on Indian Affairs: Committee concluded hearings on S. 613, to encourage Indian economic development, to provide for the disclosure of Indian tribal sovereign immunity in contracts involving Indian tribes, and S. 614, to provide for regulatory reform in order to encourage investment, business, and economic development with respect to activities conducted on Indian lands, after receiving testimony from Jonathan M. Orszag, Assistant Secretary and Director of Policy and Strategic Planning, Department of Commerce; Michael J. Anderson, Deputy Assistant Secretary of the Interior for Indian Affairs; David Tovey, Confederated Tribes of the Umatilla Indian Reservation, Pendleton, Oregon; and Dennis Horn, Holland and Knight, Washington, D.C.

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, May 26.

House of Representatives

Chamber Action

Bills Introduced: 20 public bills, H.R. 1858–1877; 2 private bills, H.R. 1878–1879; and 3 resolutions, H. Res. 181–183, were introduced. **Pages H3391–92**

Reports Filed: Reports were filed today as follows:

H. Res. 179, providing for consideration of the Senate amendment to H.R. 4, to declare it to be the policy of the United States to deploy a national missile defense (H. Rept. 106–150); and

H. Res. 180, providing for consideration of 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 (H. Rept. 106–151). **Page H3391**

Speaker Pro Tempore: Read a letter from the Speaker wherein he designated Representative Collins to act as Speaker pro tempore for today. **Page H3299**

National Aeronautics and Space Administration Authorization Act of 1999: By a yea and nay vote of 259 yeas to 168 nays, Roll No. 139, the House passed H.R. 1654, to authorize appropriations for the National Aeronautics and Space Administration for fiscal years 2000, 2001, and 2002. **Pages H3304–52**

Agreed to the Committee amendment in the nature of a substitute made in order by the rule. **Page H3351**

Agreed To:

The Rohrabacher amendment that clarifies the provisions dealing with the International Space Station, Pathfinder Operability Demonstration Program, 100th Anniversary of Flight Educational Initiative, and the Ultra Efficient Engine; **Pages H3318–20**

The Traficant amendment that strikes the Ultra Efficient Engine funding limitation in Section 103, Science, Aeronautics, and Technology; **Pages H3320–21**

The Smith of Michigan amendment that requires a plan by NASA and the Department of Agriculture to inform farmers and other prospective users about the use and availability of remote sensing products that may assist with agricultural and forestry applications; **Pages H3321–22**

The Traficant en bloc amendment that expresses the sense of Congress that entities receiving assistance should purchase only American made equipment and products and requires the Administrator to select abandoned and underutilized buildings and facilities in depressed communities that can be converted to NASA facilities at a reasonable cost; **Page H3322**

The Cook amendment that directs NASA to allocate resources to accelerate the initiatives promoting commercial participation in the International Space Station, consider the impact on commercial participation in policy and program priorities, and publish a list, not later than 90 days after enactment, of the opportunities for this participation; **Pages H3322–23**

The Salmon amendment that requires the Administrator to place anti-drug messages on Internet sites controlled by NASA; **Pages H3328–29**

The Sweeney amendment that requires NASA to certify, in advance of any agreement with the People's Republic of China, that the exchange of technology will not improve the Chinese missile or space launch capabilities and requires an annual audit by the Inspector General of the policies dealing with the export of technologies and the transfer of scientific and technical information; **Page H3345**

The Weiner amendment that authorizes additional funding of $11 million for aircraft noise reduction technology (agreed to by a recorded vote of 225 ayes to 203 noes, Roll No. 134); **Pages H3323–28, H3346**

Rejected:

The Roemer amendment that sought to limit the total funding for the International Space Station including the space shuttle launch costs associated with its assembly (rejected by a recorded vote of 114 ayes to 315 noes, Roll No. 135); **Pages H3329–37, H3346–47**

The Roemer amendment that sought to terminate all contracts necessary to remove the Russian Government as a partner in the International Space Station Program but allow NASA to participate with the Russian Government, entities, or contractors on a commercial basis (rejected by a recorded vote of 117 ayes to 313 noes, Roll No. 136); **Pages H3337–41, H3347–48**

The Roemer amendment that sought to cancel the International Space Station program (rejected by a recorded vote of 92 ayes to 337 noes, Roll No. 137); and **Pages H3341–44, H3348**

The Bateman amendment that sought to increase funding for Aeronautical Research and Technology funding by $100 million and decrease International Space Station funding accordingly (rejected by a recorded vote of 140 ayes to 286 noes, Roll No. 138). **Pages H3348–51**

The Clerk was authorized in the engrossment of H.R. 1654 to make technical corrections to reflect the actions of the House and was directed to make the following specific changes: In the instruction to strike in the amendment by Representative Traficant to section 103(4)(A)(i) delete the phrase ''focused program, and'', and apply the same instruction to strike to section 103(4)(B)(i) and section 103(4)(C)(i) with respect to fiscal years 2001 and 2002. **Page H3352**

H. Res. 174, the rule that provided for consideration of the bill was agreed to earlier by voice vote. **Pages H3302–03**

National Weather Service and Related Agencies Authorization Act of 1999: The House passed H.R. 1553, to authorize appropriations for fiscal year 2000 and fiscal year 2001 for the National Weather Service, Atmospheric Research, and National Environmental Satellite, Data and Information Service activities of the National Oceanic and Atmospheric Administration. **Pages H3352–60**

Agreed to the Committee amendment in the nature of a substitute made in order by the rule. **Page H3360**

On a demand for a separate vote, rejected the Costello amendment that sought to increase total funding by 3 percent except for the amounts authorized for Procurement, Acquisition, and Construction by a division vote of 3 ayes to 5 noes (the amendment was previously agreed to in the Committee of the Whole). **Page H3360**

Agreed To:

The Calvert amendment that clarifies that the National Weather Service is responsible to provide weather warnings and forecasts for the protection of life and property of the general public and the U.S. Government is obligated to provide such service under international aviation agreements; **Page H3357**

The Traficant amendment that requires compliance with the ''Buy America Act'' and expresses the sense of Congress regarding the notice to prohibit contracts with any person who intentionally affixes a ''Made in America'' inscription to a product not made in the United States. **Page H3357**

The Costello amendment that sought to increase total funding by 3 percent except for the amounts authorized for Procurement, Acquisition, and Construction; and **Pages H3358–59**

The Hutchinson amendment that expresses the sense of the Congress that the National Weather Service must take into account the life threatening nature of weather patterns in Wind Zone IV, otherwise known as tornado alley, before making any determination on the closure of any of its local weather service offices (agreed to by a division vote of 5 ayes to 3 noes). **Pages H3357–58, H3360**

The Clerk was authorized in the engrossment of H.R. 1553 to make technical corrections to reflect the actions of the House. **Page H3360**

H. Res. 175, the rule that provided for consideration of the bill was agreed to earlier by voice vote. **Pages H3303–04**

Senate Messages: Message received from the Senate appears on page H3299.

Amendments Ordered Printed: Amendments ordered printed pursuant to the rule appear on page H3393.

Quorum Calls—Votes: Six recorded votes developed during the proceedings of the House today and appear on pages H3346, H3346–47, H3347–48, H3348, H3351, and H3352. There were no quorum calls.

Adjournment: The House met at 10:00 a.m. and adjourned at 10:07 p.m.

Committee Meetings

COMMODITY FUTURES TRADING COMMISSION REAUTHORIZATION

Committee on Agriculture: Subcommittee on Risk Management, Research and Specialty Crops, continued hearings on Commodity Futures Trading Commission Reauthorization. Testimony was heard from public witnesses.

Hearings continue tomorrow.

AGRICULTURE, RURAL DEVELOPMENT, FDA, AND RELATED AGENCIES APPROPRIATIONS; BUDGET ALLOCATIONS

Committee on Appropriations: Ordered reported the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies appropriation for fiscal year 2000.

The Committee also approved Suballocations of Budget Allocations for fiscal year 2000.

NATIONAL DEFENSE AUTHORIZATION ACT

Committee on Armed Services: Ordered reported amended H.R. 1401, National Defense Authorization Act for Fiscal Years 2000 and 2001.

WORK INCENTIVES IMPROVEMENT ACT

Committee on Commerce: Ordered reported amended H.R. 1180, Work Incentives Improvement Act of 1999.

CHEMICAL SAFETY INFORMATION AND SITE SECURITY ACT

Committee on Commerce: Subcommittee on Health and Environment, hearing on H.R. 1790, Chemical Safety Information and Site Security Act of 1999. Testimony was heard from the following officials of the Department of Justice: Ivan K. Fong, Deputy Associate Attorney General; and Robert Burnham, Chief, Domestic Terrorism Section, FBI; Timothy Fields, Jr., Acting Assistant Administrator, Office of Solid Waste and Emergency Response, EPA; and public witnesses.

Hearings continue May 26.

OLDER AMERICANS ACT AMENDMENTS

Committee on Education and the Workforce: Subcommittee on Postsecondary Education, Training, and Life Long Learning held a hearing on H.R. 782, Older Americans Act Amendments Act of 1999. Testimony was heard from Marnie S. Shaul, Associate Director, Education and Employment Issues, GAO; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Education and the Workforce: Subcommittee on Workforce Protections approved for full Committee action the following bills: H.R. 1459, Models of Safety and Health Excellence Act of 1999; H.R. 1439, Safety and Health Audit Promotion and Whistleblower Improvement Act of 1999; H.R. 987, Workplace Preservation Act; and H.R. 1381, Rewarding Performance in Compensation Act, 10:30 a.m., 2175 Rayburn.

MISCELLANEOUS MATTERS

Committee on Government Reform: Ordered reported the following bills: H.R. 974, amended, District of Columbia College Access Act; H.R. 1074, amended, Regulatory Right-to-Know Act of 1999; H.R. 206, to provide for greater access to child care services for Federal employees; H.R. 100, to establish designations for United States Postal Service buildings in Philadelphia, Pennsylvania; H.R. 197, to designate the facility of the United States Postal Service at 410 North 6th Street in Garden City, Kansas, as the "Clifford R. Hope Post Office"; H.R. 1191, to designate certain facilities of the United States Postal Service in Chicago, Illinois; H.R. 1251, to designate the United States Postal Service building located at 8850 South 700 East, Sandy, Utah, as the "Noal Cushing Bateman Post Office Building"; H.R. 1377, to designate the facility of the United States Postal

Service at 13234 South Baltimore Avenue in Chicago, Illinois, as the ''John J. Buchanan Post Office Building''; H.R. 28, Quality Child Care for Federal Employees Act; H.R. 1442, amended, Law Enforcement and Public Safety Enhancement Act of 1999; H.R. 1219, amended, Construction Industry Payment Protection Act of 1999; and H.R. 457, Organ Donor Leave Act.

The Committee also approved the following: a draft report entitled: ''Making the Federal Government Accountable: Enforcing the Mandate for Effective Financial Management''; and the release of Interrogatories and Documents related to Committee investigation of illegal fundraising.

OVERSIGHT—MINERALS MANAGEMENT SERVICE'S ROYALTY VALUATION PROGRAM

Committee on Government Reform: Subcommittee on Government Management, Information, and Technology held an oversight hearing on the Minerals Management Service's Royalty Valuation Program. Testimony was heard from Susan Kladiva, Associate Director, Energy, Resources, and Science Issues, Resources, Community, and Economic Development Division, GAO; the following officials of the Department of the Interior: Sylvia Baca, Acting Assistant Secretary, Land and Minerals Management; and Robert Williams, Acting Inspector General; and public witnesses.

MISCELLANEOUS MEASURES

Committee on the Judiciary: Ordered reported the following bills: H.R. 1659, amended, National Police Training Commission Act of 1999; H.R. 462, to clarify that governmental pension plans of the possessions of the United States shall be treated in the same manner as State pension plans for purposes of the limitation on the State income taxation of pension income; and H.R. 576. 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.

The Committee also approved private relief bills.

AMERICAN LAND SOVEREIGNTY PROTECTION ACT

Committee on Rules: Granted, by voice vote, a modified open rule providing 1 hour of debate on H.R. 883, American Land Sovereignty Protection Act.

The rule provides that the bill will be open for amendment at any point and that the amendment process shall not exceed 4 hours. The rule makes in order only those amendments preprinted in the Congressional Record and pro forma amendments for the purpose of debate. The rule provides that the amendments may be offered only by the Member who caused it to be printed or his designee, shall be considered as read, and may be amended.

The rule allows the Chairman of the Committee of the Whole to postpone votes during consideration of the bill, and to reduce voting time to five minutes on a postponed question if the vote follows a fifteen minute vote. Finally, the rule provides one motion to recommit, with or without instructions. Testimony was heard from Chairman Young and Representatives Miller of California and Vento.

NATIONAL MISSILE DEFENSE DEPLOYMENT

Committee on Rules: Granted, by voice vote, a rule which makes in order a motion to concur in the Senate amendment in the House to the bill, H.R. 4, to declare it to be the policy of the United States to deploy a national missile defense. The rule provides 1 hour of debate on the motion equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services.

VETERAN'S MILLENNIUM HEALTH CARE ACT

Committee on Veterans' Affairs: Subcommittee on Health held a hearing on Veteran's Millennium Health Care Act. Testimony was heard from Kenneth W. Kitzer, M.D., Under Secretary, Health, Department of Veterans Affairs; and representatives of veterans' organizations.

COMMITTEE MEETINGS FOR THURSDAY, MAY 20, 1999

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Subcommittee on Foreign Operations, to continue hearings on proposed budget estimates for fiscal year 2000 for foreign assistance programs, 10:30 a.m., SD–192.

Committee on Commerce, Science, and Transportation: to hold hearings on S. 97, to require the installation and use by schools and libraries of a technology for filtering or blocking material on the Internet on computers with Internet access to be eligible to receive or retain universal service assistance, 9:30 a.m., SR–253.

Subcommittee on Science, Technology, and Space, to hold hearings on issues relating to commercial space, 2:30 p.m., SR–253.

Committee on Energy and Natural Resources: to resume hearings to examine damage to the national security from alleged Chinese espionage at the Department of Energy nuclear weapons laboratories, 9:30 a.m., SH–216.

Subcommittee on Energy Research, Development, Production and Regulation, to hold hearings on S. 348, to

authorize and facilitate a program to enhance training, research and development, energy conservation and efficiency, and consumer education in the oilheat industry for the benefit of oilheat consumers and the public, 2 p.m., SD–366.

Subcommittee on Energy Research, Development, Production and Regulation, to hold joint oversight hearings with the House Committee on Government Reform's Subcommittee on National Economic Growth, Natural Resources and Regulatory Affairs, on the Administration's fiscal year 2000 budget request for climate change programs and compliance with various statutory provisions in fiscal year 1999 appropriations acts requiring detailed accounting of climate change spending and performance measures for each requested increase in funding, 2:30 p.m., SD–366.

Committee on Environment and Public Works: Subcommittee on Clean Air, Wetlands, Private Property, and Nuclear Safety, to resume hearings on the Environmental Protection Agency's proposed sulfur standard for gasoline as contained in the proposed Tier Two standards for automobiles, 9:30 a.m., SD–406.

Committee on Governmental Affairs: business meeting to consider S. 746, to provide for analysis of major rules, to promote the public's right to know the costs and benefits of major rules, and to increase the accountability of quality of Government; S. 59, to provide Government-wide accounting of regulatory costs and benefits; S. 468, to improve the effectiveness and performance of Federal financial assistance programs, simplify Federal financial assistance application and reporting requirements, and improve the delivery of services to the public; the nomination of Eric T. Washington, of the District of Columbia, to be an Associate Judge of the District of Columbia Court of Appeals; the nomination of Stephen H. Glickman, of the District of Columbia, to be an Associate Judge of the District of Columbia Court of Appeals; the nomination of Hiram E. Puig-Lugo, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia; the nomination of John T. Spotila, of New Jersey, to be Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget; S. 712, to amend title 39, United States Code, to allow postal patrons to contribute to funding for highway-rail grade crossing safety through the voluntary purchase of certain specially issued United States postage stamps; H.R. 858, to amend title 11, District of Columbia Code, to extend coverage under the whistleblower protection provisions of the District of Columbia Comprehensive Merit Personnel Act of 1978 to personnel of the courts of the District of Columbia; and S. 943, to authorize the Administrator of General Services to restore, preserve, and operate the LBJ Presidential Office Suite in Austin, Texas, 10 a.m., SD–342.

Full Committee, to hold closed oversight hearings on the national security methods and processes relating to the Wen-Ho Lee espionage investigation, 1 p.m., S–407, Capitol.

Committee on Health, Education, Labor, and Pensions: to resume hearings on proposed legislation authorizing funds for programs of the Elementary and Secondary Education Act, 10 a.m., SD–628.

Committee on Veterans' Affairs: to hold hearings on S. 555, to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to continue payment of monthly educational assistance benefits to veterans enrolled at educational institutions during periods between terms if the interval between such periods does not exceed eight weeks; S. 695, to direct the Secretary of Veterans Affairs to establish a national cemetery for veterans in the Atlanta, Georgia, metropolitan area; S. 940, to provide a temporary authority for the use of voluntary separation incentives by the Department of Veterans Affairs to reduce employment levels, restructure staff; and S. 1076, to amend title 38, United States Code, to provide a cost-of-living adjustment in rates of compensation paid to veterans with service-connected disabilities, to enhance programs providing health care, education, and other benefits for veterans, to authorize major medical facility projects, to reform eligibility for burial in Arlington National Cemetery, 2:15 p.m., SR–418.

House

Committee on Agriculture, Subcommittee on Risk Management, Research and Specialty Crops, to continue hearings on Commodity Futures Trading Commission Reauthorization, 9:30 a.m., 1300 Longworth.

Committee on Appropriations, to mark up the following appropriations for fiscal year 2000: Treasury, Postal Service, and General Government; and Legislative, 9:30 a.m., 2359 Rayburn.

Committee on Banking and Financial Services, hearing on key international fiscal issues, 10 a.m., 2128 Rayburn.

Committee on the Budget, hearing on the Budget Process, 11 a.m., 210 Cannon.

Committee on Commerce, Subcommittee on Energy and Power, to continue hearings on Electricity Competition, focusing on PURPA, Stranded Costs, and the Environment, 10 a.m., 2123 Rayburn.

Subcommittee on Oversight and Investigations, hearing on the Threat on Bioterrorism in America: Assessing the Adequacy of Federal Law Relating to Dangerous Biological Agents, 9:30 a.m., 2322 Rayburn.

Subcommittee on Telecommunications, Trade, and Consumer Protection, hearing on Federal Communications Commission Reform: The States' Perspective, 2 p.m., 2322 Rayburn.

Committee on Education and the Workforce, hearing on Academic Achievement for All: Increasing Flexibility and Improving Student Performance and Accountability, 9:30 a.m., 2175 Rayburn.

Committee on Government Reform, Subcommittee on Criminal Justice, Drug Policy, and Human Resources, hearing on School Violence: What is Being Done to Combat School Violence? What should be Done? 10 a.m., 2154 Rayburn.

Committee on the Judiciary, to mark up the following measures: H.R. 102, the National Youth Crime Prevention Demonstration Act; H.R. 1501, Consequences for Juvenile Offenders Act of 1999; and H.J. Res. 33, proposing an amendment to the Constitution of the United

States authorizing the Congress to prohibit the physical desecration of the flag of the United States, 10 a.m., 2141 Rayburn.

Subcommittee on Courts, and Intellectual Property, to mark up the following: H.R. 354, Collections of Information Antipiracy Act; the American Inventors Protection Act; H.R. 1565, Trademark Amendments Act of 1999; the Multidistrict Trial Jurisdiction Act of 1999; H.R. 1761, Copyright Damages Improvement Act of 1999; and H.R. 1225, United States Patent and Trademark Office Reauthorization Act, Fiscal Year 2000, 2 p.m., 2226 Rayburn.

Committee on Resources, Subcommittee on Fisheries Conservation, Wildlife and Oceans, oversight hearing on Steller Sea Lions, 2 p.m., 1334 Longworth.

Subcommittee on Forest and Forest Health, oversight hearing on County Schools 25% Fund Stabilization, 10 a.m., 1334 Longworth.

Subcommittee on Water and Power, oversight hearing on California Central Valley Water Management, 11 a.m., 1324 Longworth.

Committee on Science, hearing on Security at the Department of Energy: Who's Protecting the Nation's Secrets, 2 p.m., 2318 Rayburn.

Subcommittee on Technology, hearing on Easing Traffic Congestion and Improving Vehicle Safety: ITS and Transportation Technology Solutions for the 21st Century, 10 a.m., 2318 Rayburn.

Committee on Veterans' Affairs, Subcommittee on Benefits, hearing on the following bills: H.R. 1071, Montgomery GI Bill Improvement Act of 1999; and H.R. 1182, Servicemembers Educational Opportunity Act of 1999, 10 a.m., 334 Cannon.

Subcommittee on Oversight and Investigations, hearing on National Cemeteries, including Arlington National Cemetery, 10 a.m., 340 Cannon.

Committee on Ways and Means, to mark up H.R. 1833, Trade Agency Authorizations, Drug Free Borders and Prevention of On-Line Pornography Act of 1999, 1 p.m., 1100 Longworth.

Subcommittee on Human Resources, to mark up H.R. 1802, Foster Care Independence Act of 1999, 11 a.m., B–318 Rayburn.

Subcommittee on Oversight, hearing on U.S. Customs Service passenger inspection operations, 9 a.m., 1100 Longworth.

Joint Meetings

Joint Meetings: Senate Committee on Energy and Natural Resources, Subcommittee on Energy Research, Development, Production and Regulation, to hold joint oversight hearings with the House Committee on Government Reform's Subcommittee on National Economic Growth, Natural Resources and Regulatory Affairs, on the Administration's fiscal year 2000 budget request for climate change programs and compliance with various statutory provisions in fiscal year 1999 appropriations acts requiring detailed accounting of climate change spending and performance measures for each requested increase in funding, 2:30 p.m., SD–366.

Next Meeting of the SENATE

9:30 a.m., Thursday, May 20

Senate Chamber

Program for Thursday: Senate will continue consideration of S. 254, Juvenile Justice, with votes to occur on Amendment Nos. 362 and 366. Also, Senate will consider the conference report on H.R. 1141, Emergency Supplemental Appropriations, with a vote to occur thereon.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Thursday, May 20

House Chamber

Program for Thursday: Consideration of H.R. 883, American Land Sovereignty Protection Act (Modified Open Rule, One Hour of General Debate); and

Agreeing to the Senate Amendment to H.R. 4, National Missile Defense Act (One Hour of General Debate).

Extensions of Remarks, as inserted in this issue

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